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AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Tuesday 28 June 2022

Session 6



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Pàrlamaid na h-Alba

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Scottish Parliament

Tuesday 28 June 2022

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

Time for Reflection

The Presiding Officer (Alison Johnstone):

The first item of business is time for reflection. Our time for reflection leader is Theo Ogbhemhe, teacher of religious, moral and philosophical studies at Kirkwall grammar school.

Theo Ogbhemhe (Kirkwall Grammar School):

Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you today.

In these difficult times of the pandemic, we should take the time and care to speak and listen to others with an open heart. Once we share our stories, joys, shared experiences, hopes and truths, we can connect and find solutions. This presents us with the opportunity to see the value of life and what it can be, seeing and appreciating the value in others with love in our hearts.

As the philosopher Bertrand Russell put it,

“Love is wise, hatred is foolish.”

We must learn to understand each other; we must learn to put up with the fact that we can live together only if we learn the types of charity and understanding that are vital to achieve the inclusive Scotland that we all desire.

The Dalai Lama recommends the path of compassion. For him, all traditions, cultures and religion share a common root, which is limitless compassion. They emphasise human improvement, love, respect for others and compassion for the suffering of others. In so far as love is essential in every tradition, culture and religion, we could say that love is a universal way of life, but the various techniques and methods for developing love differ widely between the traditions. As there are so many different types of people with a range of tendencies and inclinations, it is quite fitting that there are differences in how we express love. For me, love is always the right approach.

Scotland must continue to reflect on and understand her role in colonial legacies, which continue to impact the lives of many communities. Racism impacts our historical identities, and society in general. Our multiple intersecting identities around race, gender, sexual orientation, disabilities, neurodivergence, religion and class need to be much better understood in Scotland. We are heading in the right direction, in my

opinion, and Scotland is ready for an inclusive and a more diverse future.

My dear MSPs, you all represent beautiful constituencies and different parties across Scotland, and you belong to the Scottish Parliament, striving to do your best for the people of Scotland. I wish you success and Jah's itinual guidance and protection in your work to continue to entrench the Parliament's core values of wisdom, compassion, justice, integrity, inclusiveness, respect and stewardship.

Thank you very much. *[Applause.]*

Business Motion

14:04

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-05249, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out changes to today's business. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 28 June 2022—

delete

7.30 pm Decision Time

followed by Members' Business

and insert

9.15 pm Decision Time—[George Adam]

Motion agreed to.

Topical Question Time

14:04

The Presiding Officer (Alison Johnstone): The next item of business is topical question time. In order to get in as many members as possible, I would be grateful for short and succinct questions and responses.

Abortion Services (Safe Access)

1. **Gillian Mackay (Central Scotland) (Green):** To ask the Scottish Government whether it will provide an update following the summit on safe access to abortion services convened by the First Minister. (S6T-00821)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The First Minister hosted a summit on safe access to abortion yesterday. The summit focused on making progress in ensuring that women do not feel harassed or intimidated when accessing abortion services.

The discussion agreed that primary legislation will be needed to provide a long-term solution for Scotland, but that any legislation must be carefully considered to ensure that it is consistent with our obligations under the European Convention on Human Rights, and that it can withstand any legal challenge. The First Minister and I confirmed that the Scottish Government wishes to continue working closely with the member on her legislation and to take particular account of the forthcoming Supreme Court judgment in relation to the Northern Irish Abortion Services (Safe Access Zones) Bill.

The summit also considered a number of short-term actions that could be taken while the legislation is progressing. In particular, local authority representatives indicated a willingness to look again at what can be done in areas that are facing regular protests or vigils. We will have further discussions with them to consider the potential for local authorities to pilot the use of byelaws to provide for safe access zones.

Gillian Mackay: I welcome the offers from the First Minister and the minister for women's health to work collaboratively on my bill. Members from every party are now committing to back me on that issue. We know, however, that legislation takes some time. What can the Government, local authorities and the police do in the meantime to ensure that we reduce the impact on those entering clinics?

Maree Todd: As the member says, legislation takes time. At yesterday's summit, we discussed finding shorter-term solutions that will ensure that

women can access the healthcare that they need in the meantime. Our programme for government included a commitment to support any local authority that wishes to establish byelaws to create protest-free safe zones outside clinics that provide abortion services. The First Minister reiterated that at yesterday's summit and committed that she, and the Scottish Government, will meet local authorities and the Convention of Scottish Local Authorities as soon as possible. I am pleased that COSLA and Glasgow City Council in particular indicated yesterday that they are willing to look further at that. The Government also continues to support Police Scotland taking appropriate action in response to any issues that arise at protests or vigils.

Gillian Mackay: Abortion rights are under attack in many countries and last week saw the devastating rollback of reproductive rights in the United States of America. I am sure that members would like to express their solidarity with those in the US. We also see legislation similar to mine that was introduced in Northern Ireland by my Green colleague Clare Bailey being challenged in the Supreme Court. It is more important than ever to protect access to abortion and to support to those who need reproductive healthcare. How can the Government ensure that people who are affected by protests outside clinics, including staff and patients, receive any emotional support that they might need? Will the minister join me in expressing solidarity with all those in the US and elsewhere who do not have access to safe legal abortion care?

Maree Todd: I thank the member for her question and for the opportunity to offer my whole-hearted solidarity to women in the United States following the decision to overturn Roe v Wade and to women elsewhere in the world who do not have access to safe and legal abortion care. At a time when women's reproductive rights are being eroded in other parts of the world, I reiterate my firm commitment to ensuring that the rights of women in Scotland remain intact. The Scottish Government will continue to work with healthcare providers to ensure that the appropriate support mechanisms are in place for patients.

Emma Roddick (Highlands and Islands) (SNP): I, and many others with an interest in abortion rights, have seen comments—some from close to home—by people who seek to limit our right to access that form of healthcare. In light of the Supreme Court in America overturning the Roe v Wade decision, what can the Scottish Government do to support women and the LGBTQI community in Scotland, who might be concerned about the ramifications of the ruling for their ability to access services safely?

Maree Todd: I reiterate my solidarity with all women, including LGBTQI women, in the United States following the overturning of Roe v Wade last week. The Scottish Government remains absolutely committed to ensuring that the rights of women in Scotland remain intact, and we will continue to work with healthcare providers through the buffer zones working group and its members to ensure that the appropriate support mechanisms are in place for anybody who is concerned about this.

What has happened in the US has sent a shock wave around the world, and all of us, as women with concerns about women's rights, are feeling frightened about the ramifications of the decision. However, I can absolutely understand why many minority groups are feeling more threatened today than they felt this time last week.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I was pleased to join the First Minister and other colleagues at yesterday's summit on abortion services. I reiterate that we support the comments that our colleagues have made today.

In keeping with that collaborative theme, a woman's democratic right to safe healthcare services is vitally important. When will the minister issue a revised approval under section 1(3A) of the Abortion Act 1967 to allow mifepristone to continue to be taken at home where that is considered clinically appropriate?

Maree Todd: I thank the member for the question. I have already made it clear that the system of being able to take both medications at home, which was introduced during the pandemic, will continue. I expect the review that we have asked to be done of the safety and efficacy of the processes that we have in place to report towards the end of this year. Of course, as with any healthcare provision, we will take on board any lessons that the review gives us in relation to refining the system going forward.

What I also expect from that piece of work is that we might well be better informed, bearing in mind that the systems were brought in during an emergency situation in the pandemic. There are variations around Scotland in how the services are delivered, and I expect to understand those variations better and to be able to iron them out to ensure that there are absolutely no barriers to women accessing early medical abortion at home. As we are all aware, it is safer and it is much welcomed by women and by healthcare providers as being a real advance in our ability to deliver equitable abortion services.

Monica Lennon (Central Scotland) (Lab): The summit was constructive and I pay tribute to all

who took part, and welcome the First Minister's commitment to a follow-up summit.

Unfortunately, during the summit, Mr Mason MSP continued his dangerous disinformation campaign. His comments are not just his views; they are disinformation. He is talking down healthcare workers and claiming that women do not have informed consent. We have already heard from the chief medical officer that there is no evidence to back that up. What will the Scottish Government do to tackle disinformation to ensure that all MSPs have the facts in front of them? It is not about our views; it is about the facts. What will the SNP do to ensure that Mr Mason does not continue with his dangerous disinformation?

Maree Todd: I thank the member for that question. It gives me an opportunity to put on the record again that I profoundly disagree with Mr Mason's views and that I am absolutely confident that services that are provided in Scotland around informed consent relating to abortions are good and meet the legal standards, but also that, in my experience, people who work in sexual health go above and beyond to deliver an exemplary gold standard around informed consent. They get right alongside their patients and, without judgment, help them to understand what they need to know to make a good decision. They do that day in, day out, and we are grateful for it.

I cannot speak for the party; I am simply an MSP in the party. What I can say is that our manifesto committed us to improving access to abortion and retaining our current abortion legislation.

On misinformation, I agree—

The Presiding Officer: Very briefly, minister.

Maree Todd: I agree that it is vital that each of us who are in positions of power in the Parliament take our responsibility very seriously to ensure that the information that we give is accurate, and I am more than happy to liaise with the chief medical officer to ensure that every member has the opportunity to understand the issues that are at hand.

Legal Aid Payments

2. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its position is on reports that the Scottish Solicitors Bar Association says that the impasse on legal aid payments has meant that the entire criminal justice system is in "imminent danger of collapse". (S6T-00828)

The Minister for Community Safety (Ash Regan): To put it simply, that is not accurate; the justice system is working through and reducing the Covid backlogs. The Scottish Courts and Tribunals Service has confirmed that the trial backlog has

reduced by nearly 1,500 trials since April, and cases concluded are above pre-Covid levels in the High Court and the sheriff courts.

The court recovery programme is progressing in line with the expected pace. Our recent offer to the profession in May represented an increase of more than 20 per cent over four years. Unfortunately, that was rejected by the profession, but I can update members that we have drafted a new proposal, which will be put to the Law Society of Scotland this week.

Pauline McNeill: On 25 April, criminal practitioners voted to refuse all new instructions in summary cases in specific domestic abuse cases. They stated that that was necessary due to the Scottish Government's decision not to adequately fund legal aid. In 1999, a summary legal aid case attracted £550, but in 2022, that figure is £550.76, so the headline figures on increases do not reflect the reality of those fees. Another example is representing under-21s in remand cases—for complex cases, there is no longer a separate fee.

The Scottish Solicitors Bar Association, which is the nation's biggest defence lawyer group, has said that negotiations have been a failure so far. A proposal on the table in order to engage with the Scottish Solicitors Bar Association would be welcome. It has also said that it has no choice but to decline cases because they are not financially viable, and it warns of a total withdrawal from the scheme by the beginning of next year if there is no negotiation.

Does the minister accept that if we do not resolve the issue, there will be a crisis in the service, and what will she do address those concerns?

Ash Regan: I will pick up a couple of the member's points. There was a substantial set of reforms over many years prior to 2008. For clarity and purposes of discussion going forward, it is probably best if we stick to fee rates since 2008.

One point that the member raised was about DASA—Domestic Abuse (Scotland) Act 2018—cases. I have said in the chamber previously that prior to notification about action by the profession, DASA cases and the fee rates for those cases had not been raised with me. Had they been raised with me prior to that point, I would certainly have tried to address the issue.

The Scottish Government is, and continues to be, in active negotiations with the profession. Members will understand that I need to balance interests across the justice landscape and that I am operating in a very challenging public finance environment. Nonetheless, our actions and our investment in legal aid to date show that we are a Government that is listening and that wants to work with the profession to find a way forward.

Pauline McNeill: If the Scottish Solicitors Bar Association has not raised those issues with the minister, I am raising them with her now. In the 10 years prior to the pandemic, there was a 25 per cent loss in the number of solicitors who were engaged in legal aid work. I am sure that the minister will take the point that there is not only a crisis in fees; there is a crisis of not having a properly resourced defence service. That is the direct result of the dramatic reduction in public spending on legal aid over the past 20 years.

In 2008, which is the benchmark that the minister is happy to accept, public spending on legal aid was £155 million, but in 2019-20, it had gone down to £130 million. There has been a fall of £85 million when inflation is taken into account. It is important that the Scottish Solicitors Bar Association says that the average rate for a newly qualified defence solicitor is £25,000, against £48,000 for someone who works for the Crown Office.

The Presiding Officer: Briefly, Ms McNeill.

Pauline McNeill: We can see that we are not attracting people into the profession. Given the loss of solicitors in the sector and the huge pay discrepancies, does the minister believe that, if Scotland is to stand up and say that we have properly resourced and good access to justice, we need to resolve that crisis now?

Ash Regan: I remind members that Scotland is one of the leading jurisdictions in Europe on legal aid in terms of scope and eligibility. I am afraid that I cannot accept Pauline McNeill's characterisation of the figures that she uses because—I know that she knows this—the legal aid budget is demanded. Therefore, it reflects the work that has been done, usually up to around two years before, although, obviously, that varies from year to year.

Members will be aware that negotiations with the profession have been going on for some time. I know that a number of sets of figures and different percentage rates are bandied about, and I want to be very clear about what has been agreed so far.

In 2019, the Scottish Government put forward a 3 per cent uplift on all legal aid fees across the board and, in 2021, it did a 5 per cent uplift on legal aid fees across the board. That was followed by a further 5 per cent uplift across the board in 2022. In addition to that investment, there was £9 million in Covid resilience funding and £1 million in traineeship funding, which were particular to Scotland.

An issue was raised with me that I managed to resolve. I set up an entirely new payment for holiday courts.

The Presiding Officer: Briefly, minister, please.

Ash Regan: Unfortunately, we were not able to accept the profession's previous ask, which it raised with me prior to May, of a 50 per cent rise in legal aid fees. That was in addition to the investment that the Government had already put in. We put forward a rise, the total of which, as I mentioned in my previous answer, amounts to a 20 per cent increase. For context, that is much more than what has been offered in England and Wales.

Members will understand that the process is time consuming.

The Presiding Officer: Thank you, minister.

Ash Regan: We are in active negotiations, and I am committed to finding a way forward.

The Presiding Officer: I will take two brief supplementary questions.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): How does investment in fee uplifts in Scotland compare with that in England and Wales? For those who are seeking access to legal representation, how does Scotland's legal aid system compare with that of England and Wales in terms of scope and eligibility?

The Presiding Officer: You should be as brief as possible, minister.

Ash Regan: The Scottish Government has provided fee uplifts and grant funding that are much greater than what has been offered—it has not yet been accepted—in England and Wales. Combined with our latest offer to the profession, that totals 20.5 per cent since 2019.

Jamie Greene (West Scotland) (Con): The minister might be aware of comments that have been made by her Scottish National Party colleague Mr Dave Doogan MP, who took to Twitter last night to mock well-respected members of Scotland's legal profession as they raised valid concerns about Scotland's justice sector. He aimed his comments at a female lawyer who is quitting the profession due to the mental health impact that the workload is having on her. For the record, does the minister condone or condemn his comments?

Ash Regan: I am afraid that I have not seen those comments, but I will endeavour to have a look at them. I can then come back to Jamie Greene on them.

As I said, we are in active negotiations, and I am very committed to finding a way forward. I have also reminded members that Scotland is a leading jurisdiction in Europe on legal aid. We have put forward to the profession a substantial package of investment, and we have, of course, retained the scope and eligibility in Scotland. I remind Jamie Greene that that is not the case in England. More

than 70 per cent of Scotland's citizens are eligible for some form of legal aid; in England, the figure is just 25 per cent, following some quite dramatic cuts there. I do not think that anyone in Scotland would want me to follow the example of the Conservatives on legal aid.

Independence Referendum

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Nicola Sturgeon on an independence referendum. The First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:24

The First Minister (Nicola Sturgeon): The campaign to establish the Scottish Parliament was long and hard. It was rooted in the belief that self-government would improve the lives of those who live here—and so it has proved. There were—and still are—honourable differences about the ultimate destination of Scotland's self-government journey, but all who campaigned to establish this place were united in and by this fundamental principle: the democratic rights of the people of Scotland are paramount.

That principle of self-determination was encapsulated by these words in the Scottish Constitutional Convention's claim of right:

"the sovereign right of the Scottish people to determine the form of government best suited to their needs."

The late Canon Kenyon Wright, who led the convention, addressed Westminster's refusal to accept the democratic demand for a Scottish Parliament with this question:

"What if that other voice we all know so well responds by saying, 'We say no, and we are the State'?"

His answer—

"Well, we say yes, and we are the people"—

was simple but powerful. It is as relevant now as it was then.

Last May, the people of Scotland said yes to an independence referendum by electing a clear majority of MSPs committed to that outcome. The democratic decision was clear. Two weeks ago, the Scottish Government started the process of implementing that decision with the first in the "Building a New Scotland" series of papers. That paper presented compelling evidence of the stronger economic and social performance, relative to the United Kingdom, of a range of independent countries across Europe that are comparable to Scotland.

That should be both a lesson and an inspiration to us. Scotland, over generations, has paid a price for not being independent: Westminster Governments that we do not vote for, imposing policies we do not support, too often holding us back from fulfilling our potential. That reality has rarely been starker than it is now.

The Conservatives have just six MPs in Scotland—barely 10 per cent of Scottish representation—and yet they have ripped us out of the European Union against our will, created the worst cost of living crisis in the G7 and saddled us with the second-lowest growth in the G20. They are intent on stoking industrial strife, demonising workers and provoking a trade war. Businesses and public services are struggling for staff because freedom of movement has been ended. Our young people have been robbed of opportunity.

The Scottish Government will do everything in our power to mitigate the damage, but that is not enough. Our country deserves better, yet this Parliament, which is looked to for leadership by so many across Scotland, does not have the power to tackle the root causes of the financial misery being inflicted on millions. We lack the full range of levers to shape our economy and grow our country's wealth. We are powerless to stop our budget being cut. We cannot block the Tories' new anti-trade-union laws, or prevent them from tearing up human rights protections. We are not able to restore freedom of movement. While we invest billions of pounds in measures to help with the cost of living, tens of thousands of children can be pushed deeper into poverty at the merest stroke of the Chancellor of the Exchequer's pen.

It does not have to be this way. Independence is about equipping ourselves to navigate the future, guided by our own values, aspirations and interests. It is about helping us to fulfil our potential here at home and play our part in building a better world. That takes more than a changing of the guard at Westminster.

I fervently hope that the Tories lose the next election—they thoroughly deserve to. However, on the big policy issues of our time, from Europe to migration, to human rights and fairness for workers, Labour is more of a pale imitation than a genuine alternative. Labour will not take Scotland back into the European Union or even the single market, and neither will the Liberal Democrats. They will not restore freedom of movement for our young people. They will not prioritise tackling child poverty over investment in nuclear weapons. *[Interruption.]*

The Presiding Officer: I have asked that there be no interruptions during the First Minister's statement and I would be grateful if we could have some silence. Thank you.

The First Minister: Independence will not always be easy—it is not easy for any country—but it will give us the opportunity to chart our own course; to build a wealthier, greener, fairer nation; to be outward looking and internationalist; and to lift our eyes and learn from the best.

Now is the time—at this critical moment in history—to debate and decide the future of our country. Now is the time to get Scotland on the right path—the path chosen by those who live here. Now is the time for independence.

This Parliament has a clear, democratic mandate to offer Scotland that choice. Regrettably, however, the UK Government is refusing to respect Scottish democracy. That is why today's statement is necessary. The UK and Scottish Governments should be sitting down together, responsibly agreeing a process, including a section 30 order, that allows the Scottish people to decide. That would be the democratic way to proceed. It would be based on precedent and it would put the legal basis of a referendum beyond any doubt. That is why I am writing to the Prime Minister today to inform him of the content of this statement. In that letter, I will also make it clear that I am ready and willing to negotiate the terms of a section 30 order with him.

What I am not willing to do—what I will never do—is allow Scottish democracy to be a prisoner of Boris Johnson or any Prime Minister. *[Applause.]*

The Presiding Officer: Members, there should not be any interruptions—of any kind. Thank you.

The First Minister: The issue of independence cannot be suppressed. It must be resolved democratically and that must be through a process that is above reproach and commands confidence. That is why I am setting out today the actions that the Scottish Government and the Lord Advocate will take, in the absence of a section 30 order, to secure Scotland's right to choose. My determination is to secure a process that allows the people of Scotland—whether yes, no or yet to be decided—to express their views in a legal, constitutional referendum, so that the majority view can be established fairly and democratically.

The steps that I am setting out seek to achieve that. They are grounded in and demonstrate this Government's respect for the principles of rule of law and democracy. Indeed, those core principles—respect for the rule of law and respect for democracy—underpin everything I say today. Respect for the rule of law means that a referendum must be lawful. That, for me, is a matter of principle, but it is also a matter of practical reality. An unlawful referendum would not be deliverable. Even if it was, it would lack effect. The outcome would not be recognised by the international community. Bluntly, it would not lead to Scotland becoming independent.

It is axiomatic that a referendum must be lawful, but my deliberations in recent times have led me to this further conclusion: the lawfulness or otherwise of the referendum must be established

as a matter of fact and not just opinion. Otherwise, as we have seen again in recent days, Opposition parties will just keep casting doubt on the legitimacy of the process so that they can avoid the substantive debate on independence that Scotland deserves but that they so clearly fear. That is not in the country's best interests.

Let me turn to the detail of the steps that we will now take to secure the objective of an indisputably lawful referendum and then ensure that, from today, we can focus on the substance of why Scotland should be independent.

I can announce that the Scottish Government is today publishing the Scottish independence referendum bill. I will draw attention in particular to three key provisions of the bill. First, the purpose of the referendum, as set out in section 1, is to ascertain

“the views of the people of Scotland on whether Scotland should be an independent country.”

In common with the 2014 referendum—indeed, in common with the Brexit referendum and the referendum to establish this Parliament—the independence referendum that is proposed in the bill will be consultative, not self-executing.

Just as in 2014, and as recognised explicitly in the 2013 white paper, a majority yes vote in the referendum will not in and of itself make Scotland independent. For Scotland to become independent following a yes vote, the legislation would have to be passed by the United Kingdom and Scottish Parliaments.

There has been much commentary in recent days to the effect that a consultative referendum would not have the same status as the vote in 2014. That is simply wrong, factually and legally. Let me be clear: the status of the referendum that is proposed in the bill is exactly the same as that of the referendums of 1997, 2014 and 2016.

The next provision in the bill to which I want to draw attention relates to the question to be asked in the referendum. The bill states that, just as it was in 2014, the question on the ballot paper should be:

“Should Scotland be an independent country?”

Thirdly, the bill includes the proposed date on which the referendum should be held. In line with the Government's clear mandate, the date is in the first half of this session of Parliament. I can announce that the Scottish Government is proposing that the independence referendum be held on 19 October 2023—[*Applause.*]

The Presiding Officer: Thank you. Members!

The First Minister: Those are the key elements of the referendum legislation that the Scottish

Government wishes this Parliament to scrutinise and pass.

I turn to the aim of establishing as fact the lawfulness of a referendum, which, as I have already indicated—[*Interruption.*]

The Presiding Officer: Members!

The First Minister: —I consider to be of the utmost importance.

I will start with what we know already. We know that the legislative competence of the Scottish Parliament to pass the bill in the absence of a section 30 order is contested. We know that legislative competence can be determined only judicially. We know that, for as long as there is no judicial determination, opinions will differ and doubt will continue to be cast on the lawful basis for the referendum. That benefits only those parties that are opposed to independence, because it allows them to avoid the substance of the independence debate. Finally, we know that if this Parliament seeks to legislate without a section 30 order, the bill will go to court—that is inevitable. The only questions are when it will end up in court and at whose hand.

If the issue of legislative competence remains unresolved at the point of formal introduction of the bill, the UK Government will almost certainly use section 33 of the Scotland Act 1998 to refer the matter to the Supreme Court after the legislation has passed. It is also possible that one or more private individuals will lodge a judicial review of the bill. Indeed, last week, it was reported that Tory supporters are already planning to do so. A challenge by private individuals could also go through successive courts and therefore be a very lengthy process. Either way, at the point of Parliament passing the bill, there would be no certainty about when or even if the legislation could be implemented. A court challenge would still lie ahead and the timetable that I have set out today would quickly become difficult to deliver.

Of course, between now and then, claim and counterclaim, good faith arguments and bad faith fearmongering about so-called wildcat referendums will continue to muddy the water, cast doubt and taint the process. That may well suit politicians who are opposed to independence, but none of that would be in the interests of the country and none of it would serve democracy.

The fact is that neither legal opinions nor political arguments will resolve that point. We must establish legal fact. That is why, in my view, we must seek now to accelerate to the point when we have legal clarity and legal fact. Crucially, in doing so, we would, I hope, establish and safeguard the ability of this Parliament to deliver a referendum on the proposed date.

It is to that end that, some weeks ago, I asked the Lord Advocate to consider exercising her power under paragraph 34 of schedule 6 to the Scotland Act 1998 to refer to the Supreme Court the question whether the provisions in the bill relate to reserved matters. That power is exercisable by the Lord Advocate alone, not by the Scottish ministers collectively. Accordingly, whether she exercises it is a matter solely for her.

However, I confirm that the Lord Advocate has considered the request. She has taken into account the following factors: the Government's democratic mandate; the constitutional significance of the issue; the fact that the bill raises a genuine issue of law that is unresolved; and the importance of ensuring that this Government and Parliament act lawfully at all times.

She has now informed me of her decision. I advise the Parliament that the Lord Advocate has agreed to refer the provision in the bill to the Supreme Court. Indeed, as I speak, the process is under way for serving the requisite paperwork on the UK Government by lawyers and messengers-at-arms, and I confirm that the reference will be filed with the Supreme Court this afternoon.

Whether the reference is accepted, how long it takes to determine and what judgment is arrived at are all matters for the court to determine. I accept that. As I have made clear throughout, this Government respects the rule of law. However, by asking the Lord Advocate to refer the matter to the court now, rather than wait for others to do so later, we seek to deliver clarity and legal certainty in a timely manner and without the delay and continued doubt that others would prefer.

Obviously, it is this Government's hope that the question in the bill—proposing a referendum that is consultative, not self-executing, and that seeks to ascertain the views of the Scottish people for or against independence—will be deemed to be within the legislative competence of this Parliament. If that outcome is secured, there will be no doubt whatsoever that the referendum is lawful, and I confirm that the Government will then immediately introduce the bill and ask the Parliament to pass it on a timescale that allows the referendum to proceed on 19 October next year.

It is possible that the Supreme Court will decide that the Scottish Parliament does not have the power to legislate even for a consultative referendum. To be clear: if that happens, it will be the fault of the Westminster legislation, not of the court. *[Interruption.]*

The Presiding Officer: Members!

The First Minister: Obviously, that would not be the clarity that we hope for. However, if that is what the law that established this Parliament really

means, it is better to have that clarity sooner rather than later—because it will clarify that any notion of the UK as a voluntary union of nations is a fiction and that any suggestion that the UK is a partnership of equals is false. Instead, we will be confronted with the reality that, no matter how Scotland votes, and regardless of what future we desire for our country, Westminster can block and overrule—Westminster will always have the final say. There would be few stronger or more powerful arguments for independence than that, and it would not be the end of the matter—far from it.

Earlier, I said that two principles would guide what I said today: the rule of law, and democracy. Democracy demands that people must have their say. Finally, therefore, in terms of process, I confirm the following—although it describes a scenario that I hope does not arise. If it transpires that there is no lawful way for this Parliament to give the people of Scotland the choice of independence in a referendum, and if the UK Government continues to deny a section 30 order, my party will fight the UK general election on this single question: should Scotland be an independent country? *[Interruption.]*

The Presiding Officer: Members! Regardless of the content of any statement, it is important that we adhere to parliamentary standing orders and hear the statement without interruption.

The First Minister: The path that I have laid out today is about bringing clarity and certainty to this debate. Above all, it is about ensuring that Scotland will have its say on independence. I want the process that has been set in train today to lead to a lawful constitutional referendum, and for that to take place on 19 October 2023. That is what we are preparing for. However, if the law says that that is not possible, the general election will be a de facto referendum. Either way, the people of Scotland will have their say.

As the Lord Advocate is now referring the question of legality to the Supreme Court, that need no longer be the subject of sterile political debate. Indeed, the sub judice principle and our standing orders demand that the arguments on competence now be made in court, not here in the chamber. That means that we can, and we should, now focus on the substance. That is what this Government intends to do. In the weeks and months ahead, we will make the positive case for independence. We will do so with commitment, confidence and passion. Let the Opposition parties, if they can, make the case for continued Westminster rule, and then let the people decide.

To believe in Scottish independence is to believe in a better future. It involves an unashamedly optimistic view of the world—the belief that things can be better than they are now.

Above all, it means trusting the talents and ingenuity of all of us who live here, no matter where we come from. It is not a claim to be better than anyone else. It is about looking around at all the other successful independent countries in the world—so many of which are smaller than we are and without the resources that we are blessed with—and asking, “Why not Scotland?” Think of all our talents and advantages: unrivalled energy resources; extraordinary natural heritage; exceptional strengths in the industries of the future; brilliant universities and colleges; and a highly skilled and creative population. There is no reason at all why an independent Scotland would not succeed.

Nothing in life is guaranteed, but with hard work and the independence to chart our own course, Scotland will prosper. The people of Scotland have told us—all of us in this chamber—that they want the right to decide. Today, we have set out the path to deliver it. [*Applause.*]

The Presiding Officer: The First Minister will now take questions on the issues that were raised in her statement. I intend to allow about 40 minutes for questions, after which we will move on to the next item of business.

Douglas Ross (Highlands and Islands) (Con): I wonder whether that Scottish National Party applause was to make up for the people in the public gallery walking out as the First Minister was speaking.

Nicola Sturgeon is at it all over again. Her eye is off the ball once more. The real priorities of people across Scotland are on the back burner. Instead, the First Minister is putting her plans to divide Scotland front and centre.

Nicola Sturgeon has shown again today that the SNP’s selfish obsession with another divisive referendum is always its top priority. She will use Government time and resources to further her plan to break up the country, just when we need to be pulling together and working as one. All our focus should be on tackling the huge challenges that we face right now: helping families with their bills, supporting front-line services and creating good jobs. A potentially illegal referendum next year is the wrong priority for Scotland. [*Interruption.*]

The Presiding Officer: Members! We will hear Mr Ross.

Douglas Ross: SNP members are unhappy about what I have said. The matter is being referred to the court because the legality of a referendum is not known. Therefore, it is a potentially illegal referendum. It would distract from our recovery, and it would damage our efforts to rebuild the country after Covid. It is also the last thing that a clear majority of Scottish people want.

The First Minister speaks of fear, but what concerns all of us is the price that Scotland pays for her continued obsession with another referendum. Therefore, we will not play Nicola Sturgeon’s games and we will not take part in a pretend poll when there is real work to be done on the global cost of living crisis, and to invest in public services and rebuild our economy. Those are our priorities, and they are the real priorities of people across Scotland, as well.

Instead of focusing on the right priorities, Nicola Sturgeon is railroading Parliament into talking about the SNP’s obsession. On the First Minister’s watch, this is becoming a do-nothing Parliament. Nicola Sturgeon has confirmed today that she will introduce a bill for another independence referendum, but what is she doing about the country’s top priorities? Nothing. No bills on education, no ideas about drugs and no ferries that float. That is Nicola Sturgeon’s Scotland.

This is beginning to become a Parliament that does not get to act on the people’s real priorities, and which exists only to further the SNP’s interests: it is a do-nothing Parliament with a First Minister who is obsessed with holding another referendum at all costs.

Why should the people of Scotland’s real priorities be put on the back burner for another divisive and damaging independence referendum?

The First Minister: At the last count, Douglas Ross had three jobs. He might be a do-nothing MSP, but this is certainly a do-much Parliament— [*Interruption.*]

The Presiding Officer: Members! Thank you.

The First Minister: Douglas Ross has also demonstrated an apparent inability to listen to what was said in the statement. I know that the legality of a referendum that is agreed by Parliament without a section 30 order is contested. That is why I have asked the Lord Advocate to refer the matter to the Supreme Court, so that that legality can be put beyond any doubt. A referendum that goes ahead will be undisputedly legal, because the Supreme Court will have deemed it to be so.

At that stage, any claims about boycotts will sound even sillier than they do now, and will demonstrate one thing and one thing only—that the Conservatives have no confidence in the arguments for continuation of the union.

We have a strange conundrum in Scotland, whereby the Tories suggest that nobody in Scotland wants the opportunity to choose independence in a referendum, yet the people of Scotland have somehow managed to elect a majority of MSPs in Parliament who propose an independence referendum.

Douglas Ross also says that a clear majority do not want independence. I gently suggest to him that if he were confident about that, he would be desperate to put the question to the people of Scotland in a referendum.

My plans are to equip Parliament, and this country, with all the powers and resources that other independent countries take for granted, and that we need in order to navigate the challenges that Scotland, in common with the rest of the world, faces now.

The truth is that Scotland is paying a price for not being independent. We were ripped out of the European Union and the single market completely against our will, and we are suffering one of the worst cost of living crises in the developed world because of that. We have higher inflation than any other G7 country and lower growth than any G20 country other than Russia.

We are seeing children being pushed into poverty by a Conservative Government that we did not elect. Scotland needs independence in order to better navigate those challenges, so that all the focus, power and resources of this Government and future Scottish Governments can be on exactly that point: addressing the priorities of the Scottish people, in line with mandates that have been given by the Scottish people.

Anas Sarwar (Glasgow) (Lab): It is important to establish the legal basis of a referendum, but it is also important to consider its timing, context and effect. The First Minister gave the game away in the latter part of her statement—that this is actually more about the general election and the SNP having some relevance in it than it is about the Scottish people.

It is important to recognise the context of last year's election campaign. We were still a country living under Covid restrictions, and more than 10,000 of our fellow citizens had lost their lives. Nicola Sturgeon said during that campaign that people who did not support a referendum or independence through the recovery should vote for her, safe in the knowledge that Covid recovery would be her priority. Covid has not gone away and our recovery has not even started.

Since that election, when Nicola Sturgeon gave that pledge, 4,000 more Scots have lost their lives; in the past week, 43 have died due to Covid. More than 700,000 Scots are on national health service waiting lists. More than 10,000 children and young people are waiting for a mental health appointment. There are almost 20,000 fewer businesses in Scotland today than when the pandemic began. This week, the Office for National Statistics warned that inflation could reach 11 per cent, which will mean higher bills and a deepening of the cost of living crisis. For

households across the country, it does not feel like the crisis is over.

Is not it the case that the pandemic Nicola, who said that she wanted to pull us through, is gone, and that the partisan Nicola Sturgeon, who wants to divide our country, is back, pursuing a referendum that two thirds of Scots do not want right now? Worse still, is she not using the thank you that she was given and the promise that she made to lead us through the recovery to pit Scot against Scot and to focus on her priority, her obsession and her purpose instead? Frankly, Scotland deserves better.

The First Minister: Democracy is not pitting anyone against anyone. Democracy is allowing the people of the country—all of the people of the country—to choose. That is not just the right way to resolve differences of opinion on the constitution; it is the only way to resolve them.

It does not surprise me to hear the Conservatives say different, but it does still surprise me to hear Labour set its face so firmly against that fundamental concept of democracy. Anas Sarwar said that it is all about the context and timing of a referendum. He might have more credibility in saying that, if his position was not exactly the same as that of the Tories, which is that Scotland should never get the right to choose independence in a referendum.

The First Minister who is standing here is the First Minister who does believe, and always has believed, that the right thing for Scotland is that we have the powers, the levers and the resources in our hands to chart our course in line with our values, our interests and the aspirations and ambitions that we have for the country.

I do not want a recovery in the mould of Boris Johnson and the Conservative Party. Anas Sarwar is right that Covid has not gone away, but a Westminster Tory Government that we did not vote for has taken the funding for dealing with Covid away from this Parliament. The Chancellor of the Exchequer is taking money away from the poorest people in our society. The way to build a recovery and to build the kind of country that we want—which Anas Sarwar and I probably agree on—is to put the levers and the control of that in the hands of the people of Scotland. That is what independence is about. I suspect that, as long as Anas Sarwar and his party set their face against that, they will continue to struggle as they have over the past decade and more.

Alex Cole-Hamilton (Edinburgh Western) (LD): Well, here we are again. What an appalling waste of energy and focus this is. Frankly, I can think of better uses of our time, and I am not alone. I am sure that those who are waiting for cancer care in the longest queue on record can

think of better uses of our time; those children suffering from long Covid who were left disappointed after waiting to meet the First Minister in the cold outside the Parliament this afternoon can think of better uses of our time; and island ferry passengers, Ukrainians stuck in hotels and victims of violent and sexual crime who have been left waiting for justice can all think of better uses of our time.

The First Minister is putting disquiet in her party ahead of the needs of this country. Why will her fixation with breaking up the United Kingdom always trump the needs of the people we are all here to serve?

The First Minister: We have so many Ukrainians here in Scotland right now who are in the process of being given refuge because we fought to get a supersponsor scheme in order to speed up the process for those fleeing the war in Ukraine. We would be able to give more refuge to people fleeing conflict and famine around the world if we were not trapped in a hostile environment immigration policy by a Government that we do not vote for and that does not have the support of people across Scotland.

Yes, it is this Government's responsibility to support the national health service into and through recovery and to deliver for long Covid patients, but I pose this question: will we be better able to do that if we are in charge of our own budgets and resources than if we are still subject to a Government that cuts this Parliament's budget at every opportunity?

Not many years ago, Alex Cole-Hamilton and I were on the same side of a debate in the Brexit referendum. He told people across Scotland that Brexit would be a disaster and so it is now proving. The difference between him and me is that his party no longer even says that it would try to take Scotland back into the European Union. I do not want to give up on that European ideal and aspiration. Now, the only route for Scotland back into the European Union and the European family of nations is by becoming an independent country.

The Presiding Officer: Members will wish to be aware that I have 20 members who wish to ask a question in a 20-minute period. I will certainly do my best to get through as many questions as possible but we will have to focus on more concise questions and responses.

Graeme Dey (Angus South) (SNP): Following the 2014 referendum, Opposition parties promised through the Smith commission that nothing would prevent Scotland from becoming an independent country in the future should the people of Scotland so choose. Therefore, does the First Minister share my view that it is indefensible for the Prime Minister, Keir Starmer and Opposition members in

this Parliament not to respect that pledge and the clear mandate secured by the Scottish Parliament for a referendum to be held on Scottish independence?

The First Minister: In the 2014 referendum, the leaders of the no parties at the time said:

"Power lies with the Scottish people and ... it is for the Scottish people to decide how we are governed."

That is, of course, until Scotland might take a decision that they do not like and then they think that their right is to block it.

The Smith commission report said that there was nothing in it that prevented Scotland from becoming independent. The truth is this: the Opposition parties in the Parliament will always try to block an independence referendum. They do that not out of concern for the country but because they fear the debate and the verdict of the Scottish people on independence.

I was reminded the other day that, in June 2017—I have here the front page of the *Scottish Daily Mail* from that month—the Conservative Government said:

"We'll block a referendum for five years".

Here we are five years later and it is still blocking a referendum because it fears Scottish democracy and the verdict of the Scottish people on independence.

Donald Cameron (Highlands and Islands) (Con): Given the centrality that the First Minister accords to the Lord Advocate in the process, and having set the precedent a few years ago with the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, will the First Minister commit as a matter of urgency to having the Lord Advocate appear in the chamber to answer questions from MSPs on the legality or otherwise of the proposals that the First Minister has just outlined? Sub judice rules do not apply in Scottish proceedings until parties' pleadings have been finalised.

The First Minister: I cannot and will not seek to commit the Lord Advocate to anything because she acts independently and, on the matter in question, the power that she has agreed to exercise is one of her retained powers under the Scotland Act 1998. However, I am sure that the Lord Advocate would be more than happy to answer questions from MSPs.

I make it clear that the course of action that has been set out is to ask the Supreme Court to opine on the legality of a referendum, not to make it the matter of opinion—even the matter of esteemed legal opinion—but to get that judgment from the Supreme Court to put the lawfulness of a referendum beyond any doubt. I cannot imagine

how anybody in the chamber could find anything in that aspect of my statement to disagree with in any way, shape or form.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Aside from the fact that it is our sovereign right as Scottish citizens to determine the democratic path that our nation takes, in the current cost of living crisis, the most vulnerable in society are consistently being failed by the UK Government, while the Scottish Government is doing more than any other UK Administration to tackle poverty and support hard-pressed households. Does the First Minister think that all that serves to highlight just how important it is for Scottish citizens to exercise their democratic right to decide which Government they can trust to address the urgent crisis and our recovery from the pandemic via a referendum on independence?

The First Minister: That is the nub of the matter. In my view, the right to self-determination is absolute. Scotland has a right to self-determination, and the minute that another Government tries to dictate when or how often that right can be exercised it ceases to be a right.

However, this is not abstract. Independence is about addressing better the key challenges that we face as a country and about being able to better fulfil our full potential as a country. Other members will argue, as they have done today, that independence somehow distracts from the challenges and the priorities that many of us share. On the contrary, it is about giving us the wherewithal to better meet the challenges.

On the cost of living, as I have already said, much of the world is facing a cost of living crisis but, in the UK, it is being deeply exacerbated by a Brexit that was imposed on Scotland against our will. That is the price of not being in charge of our own destiny and of not being independent, and people across Scotland are paying that price right now. Independence is about enabling us to fulfil our full potential; it is about the priorities of people across this country.

Sarah Boyack (Lothian) (Lab): Even SNP voters do not want a referendum on the First Minister's timescale. They want action on the cost of living crisis and they need action now. They do not want division, deflection or excuses from the First Minister's Government, which has the powers to deliver the support and change that they need; they do not want to have to choose between heating and eating. Fuel poverty pre-dates Brexit and the pandemic.

How does a referendum in just under 16 months help people who cannot afford their bills now, never mind this autumn or winter? When will the First Minister's Government take responsibility and use to the max the powers that it already has?

The First Minister: Of course, we are using the powers; let me set out how we are using them in that regard. Benefits that Social Security Scotland is in control of are increasing by 6 per cent rather than 3 per cent, so we are putting more money into people's pockets. Indeed, many of those benefits do not exist anywhere else in the UK; they have been established in Scotland only, because we are using the powers that we have. The most important of those is the Scottish child payment, and a child payment of that type does not exist in England, Wales or Northern Ireland. It exists in Scotland because we are using our powers.

What are the root causes of the cost of living crisis when it comes to energy? They are fuel prices and the energy market, all of which is reserved to the Westminster Government.

I will give a direct response to Sarah Boyack's question on what difference a referendum will make. By being able to exercise those powers ourselves, we could do more than just mitigate; we could address some of the root causes of the problems that people are facing. That is what independence is about; it is about empowering this Parliament and this country to take the action that people want on these priorities.

Kenneth Gibson (Cunninghame North) (SNP): For Opposition members, the time is never right, and they use every opportunity to deny our democratic mandate for an independence referendum. Will the First Minister confirm that the "Building a New Scotland" papers will ensure that the national conversation ahead of the referendum will be of a high standard, informed and an example of open democracy in action? Will she again invite Opposition members to drop their empty posturing against the referendum's mandate and, instead, join the debate?

The First Minister: Absolutely. The "Building a New Scotland" series of papers will continue. It will set out the positive case for independence, and it will take on and answer the tougher questions and challenges that people want answered. It will be about the substance of the choice that we are asking people to make.

It is perfectly legitimate in the chamber and in the democracy that we live in that people have different views and will want to make the opposite case. The issues of process will now be determined, I hope, through the Supreme Court, so let us have the debate on substance. I and my colleagues will make the case for independence, so I challenge Opposition members: why do they not come and make the substantive case for Scotland continuing to be part of the union? I suspect that I know the answer to that question. Let us have the debate on substance and then do the democratic thing: let the people decide.

Ross Greer (West Scotland) (Green): The statement proves beyond doubt that the Scottish Government is committed to deliver its democratic mandate and give the people of Scotland the opportunity to build a fairer and greener independent nation. The very same Conservative Party that has been rejected here again and again is now trying to stop that democratic exercise, aided by a Labour Party that seems equally intent on obstructing Scottish democracy. Does the First Minister agree that pro-independence parties winning more seats and more votes than our opponents is the gold standard of democratic mandates for putting Scotland's future in Scotland's hands, through a referendum on our independence?

The First Minister: Ross Greer is absolutely right to point out that the mandate for an independence referendum that exists in this Parliament is stronger than any mandate for Brexit that ever existed in the UK Parliament. The mandate is undeniable. The only question is whether Opposition parties and the UK Government are prepared to respect Scottish democracy. So far, they have not, which is why I have set out the path today.

Scotland has the right to choose. I want that to be in a legal constitutional referendum—that is the path that I have set in train today. Come what may, Scotland must have the right to choose independence, because that is the right of self-determination.

Michelle Thomson (Falkirk East) (SNP): Scotland should believe that she is hopeless, helpless, worthless and voiceless—that is the ambition that the unionists have for Scotland. Their belief that they can prevent the Scottish people from having a vote on Scottish independence is based on the fundamentally undemocratic idea of the sovereignty of the Westminster Parliament and the denial of the principle of the sovereignty of the Scottish people. Does the First Minister agree that attempts to block the right to self-determination and the sovereignty of the Scottish people cannot be sustained while, simultaneously, attempting to claim that democracy matters?

The First Minister: I absolutely agree with that, and that will not be sustained. The UK is either what we have always been told that it is, which is a voluntary union of equals, or it is not and it is a structure in which Scotland has no legal democratic right to decide a different path—that cannot be sustainable.

This is about the right to self-determination, but, more than that, it is about the willingness of politicians who disagree, legitimately, to let the people decide and to respect the democratic process and the democratic outcome. In recent

days, I heard some unionist politician—I cannot remember which one; they all begin to sound the same after a little while—say that they had worked it out, and that I did not really want a referendum and I did not think that we would win one if we got one.

Do you know what? I suspect that if any of the unionist parties thought that either of those things was the case, they would be rushing to call my bluff. This is an invitation to all of them: come on, call my bluff.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): In his address to the Royal United Services Institute think tank, General Sir Patrick Sanders says that his “singular focus” is on mobilising the British Army to help to prevent the spread of war in Europe, by being

“ready to fight and win alongside our Nato allies and partners”.

These are serious times. Putin continues to invade Ukraine, we have a cost of living crisis due to global inflation, and public services are trying to recover from the pandemic. Every year, for the First Minister, now has been the time. Why is her constitutional obsession more important than global peace, security and recovery?

The First Minister: That is utterly shameful and I think that people across the country will see it as that. All of us stand united behind the people of Ukraine and none of us should seek to use their plight and the horror that they are living through for our own political ends.

We do live in very serious times, which is why I want to see an independent Scotland being truly international by rejoining the European family of nations and playing our full part, albeit as a relatively small country, in trying to build a better world today and for future generations. I do not think, and I really do not believe, that the response to what is happening across Europe right now and to the gravity of this moment should be to try, in our own country, to block democracy. Quite the reverse is the way to respond to that.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): First, I congratulate the First Minister and the Cabinet for delivering on the voice of the people first, because Westminster is clearly intent on destroying the idea of the UK as a voluntary partnership of nations. A Tory UK Government with only six MPs from Scotland, supported on this issue by Labour, is seeking to deny the people of Scotland the democratic right to choose their own future. Does the First Minister share my concern, and indeed anger, at that total disdain for the democratic will of the people of Scotland? Why are they so afraid of respecting the right of the people of Scotland to choose their own future?

The First Minister: They are afraid of allowing people in Scotland to choose their own future because they are afraid, and suspect, that when people get the opportunity, they will choose to be independent. In the years since 2014, we have seen all the things that were promised by the no campaign turn to dust. We have seen many of the things that the no campaign said would happen if Scotland voted yes happen because Scotland did not vote yes, chief among those being taken out of the European Union against our will.

More and more, people see that the best way to build the Scotland that we want to see is by being in charge of our own destiny and not having it governed by politicians like Boris Johnson, who nobody, even in this Parliament, thinks is fit to be Prime Minister. The Opposition parties want to block Scotland's right to choose because they think that Scotland will make a choice that they do not like, but that is not democratic.

Pauline McNeill (Glasgow) (Lab): How can the First Minister give serious attention to addressing the fact that sexual crimes have increased by 15 per cent to the highest level since 1971—an issue that I know she cares deeply about—and to resolving the crisis in legal aid and the fact that morale in Police Scotland is so low that we are losing hundreds of police officers, if most of her Government's attention will be focused on preparing the arguments for independence? Does that mean that she expects to put those issues on hold for the next 16 months? The people of Scotland have the right to know.

The First Minister: No, of course it does not. If that is the best that the Opposition can do, they are clearly going to struggle to sustain a position in this debate.

After years of my party being in Government, we have crime rates that are at their lowest level since 1974. This Government, with the support of the Parliament, has passed legislation on domestic abuse to make it more possible for people to get justice before the courts. We are supporting our justice system into and through recovery from Covid.

I come back to the central issue. We will be better able to build the public services that we want, and to support the recovery of our public services, if we are in charge of the resources that we have to do so, rather than being in the position that we are in right now, where we are having budgets cut and constrained by a Westminster Government that we did not elect.

The case for independence and the priorities, on which I am sure that Pauline McNeill and I agree a great deal, are two sides of the same coin. It is about equipping this Parliament and this country to better meet the challenges that we face.

The Presiding Officer: We have several members who still wish to put a question. I will try to get to the end of the list, but I would be grateful for more concise questions and responses. I call Sandesh Gulhane, to be followed by Joe FitzPatrick.

Sandesh Gulhane (Glasgow) (Con): One in two of us will get cancer in our lifetime. This morning, new statistics revealed that cancer waiting times are the worst on record, but what are we talking about this afternoon? Another divisive referendum.

Someone waited 277 days for treatment. In Glasgow, someone waited 210 days. When will the First Minister realise that a referendum is the wrong priority, and when will she shift the focus away from division and grievance and on to real issues such as addressing those dire waiting times and preventing the resultant, and totally unnecessary, deaths?

The First Minister: This Government is focused on supporting our NHS and our public services and on supporting the country through the remainder of Covid and the recovery from it. Every single day, we focus on those priorities, in common with Governments elsewhere. Health services in countries around the world are dealing with those challenges.

I come back to the central point. A Government, Parliament and country that has the full powers and resources of independence will always be better able to meet those challenges than one that has one hand tied behind its back.

The Presiding Officer: My apologies—I call Jenni Minto, who will be followed by Joe FitzPatrick.

Jenni Minto (Argyll and Bute) (SNP): As the MSP for Argyll and Bute, I am regularly reminded of the valuable contribution that European Union nationals make to our communities. I am also very aware that the tourism and hospitality industries, which have relied on EU nationals coming to Argyll and Bute for work, have struggled to fill job vacancies post Brexit. Will the First Minister advise us of the Scottish Government's plans to rejoin the European family of nations on our independence?

The First Minister: The Government wants to see Scotland rejoining the European Union and the European family of nations: that is one of the key benefits of independence. Indeed, independence is now the only possible route for Scotland to do that. We know that there will be processes that an independent Scotland will be required to go through to achieve that: one of the papers that we will publish in the series that I have already referred to will set out the route to that in more detail.

I think that the key point that is understood across Scotland is that there is no route back to the European Union without independence. Not only are the Tories against that, but we now, disgracefully, have a position in which neither Labour nor the Liberal Democrats want to take Scotland into the European Union or even into the single market. They are now happy to allow the damage caused by the Tories to continue. That demonstrates that the only route for Scotland to get back into Europe is by becoming an independent country.

Joe FitzPatrick (Dundee City West) (SNP): The First Minister has already mentioned the Scottish child payment, which is being delivered by Social Security Scotland from its headquarters in the “Yes” city of Dundee. Will the First Minister say more about how the powers of independence would enable this Parliament to go much further to deliver a fairer and more equal society that improves people’s lives, as we see in so many comparable countries in Europe and beyond?

The First Minister: One of the biggest arguments for independence is that we would be in charge of our own resources so that we could dedicate all our efforts to tackling poverty and, in particular, to lifting children out of poverty. We can illustrate how having only partial power over social security holds us back. This Parliament, using its limited devolved powers, has established the Scottish child payment and has now decided to double that and then extend it further. That is lifting thousands upon thousands of children out of poverty but, at the stroke of the chancellor’s pen, £20 a week was taken away from families on universal credit, which pushed children back into poverty. We need all the powers of a social security system to make sure that everything that we do is lifting children out of poverty, rather than being in the situation that we have now, in which everything that we do is undermined by a Government that is pulling in the wrong direction.

Daniel Johnson (Edinburgh Southern) (Lab): Will the First Minister clarify a point about the process that lies behind her statement? Did the Lord Advocate refuse to certify the referendum bill as being legally competent? Is that why the Lord Advocate is taking it to court, rather than the bill being brought before Parliament today?

The First Minister: I will not breach the ministerial code by getting into legal advice. *[Interruption.]* Members should listen to this point, because it is important. I asked the Lord Advocate to consider exercising the powers that she has under schedule 6 to the Scotland Act 1998 to refer the matter to the Supreme Court. I did that because I know that the power of this Parliament is contested. If the ministerial code were otherwise, and even if I were to bring forward and

publish a dozen legal opinions on competence, the Opposition would say, “Ah, but that’s only an opinion. The referendum’s gonnae be illegal,” and they would undermine the process. It is better to ask the Supreme Court for its judgment on the lawful basis of the referendum and then nobody can gainsay that, because it is no longer a matter of opinion; it is a matter of legal fact.

Siobhian Brown (Ayr) (SNP): As MSPs, we are all acutely aware that Scotland faces a workforce crisis throughout every industry and sector. With an ageing population, it is impossible for us to magic up people to fill those roles. Does the First Minister agree that it is only as an independent Scotland with normal powers over things such as immigration, employment law, energy and borrowing, to name a few, that we can start to recover from the Covid crisis and to address the cost of living crisis?

The First Minister: If you speak regularly, as I do, to people in public services and businesses across the country, one common theme will emerge—the shortage of labour that makes it more difficult to tackle the backlog in our national health service and more difficult for businesses to recover. That has been caused and exacerbated by the ending of freedom of movement, which came from us being taken out of Europe against our will and comes from a highly restrictive and, in many cases, deeply inhumane immigration policy.

Scotland needs to be able to determine our population and we need to be able to determine who can come to the country so that we can grow that population, because that is in the interests of our economy, our public services and our society more generally. The only way to do that is by Scotland becoming independent, with the powers that independence brings in that regard. That is another key argument for taking those powers out of the hands of Westminster and putting them into the hands of this Parliament.

Oliver Mundell (Dumfriesshire) (Con): Did Westminster have the final say on 18 September 2014?

The First Minister: Westminster and, in fact, all the better together parties in this chamber, ahead of the referendum in 2014, said that if Scotland voted yes, we would be taken out of the European Union. Then, of course, we were taken out of the European Union because we did not—*[Interruption.]* I will come on to an important point. Actually, Oliver Mundell probably did not mean to be helpful in that question, but he has been. However, I will come back to that in a second.

The UK that existed in 2014 does not exist now, because we are out of the European Union, and that is one of the many reasons why people in Scotland should have the choice.

Of course, it is the case that, in the lead-up to 2014, the then Westminster Government respected democracy and agreed a process with the Scottish Government. We accepted that we disagreed but, nevertheless, agreed a process that would allow the Scottish people to decide. If this Westminster Government had any respect for democracy, that is exactly what it would be doing. I think that Oliver Mundell has actually put his finger on the deeply undemocratic nature of the Westminster Government that is in office right now.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Does the First Minister agree that the unionist Opposition in here has nothing to do with the mandate and nothing to do with the argument that now is not the right time? It is actually saying, “Never”, defending a permanent veto by one partner nation to prevent another partner nation from simply exercising its right to choose its constitutional future. In those circumstances, does the First Minister agree that the Opposition parties in here should be ashamed of themselves? [*Interruption.*]

The Presiding Officer: Thank you, members.

The First Minister: On so many matters, I agree with that, but on this matter, yes. It is entirely legitimate for us to disagree on the merits and the substance of independence. That is the stuff of democracy. What it is never acceptable to do is to try to block democracy because of a fear of the outcome of the democratic choice that people will make. That is what the Conservatives are doing. Shamefully, it is what Labour and the rather misnamed Liberal Democrats are doing— [*Interruption.*]

The Presiding Officer: Thank you.

The First Minister: —but the right of the people of Scotland to self-determination is there and it will be exercised.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. It is clear to me that the Lord Advocate has been unable to sign the referendum bill, which is why it has not been introduced to Parliament, but the important issue is that the First Minister was in the position of answering questions on behalf of the Lord Advocate. Given that the referral to the Supreme Court is an independent process that is free from the influence of the First Minister, surely the Lord Advocate should make a statement to the Parliament and answer questions about that process. Will the Presiding Officer, as a matter of urgency, consider that alongside the Parliamentary Bureau?

The Presiding Officer: I thank Ms Baillie for her point of order. I have no doubt that the bureau will consider this in due course. Thank you.

There will be a brief pause before we move on to the next item of business.

Coronavirus (Recovery and Reform) (Scotland) Bill: Stage 3

15:30

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Coronavirus (Recovery and Reform) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP bill 9A, the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for each division will be up to one minute.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the first amendment in the group.

Members should now refer to the marshalled list of amendments.

Section 1—Public health protection measures

The Deputy Presiding Officer: Amendment 1, in the name of Alex Rowley, is grouped with amendments 8, 2, 6 and 7.

Alex Rowley (Mid Scotland and Fife) (Lab): Amendment 1 is the only amendment to the bill that I have lodged. I did so at stage 2 and it was not passed, but I thought that it was crucial to come back with the amendment and raise the issue in the chamber.

I have been clear from day 1 on the COVID-19 Recovery Committee that I support a lot of the bill and that a lot of it should be supported but, after following the evidence, I have consistently raised concerns about the so-called Henry VIII powers. They take powers away from the Scottish Parliament—the legislature—and put them into the hands of the executive, which cannot be right.

As a parliamentarian, I consistently try to follow the evidence, consider the evidence and not simply take party-political lines on issues.

John Mason (Glasgow Shettleston) (SNP): Does the member accept that the Deputy First Minister made major concessions on the bill and that the Parliament now has much more of a veto than it had previously?

Alex Rowley: The Deputy First Minister made major concessions, but it is a sentence of six words that I propose to remove. Although major concessions were made, and I will come on to those, for me and my party, they were not enough.

There is no justification for taking powers away from the legislature—this Parliament—and putting them into the hands of the executive.

Following on from the most recent debate, I have persistently and continually argued that the Parliament should have significantly more powers than it has, and that those powers should not be put into the hands of the executive. Mr Mason made the point at stage 2 that, if this is the way that Governments take powers when they have majorities, a precedent could be being set for the future.

I want to pick up on that point, because it was in the evidence. Mr Swinney said at stage 2 that the academics who gave the committee advice and put forward their views on the so-called Henry VIII powers welcomed the change that had taken place, and I accept that. After Mr Swinney made those comments, I found something from Dr Andrew Tickell on Twitter.

He said:

“Much of the critical attention on this Bill has focused on the first section of the legislation, which recasts public health law in Scotland in important ways in the light of recent experience. As first introduced, the proposals were described by some as a ‘power grab.’

The committee asked me and my ... colleague @ProfABritton for a view about what legal merit—if any—this claim had in terms of the public health provisions in the Bill. It is fair to say we reached ambivalent conclusions.

On the one hand, the Bill updates Scots law to reflect public health powers already held by UK ministers since 2008, enshrining powers which fit into the World Health Organization’s ‘all hazards’ approach to emergent threats to public health and appropriate legal responses.

On the other, as first drafted, the Bill gave Scottish Ministers extensive and problematic powers (often described as Henry VIII powers) to amend any legislation during a public health emergency without resort to parliament. We suggested this required scrutiny and justification.

After committee scrutiny @JohnSwinney introduced important amendments which will significantly enhance the role of parliament in sanctioning any legal changes. In essence, a gateway vote in favour will now be required to exercise any such emergency powers.”

I accept that the academics give credit to Mr Swinney for the changes that he has made, but my view is that the approach did not go far enough and that the bill should not be introducing these Henry VIII powers. For that reason, I will move my amendment.

I move amendment 1.

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): I thank Mr Rowley for setting out his arguments, and I recognise the important points that he has made about protecting the vital role of the

Parliament in the legislative process. I support that perspective.

I recognise that there was reasonable concern that that role was not given sufficient recognition in the bill as originally drafted. As Mr Rowley has fairly put on the record, we acted at stage 2 to address that, and many commentators have recognised the significant movement that the Government has applied on that question.

As a result of the changes announced, the bill now requires that any regulations that are made under proposed section 86A(1) of the Public Health etc (Scotland) Act 2008, to modify primary legislation—that is to say, the so-called Henry VIII provision—could be made only under the draft affirmative procedure. That means that the Parliament will always have full opportunity for scrutiny before primary legislation can be modified under proposed section 86A and that the made affirmative procedure can never be used to diminish that role. I hope that the Parliament recognises that that demonstrates that we have listened to concerns and made real improvements to that part of the bill.

I also note—as I did at stage 2—that the amendment adds to the considerable safeguards that were included when the bill was introduced. I spoke to those at length during stage 2, so I will not set out that detail again. What I will say is that it is imperative that Parliament retains its scrutiny role, and I am grateful to those who have pointed out that we had not done enough to achieve that. However, we have now remedied that so that modifications to primary legislation using those public health powers can never be made without the consent and full scrutiny of Parliament. Members can therefore safely resist Mr Rowley's amendment with confidence that their vital role has been protected and that the power itself is suitably limited.

Amendment 8 is of a minor and technical nature, so I hope that it is uncontroversial. It will simply ensure that the correct cross-references are inserted in the new sections that the bill will add into the Public Health etc (Scotland) Act 2008.

Amendment 2 would remove the public health regulation-making power entirely from the bill. I have already documented clearly throughout the bill process why we consider it vital to have those public health powers, having learned lessons from the recent pandemic. I will therefore not repeat the points that have already been made against the amendment. I will simply say that the Government amendments that were agreed to at stage 2 add significant safeguards to those that were already included when the bill was introduced. I hope that that reassures members that their voices have been heard and that the bill is better as a result.

I have substantive and, I believe, compelling objections to amendments 6 and 7. However, before I set out those objections, I must point out that, even if members were sympathetic to them, the provisions that they refer to will come into force automatically on the dates that are set out in section 46 of the bill, as agreed at stage 2. Amendments 6 and 7 cannot prevent that from happening. However, even if they could achieve the desired effect, I cannot support them for the reasons that I already set out at length in my comments on similar amendments at stage 2.

We know that there is a gap in our legislative framework. Crucially, that gap does not exist in England and Wales, where such powers have been held for more than a decade. It would be ill-advised to delay closing that gap. In the past few months alone, we have seen unusual presentations of hepatitis in children and the outbreak of monkeypox, so nobody should be in any doubt that public health threats can and do emerge with very little warning. Faced with that reality, the Scottish Parliament would rightly be criticised were another threat to emerge and once again, we had to resort to emergency legislation, as we did during the early days of the Covid pandemic.

That same rationale underpins my resistance to amendment 7. Without wishing to presuppose any findings, I acknowledge that there could be a call for further changes to the statute book once the public inquiry reports. However, that should not prevent us from acting now to remedy an area where we have already identified a weakness in our statutory framework.

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

At the start of what might be a long afternoon, I remind members of my relevant interests: I am a member of the Law Society of Scotland, I derive some income from rental properties and I am a member of the Church of Scotland.

I have three amendments in the group. Amendment 2 seeks to remove section 1, which deals with the public health provisions, from the bill entirely. It goes to the heart of our concerns. Is it necessary to legislate now to make permanent what were extraordinary emergency powers that were granted to the Scottish ministers to deal with a public health crisis?

We debated those issues at great length at stage 1 and stage 2. I will not rehearse all those arguments this afternoon. It is fair to say that there was substantial public opposition to the bill from stakeholders and the public. The consultation that was run by the COVID-19 Recovery Committee showed 90 per cent opposition to what the Government proposed. There is a great deal of concern about the way in which the bill approaches public health issues and there was an

alternative route that the Government could have taken should it have so wished.

Should amendment 2 not be agreed to, amendment 6 seeks to qualify section 1, which would require ministers to conduct an assessment of the impact of regulations before they are introduced and, in so far as practical, consult with the affected parties. That seeks to recognise the concerns that have been raised by the business community with many members, the COVID-19 Recovery Committee and other parliamentary committees about the impact of measures brought in at very short notice by the Scottish ministers, with little or no prior discussion or consultation, or any assessment of the likely economic impact.

We saw that happen, for example, in the case of vaccination passports, which were brought in at short notice, were vigorously resisted by the business community, which believed that the policy was very damaging, and were very quickly withdrawn by the Scottish Government when it realised that the policy was not having the intended impact. That is the sort of policy that we could avoid if we were to accept amendment 6 and introduce such a change to the bill.

In the COVID-19 Recovery Committee at stage 2, similar amendments to amendments 2 and 6 were both rejected only on the convener's casting vote. That is why I have brought them back to the chamber for discussion this afternoon.

Amendment 7 states that section 1 and parts 2 and 4 of the bill cannot come into effect until after the conclusion of the public inquiry into the Covid pandemic. That is important because we need to learn the lessons of what has happened during the past two years before we can move on to legislate for future events.

I lodged a similar but broader amendment at stage 2. Amendment 7 has a much narrower focus and applies only to certain aspects of the bill. I think that that is a reasonable compromise on my part.

We have seen public inquiries run for years. I believe that the Edinburgh trams inquiry is still running, eight years after it was first established. It seems extraordinary that the second Edinburgh tram line is being built at a time when we have not even learned the lessons from the construction of the first tram line.

We should not make the same mistake twice—that is what amendment 7 seeks to address.

John Mason: Would the member accept that we do not know when the next pandemic or some other emergency might arise and that it is better to be prepared for it, rather than to wait for some inquiry?

15:45

Murdo Fraser: That goes to the heart of the issue that Mr Mason and I, and other members of the committee, have been debating for some weeks, which is whether we need to legislate now or whether some other approach could be taken. Parliament demonstrated two years ago how quickly it could move to legislate in an emergency situation. I believe that we should trust Parliament to make such decisions and not hand powers over to ministers, as Mr Mason proposes to do.

Finally, on the other amendments in the group, I can see no difficulty with amendment 8 from Mr Swinney. I am happy to support Mr Rowley's amendment 1, which seeks to remove the Henry VIII powers. I supported a similar amendment from Mr Rowley at stage 2. When he spoke to amendment 1, Mr Rowley made some powerful points about the overreach by the Scottish ministers in terms of Henry VIII powers. I hope that Mr Rowley will not be tempted by the cabinet secretary not to press amendment 1, because it makes an important point.

We have heard from the Scottish Government throughout the passage of the bill that it reflects legislation already in place in England and Wales. However, in this respect, that is not the case, because the Henry VIII powers in this bill do not reflect comparative legislation south of the border. Even though the Scottish Government has brought in some qualifications compared to what we had previously, it still does not go far enough. I believe that the Henry VIII powers should be removed entirely, which is why I support amendment 1, in the name of Mr Rowley, and I hope that Parliament will support it, too.

Willie Rennie (North East Fife) (LD): I agree with much of what Alex Rowley and Murdo Fraser have said. As has been rehearsed previously in debates, this is effectively an emergency powers bill without an emergency. As a result, Parliament is diminished by the bill. Parliament has shown previously that, when it matters, we can come together, see the seriousness of the occasion and expedite powers for the executive to cope with the pandemic. I see no reason why we cannot follow the same model, with the benefit, this time, of being able to learn lessons from the public inquiry and come up with a new set of powers, which we will debate over the coming years, in order to have legislation on the shelf, ready to be implemented when an emergency occurs. That is a far preferable route. What is the point of having a public inquiry if we do not learn the lessons of the public inquiry? That includes lessons for legislation.

The Liberal Democrats will support amendment 1, in the name of Alex Rowley, to prevent the Henry VIII powers. We should also support Murdo

Fraser's call for a meaningful consultation in amendment 6, and his amendment 7, on learning the lessons of the public inquiry. Those amendments are perfectly reasonable. There is no doubt that Mr Swinney has improved the process for approving regulations in future, but it is still not sufficient. There is no reason why we have to have emergency powers when we do not have an emergency. We need to learn the lessons and produce legislation for this Parliament that is fit for purpose.

Alex Rowley: I have acknowledged that the Government and Mr Swinney have introduced changes—they have listened—but I am afraid that that does not go far enough. This is a matter of principle. I do not believe that we should take powers away from the legislator and hoard them into the executive. That is a dangerous precedent and, for that reason, I will press amendment 1.

Business Motion

15:48

The Deputy Presiding Officer (Liam McArthur): In my eagerness to get us into the guts of the substance of the amendments, I unfortunately bypassed consideration of business motion S6M-05228, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Coronavirus (Recovery and Reform) (Scotland) Bill.

Let me turn back time and invite any member who wishes to speak against the motion to press their request-to-speak button now. I call on George Adam to move the motion.

The Minister for Parliamentary Business (George Adam): It is the story of my life, Presiding Officer—always forgotten.

The Deputy Presiding Officer: I am glad that we have been able to rectify that.

Motion moved,

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

Groups 1 to 3:	1 hour 15 minutes
Groups 4 and 5:	2 hours 30 minutes
Groups 6 to 8:	3 hours 15 minutes
Groups 9 to 11:	4 hours
Groups 12 and 13:	5 hours.—[George Adam]

Motion agreed to.

The Deputy Presiding Officer: We have righted that wrong.

Coronavirus (Recovery and Reform) (Scotland) Bill: Stage 3

15:49

The Deputy Presiding Officer (Liam McArthur): The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a short suspension as we proceed to the division on amendment 1.

15:49

Meeting suspended.

15:56

On resuming—

The Deputy Presiding Officer: We proceed with the division on amendment 1. Members should cast their votes now.

The vote is closed.

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): On a point of order, Presiding Officer. My app did not connect. I would have voted no.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 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)
 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)
 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)

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)
 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)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)

Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 64, Abstentions 0.

Amendment 1 disagreed to.

Amendment 8 moved—[John Swinney]—and agreed to.

The Deputy Presiding Officer: Group 2 is on regulation-making powers in the bill: impact assessments. I draw members' attention to the procedural information that relates to this group, as set out in the groupings. Amendment 96 in group 2 is pre-empted by amendment 92 in group 13; therefore, if amendment 92 is agreed to, I will not be able to call amendment 96.

Amendment 29, in the name of Stuart McMillan on behalf of the Delegated Powers and Law Reform Committee, is grouped with amendments 54 and 96.

Stuart McMillan (Greenock and Inverclyde) (SNP): I have lodged amendments 29, 54 and 96 on behalf of the Delegated Powers and Law Reform Committee. They are probing amendments, in the first instance.

As members will know, the committee recently held an inquiry into the use during the pandemic of the made affirmative procedure, which led to our recommending a set of principles that might provide the basis for considering the delegated powers, in bills, that can be exercised subject to the made affirmative procedure. Reflecting those principles, our stage 1 report on the bill recommended that the Scottish Government lodge amendments for each of the five powers that can be exercised subject to the made affirmative procedure.

16:00

Those statutory requirements are threefold. First, each Scottish statutory instrument should be accompanied by a written statement explaining, and providing evidence on, why the regulations need to be made urgently. Secondly, the Government should

“include an assessment of the impact of the instrument”

on all those who are likely to be affected. Thirdly, such SSIs should be subject to a sunset provision so that changes to the law do not continue to be in force indefinitely.

In considering the bill as amended at stage 2, the committee welcomed the Scottish Government's amendments that require a statement of urgency to be provided and a sunset provision to be included when the made affirmative procedure is used. However, the Government did not lodge any amendments to require an impact assessment. Instead, it stated in response to the committee's stage 1 report that

“current scrutiny frameworks ... are fit for purpose and ... there is no need for such an amendment.”

The committee agreed to lodge the amendments in this group because it considers that it is important that those who will be affected by changes to the law understand the impact of the regulations. That information should be accessible, clear and published in a timely manner.

I know from our evidence session at stage 1 that the Deputy First Minister accepts “the sentiment” of the committee's position “unreservedly”. Therefore, I look forward to hearing his views.

I move amendment 29.

Graham Simpson (Central Scotland) (Con): I am a member of the Delegated Powers and Law Reform Committee. As the convener said, we carried out an inquiry into the use of the made affirmative procedure. Our unanimous view was that the procedure has been overused and that checks and balances should be put in place. That was our approach when we considered the bill.

At stage 2, I lodged a number of amendments, none of which were agreed to, based on the casting vote of the convener of the COVID-19 Recovery Committee. Therefore, I welcome Stuart McMillan's amendments on behalf of the DPLR Committee. It is important that we provide checks and balances when the made affirmative procedure is used. To be frank, during the pandemic, the Government went somewhat haywire with its use of that procedure.

The amendments in the group are sensible. If Mr McMillan chooses not to press amendment 29 and not to move the other amendments in the group, I will.

John Swinney: Following amendments to the bill at stage 2 to provide for an explanation of urgency if the made affirmative procedure needs to be used in urgent circumstances and for a sunset provision to be included when appropriate, a supplementary delegated powers memorandum was considered by the Delegated Powers and Law Reform Committee.

In its report of 24 June, the DPLRC welcomed amendments that had been made at stage 2. The committee also recommended, as it had done in its stage 1 report, that if made affirmative powers were used, an assessment of the impact of the regulations should be provided. This group of amendments follows on from paragraph 10 of the DPLRC's report.

The Government made it clear in its response at stage 1 that processes that are currently in place already provide the required scrutiny. Policy notes are prepared and, when appropriate, impact assessments are carried out for any SSI, not just for those that are urgent. We do not wish to add complication or delay when there is a need for urgent action.

Graham Simpson: If the Deputy First Minister is arguing that the Government already produces impact assessments, there cannot possibly be a problem with the amendments in this group.

John Swinney: I am simply making the point that the Government has made those commitments, and I have just set out and reflected the Government's routine practice. Indeed, when the Minister for Parliamentary Business gave evidence to the DPLRC last week, he made it clear that the Government already carries out impact assessments and that the Government can continue to engage with the Parliament on this question.

Therefore, I do not think that there is a need for amendments 29, 54 and 96, so I invite Mr McMillan not to press amendment 29 and not to move amendments 54 and 96.

Stuart McMillan: I thank the Deputy First Minister for that reply. We discussed potential amendments with the Minister for Parliamentary Business in committee last week during the private session. The committee considered that any amendments that it would lodge would be probing amendments, in order to establish any further information from the Government. Given the points that the Deputy First Minister has raised, I am content not to press amendment 29.

The Deputy Presiding Officer: Mr McMillan wishes to withdraw amendment 29. Does any member object?

Members: Yes.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Sarah Boyack (Lothian) (Lab): On a point of order, Presiding Officer. I was not able to enter the PIN, so I could not cast my vote. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Boyack. We will make sure that that is recorded.

Tess White (North East Scotland) (Con): On a point of order, Presiding Officer. I do not know whether my vote registered. I would have voted yes.

The Deputy Presiding Officer: It was not recorded. I will make sure that it is, Ms White.

The Minister for Environment and Land Reform (Màiri McAllan): On a point of order, Presiding Officer. My app is frozen. I would have voted no.

The Deputy Presiding Officer: I will make sure that that is recorded, Ms McAllan.

Fulton MacGregor (Coatbridge and Chryston) (SNP): On a point of order, Presiding Officer. I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr MacGregor. I will make sure that that is recorded.

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. I, too, could not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Whittle. We will make sure that that is recorded also.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 Rowley, Alex (Mid Scotland and Fife) (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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 64, Abstentions 0.

Amendment 29 disagreed to.

Amendment 2 moved—[Murdo Fraser].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffen, 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)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (Green)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)

Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 64, Abstentions 0.

Amendment 2 disagreed to.

Section 5—Interpretation of Chapter

The Deputy Presiding Officer: Group 3 is on educational regulations: use of powers and safeguards. Amendment 30, in the name of Oliver Mundell, is grouped with amendments 31 to 43, 9, 45, 10, 47, 49 to 52, 55 to 61, 11, 62, 63 and 65.

Oliver Mundell (Dumfriesshire) (Con): The majority of the amendments in this group were debated during stage 2. I have brought back my amendments not to debate them again in full or to rehear the arguments that were had at committee, but to give the Government an opportunity to change its mind. There have been only two areas in which I have been able to work with the Government to bring back amendments that we agree on. It is welcome that I have been able to do that, but the amendments are very small, given the scale of the challenges that arose in education during the pandemic, and they provide quite modest protection for our young people in the future.

There are three key things behind the amendments in my name in this group. First, the bar should be very high when it comes to closing schools. Denying our children the right to in-person education is not something that should be done lightly. We therefore have to balance the power that ministers want to take on by putting in place additional protections. The same is true in other areas of our education system beyond schools. It is right that, with that power come criteria that have to be met, and it is important that some of those are put in the bill.

Secondly, during the committee debates, we heard a lot about what I termed the John Mason principle, which is that the people who are in government now might not be in government in the future. That cuts both ways, of course. There is a chance that we could have something better, but there is a fear among those of us on these benches that it could be the same people making the same mistakes.

That takes me to the third point behind many of my amendments: they address some of the lessons that we learned during the pandemic. They seek to push the Government a bit harder to get on with meeting some of the promises that it made to young people. That particularly applies to

amendment 41—which, I have to admit, is a redrafted version of a stage 2 amendment by Stephen Kerr. It makes an important change.

Martin Whitfield (South Scotland) (Lab): Does the member agree that one of the challenges that we face is that, even before the Covid investigation has taken place, assumptions are being made by the Government about what is and is not needed following Covid?

Oliver Mundell: That is true, although there are some lessons that we definitely learned. There is the fact that we were so slow, in so many parts of the country, to get the appropriate electronic devices. The amendments change that—expanding the appropriate electronic devices to laptops, which addresses one of the Government’s concerns.

Most young people and families whom I speak to would be happy with any device, frankly. A laptop would be an improvement on nothing. In other parts of the country, it has been possible to get devices out very quickly. My amendments put into the bill a challenge to ministers to get on with it and make available the resources to deliver those laptops before they consider shutting schools in the future.

16:15

Amendment 38 makes a similar point about consulting local authorities, rather than ministers just taking decisions all by themselves. There is also amendment 49, which it should not be hard for the Government to support, as it encourages a greater role for the Children and Young People’s Commissioner Scotland in ensuring that the wider rights of children are explored when the powers are used.

There are also balancing provisions that ask Government ministers and key decision makers to look beyond the narrow health focus. One of the mistakes that we made is that, certainly in the early stages of the pandemic, we focused narrowly on one aspect of health and did not fully understand—or, in the Government’s case, recognise even when told—the considerable strain that was being put on our children or the long-term consequences of that. We must be more balanced in future.

I am interested to hear what the Government has to say on the amendments and whether it feels able to support any of them.

I move amendment 30.

John Swinney: This is a large group of amendments, many of which are the same as or similar to those that were debated at stage 2, as Mr Mundell just put on the record.

First, I will speak to amendments 9 to 11 in my name. At stage 2, I set out that the Government had worked closely throughout the pandemic with the Covid-19 education recovery group and that we would expect to do similarly in future. I agreed with the principle behind the amendments on consulting stakeholders during a public health emergency and committed to look further at an amendment on that for stage 3.

Therefore, amendment 11 in my name provides that ministers must seek views about educational continuity regulations, and any regulations under sections 9 or 10 that may be in force at the time, at least every 28 days while those regulations are in force. Ministers must seek views from representatives of education establishments and from users of those establishments—including, importantly, representatives of children and young people—along with staff and any other stakeholders that are considered appropriate.

Amendments 9 and 10 are technical amendments that bring sections 9 and 10 into line with section 8 by requiring that all regulations under those two powers are limited to “a specified period”.

I now turn to the other amendments in the group.

At stage 2, the Government lodged amendments that further strengthened the safeguards that were already in the bill and established a process by which the education powers could be used only with parliamentary approval of a public health declaration by ministers. That ensured that those powers could be used only with parliamentary authorisation in the event of a future threat to public health. Amendments 57 and 58 would remove that gateway vote mechanism. I cannot understand that. Why remove a significant safeguard to the use of the powers to which Parliament has already agreed? I urge members to keep the gateway provisions in the bill and reject those amendments.

Amendments 30, 33, 35, 43, 45, 47, 52, 55, 61 and 65 would leave out sections 5 to 14 of the bill. Throughout the progress of the bill through Parliament, we have made clear the importance of those powers in the bill.

Amendment 56 would provide that education regulations could be in place only when public health protection regulations are in place. It may not necessarily have that effect, as some regulations made under the public health provision may be permanent preparedness regulations, in which case the amendment would not achieve its purpose.

Amendment 49 is similar to amendment 130, which was lodged at stage 2. We remain concerned about how the children’s commissioner

could provide a view on whether regulations were proportionate or necessary without access to the full information and advice on public health that ministers would have. My amendment 11 now also ensures that the views of children and young people will be sought when education continuity regulations are in place.

Amendment 41 is similar to amendment 119, which was lodged at stage 2. It requires ministers to provide an electronic device and an internet connection where regulations under section 8 have been made. The Government is already committed to ensuring that every child has access to a device by the end of this parliamentary session and, indeed, made a significant investment to that effect during the pandemic.

Stephen Kerr (Central Scotland) (Con): I am grateful for the Deputy First Minister's comment and am cognisant of the commitment that he made on behalf of his party to provide every child at school in Scotland with a device and an internet connection.

However, given the feedback that he gave when the issue was considered at stage 2, I am completely at a loss to understand why the Government is now not minded to put it into law. It would surely be an underscoring of the commitment that he has already made to the young people of Scotland—this way, no child would get left behind. It must surely be our objective that, in such an emergency that the bill envisages, everything possible is done to ensure that no child is left behind. The Government is honour bound by its manifesto commitment to put it into the bill.

John Swinney: We do not put all policy commitments into legislation. That is a statement of representative fact on the approach to legislation.

The Government has made the commitment that I have set out. We are working through the commitment with our local authority partners. We are working in partnership with local authorities in the best means possible at local level to implement schemes—many local authorities are taking them forward—and we are supporting them on the effort to deliver on that commitment.

Stephen Kerr: I do not want to be unreasonable, but I have not heard a reason why that precaution cannot be part of the bill. There is no reason at all; in fact, as I said earlier, it is a way of underscoring our commitment that no child gets left behind. That is a commitment that the Deputy First Minister has already made, so why can it not be in the bill?

John Swinney: With the greatest respect to Mr Kerr, I gave an answer to the question why it is not in the bill: it is because we do not legislate for all

policy commitments. If I could give Mr Kerr some advice, I note that a way of supporting the implementation of the policy commitment—about which I acknowledge that he cares deeply—would be to vote for the Government's budget that gives effect to those provisions. However, he did not do that earlier this year.

Amendment 38 would, in effect, give local authorities a veto over the closure of local authority-run schools in their area, which is undesirable in terms of managing a future public health emergency that requires a co-ordinated, national response. The same goes for amendments 39 and 36.

Amendments 37 and 51 are identical to those that were debated at stage 2, and I remain of the view that they would prevent regulations from swiftly and effectively addressing a public health emergency.

Amendment 40 was also debated at stage 2, and I remain of the view that it is unnecessary, because any regulations would be expected to include provision relating to ensuring continuity of educational provision and to be accompanied by guidance. Similarly, amendment 42 ignores the existing guidance and regulation-making powers in the bill, which we could use to make clear that pupil-school contact should be facilitated and to give operators appropriate flexibility for different stages of education or needs.

Amendment 50 would put in statute a requirement on ministers to seek voluntary arrangements with education providers before making any regulations. The amendment would significantly delay bringing forward any regulations. Where appropriate, ministers would expect to use voluntary arrangements where possible, but that might not always be the case.

Amendments 59 and 60 were debated at stage 2. They would add an additional requirement to review any regulations within seven days of a new member of the Scottish Government or a junior minister assuming responsibility for the regulations. That would undermine the principle of collective responsibility under the Scotland Act 1998.

Amendment 62, regarding relevant authorities using their professional judgment, could give them significant scope to make different decisions for their establishment despite national advice, guidance or regulations.

Oliver Mundell: Why does the Deputy First Minister believe that the Government knows better than those people on the front line who teach and look after our young people and who have to make difficult practical decisions?

John Swinney: I am not making the argument that the Government knows best. I am saying that, in the case of a pandemic that has national effect, the Government is required to put in place guidance that will have to be reflected and followed at local level. In those circumstances, we as a Government have a duty of care to the country, in general, to ensure that guidance is clear and accessible to professionals at local level, so that they can use their judgment in the context of the guidance. That is an important factor in establishing the framework that is envisaged in the bill provisions that are before the Parliament.

There is already scope for deviation from guidance or advice, where necessary, in line with the legal responsibilities that are exercised at the local level. Nothing in the bill is intended to undermine the professional judgment and knowledge of those in educational establishments. A provision such as the one contained in amendment 62 does not provide clarity on the action that providers need to take, and it would hinder swift and decisive national action.

Similarly, amendment 63 would place another unacceptable delay on ministers when they are, in effect, responding to a national emergency.

For the reasons that I have given, I invite Parliament not to vote in favour of any of the amendments in this group, with the exception of my amendments 9, 10 and 11.

Oliver Mundell: We have heard the Government's approach: it is its way or no way at all. That is sad, because there was an opportunity to work together and make sure that the principle of professional judgment was built into the legislation. That is the least that our hard-working educational professionals deserve. Yes, it is right that we have national measures, but there has to be a recognition that, if broad and blunt approaches are to be taken quickly in an emergency in an effort to get things right across the country, there needs to be room, at a local level, for people to take pragmatic and sensible decisions that are in the best interests of our young people.

To say that Government ministers can make rules nationally that fit all scenarios is wrong, and it does not speak to many of the challenges that we saw during the pandemic, when things that were announced here or on television did not work out so well when it came to their implementation. There needs to be more discretion and flexibility.

On amendments 57 and 58, I reassure members who are worried about the provisions that those amendments seek to take out that I intend to press them only if we manage to get the rest of the education sections removed. That is my preference. The legislation is not fit for purpose,

and it is not right for such issues to be grouped in a catch-all bill. As we will argue in the closing debate, and as we have said throughout, the preparation work should have been done and the legislation should have been on the shelf, ready to go. We should not be putting some of the proposed sections on to the statute book and handing broad powers to ministers.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Finance and the Economy (Kate Forbes): On a point of order, Presiding Officer. I would have voted no. My app would not connect.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer. My device is not connecting to the parliamentary system. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Mountain. I will make sure that that is recorded.

Craig Hoy, who is online, has a point of order.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app froze and I would have voted—[Inaudible.]

The Deputy Presiding Officer: Sorry, Mr Hoy—could you repeat how you would have voted?

Craig Hoy: I would have voted yes. My app froze.

The Deputy Presiding Officer: Thank you, Mr Hoy. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 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)
 Rowley, Alex (Mid Scotland and Fife) (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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Choudhury, Foyso (Lothian) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 65, Abstentions 0.

Amendment 30 disagreed to.

Section 6—Duty to have regard to public health advice

16:30

Amendments 31 and 32 not moved.

Amendment 33 moved—[Oliver Mundell].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Craig Hoy: On a point of order, Presiding Officer. Sorry—my app is still having problems and I could not get logged in. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Hoy. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)

Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 64, Abstentions 0.

Amendment 33 disagreed to.

Section 7—Guidance on public health measures

Amendment 34 not moved.

Amendment 35 moved—[Oliver Mundell].

The Deputy Presiding Officer: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 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)
 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)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 64, Abstentions 0.

Amendment 35 disagreed to.

Section 8—Regulations on continuing operation of educational establishments

Amendments 36 to 40 not moved.

Amendment 41 moved—[Oliver Mundell].

The Deputy Presiding Officer: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 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)
 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)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 64, Abstentions 0.

Amendment 41 disagreed to.

Amendment 42 not moved.

Amendment 43 moved—[Oliver Mundell].

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 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)
 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)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 63, Abstentions 0.

Amendment 43 disagreed to.

After section 8

The Deputy Presiding Officer: Group 4 is on educational regulations: issues consequential to making of regulations. Amendment 44, in the name of Oliver Mundell, is grouped with amendments 46, 48, 53, 12 and 64.

Oliver Mundell: Like the amendments in the previous group, many of these amendments—in this case, all but one—were presented at stage 2. We then had a lengthy debate and discussion, and the Government went to great lengths to explain why we did not need a catch-up plan for young people, why it was not necessary to ensure that historical data would not be reused when determining future exam grades, and that we did not need to worry about the financial impact of some of the decision-making powers that were being used, because any future Government would, of course, go out of its way to ensure that students were well supported.

I do not believe that we can take anyone at their word on those things, partly because of the John Mason principle and partly because we have lived through a recent pandemic in which students and those who were sitting exams were treated exceptionally poorly. At times, the way that some of the decisions were handled bordered on heartlessness.

Without being unkind, I think that the Deputy First Minister’s biggest mistake during the pandemic was to allow the chaos around the first set of examinations. Young people have gone on, whether to further study or into the world of work, feeling scarred and let down by that process.

Michael Marra (North East Scotland) (Lab): Does the member agree that, if we are genuinely to see a recovery from the pandemic, we need a

proper analysis of what has happened in our schools and of the impact on young people? Does he agree that that should be accompanied by a proper recovery plan and not just a restatement of previous policies, with people being told that they can now address the even greater needs that are presenting themselves post-pandemic?

Oliver Mundell: The member is absolutely right. As we have seen, the response, the resource and the general commitment from the Government towards education do not match the scale of the challenges that are faced by our young people. This is obviously not something for this debate, but the past 15 years have not been Scotland's greatest in terms of education. In the past period, the Scottish National Party Scottish Government has been found wanting. At times, it has treated teachers and young people themselves with disdain, dismissing their concerns and saying that existing resources are enough. It has told us how fantastic it is that it has brought in new teachers, but, every time it restates that, it fails to mention that they are just replacing the teachers that it cut—the teachers who were missing during the pandemic, which put our schools under such pressure.

It is important that the bill speaks to those challenges. The very least that our young people deserve is a commitment in the bill, which will be enshrined in law, that they will not be treated badly or disadvantaged by the use of the powers.

I am not expecting an awful lot here. There is one amendment in the group on which I have been able to work with the Government. Amendment 12 proposes a very modest reporting mechanism whereby we will at least know in 12 months' time how the Government is getting on with delivering electronic devices. I am hopeful that it will be well ahead of target on that. There are many parts of the country where local authorities and others have managed to get devices out to young people, but the fact that we are now two years on from the start of the pandemic and there are young people who still cannot properly access remote learning is a disgrace.

I move amendment 44.

John Swinney: The measures that are set out in amendment 44 would cut across the statutory obligations of the Scottish Qualifications Authority. As I noted at stage 2, the SQA worked closely with partners during the pandemic to ensure that young people were able to achieve fair and credible grades in spite of the disruption caused by Covid. That included informing them of decisions on the timing of the return to an examination diet, with appropriate notice of such decisions taking into account public health advice at the time.

Oliver Mundell: In retrospect, when the Deputy First Minister looks back at that period, does he feel that he got things right? Were mistakes made? Do young people not deserve to know that they will be protected from that in the future?

John Swinney: I have been absolutely candid with Parliament about the mistakes that were made in the SQA exam diet in 2020. If Mr Mundell wants to use the opportunity of the bill going through Parliament to revisit that, I am quite happy to do that, because, in all honesty, I took the best decisions that I thought were available to me on the evidence that was in front of me. I respected an independent examination authority that was undertaking the assessment and adjudicating that process.

I did not think that it was right for ministers to circumvent the law and take away an independent exams body's responsibility; that was the judgment that I arrived at. I point out that that was the judgment that the secretary of state in England, the minister in Wales and the minister in the north of Ireland arrived at. I did not take a unique decision—I just respected the law. I am a great believer in respecting the law, which is what we have been talking about for a large part of this afternoon.

16:45

If Mr Mundell wants to use today as an opportunity to poke away at me about 2020, I have been completely candid with Parliament about the difficulties that I faced in 2020, and I faced up to the challenge that came from his colleagues. Thanks to consideration in Parliament, those challenges were addressed by the way that we responded to the challenges that young people faced, and we addressed them into the bargain.

Michael Marra: Does the Deputy First Minister recognise the impact of the decisions that he took and that part of the purpose of the amendments in this group is to talk about that impact and make sure that there is appropriate resource and redress for young people, to ensure that they can recover from the situation, instead of just a restated set of SNP policies that predated the pandemic?

John Swinney: That is where Mr Marra and Mr Mundell are joined at the hip in making the same argument by, in essence, running down Scottish education. [*Interruption.*] I am sorry, but here we are—the joint runners-down of Scottish education are at it again, and I will not have that this afternoon. There is enormous strength in Scottish education, but the Labour Party and the Conservatives are totally belittling it on a constant basis, and they do no service to young people or educators.

Mr O’Kane is wagging his finger at me, so let me wag my finger back at him. He was involved in a local authority that presided over a good record on education, so why is he ashamed of East Renfrewshire Council’s record when he makes his contributions here, in Parliament?

Alex Rowley: The reality is that the figures for Fife have gone backwards, the attainment gap has got wider and the number of children who are accessing the sciences has gone down. When I speak to the leader of Fife Council, he tells me that all of that is a direct result of Covid and that progress was being made up until then.

We need to look at the figures in more detail, but the point is that I am more interested in what the recovery plan for education will be, and tackling those issues and problems. It is not about blame; it is about asking what we will do to recover from what was undoubtedly a severe impact on children’s education.

John Swinney: Mr Rowley expresses the challenge in a fundamentally different way from how Mr Mundell and Mr Marra expressed it. Mr Rowley puts his finger on the point that is at the heart of the Government’s Covid recovery strategy, which is that inequality existed at the start of Covid and was exacerbated by Covid. The Government’s Covid recovery strategy, of which the educational strategy is an integral part, is all about addressing the challenges that existed for people as a consequence of Covid.

Willie Rennie: That does not address the central point that Mr Marra made, which is that if there is a new strategy to deal with the exacerbated effects of the pandemic, why is there no new SNP policy?

John Swinney: The SNP policy is about closing the poverty-related attainment gap. I have just addressed that point in response to Mr Rowley. He made the point that inequalities existed pre-Covid, and the attainment challenge is all about addressing that inequality.

Obviously, if we had a greater range of powers to enable us to tackle poverty more effectively in Scotland—beyond the measures that we are already taking, such as the Scottish child payment, which of course the Conservatives, the Labour Party and the Liberal Democrats all voted against in the most recent budget—our task might be made slightly easier as a consequence.

Stephen Kerr: Will the member give way?

John Swinney: I ask Mr Kerr to forgive me; I have given way a number of times.

The measures that are set out in amendment 44 cut across the collaborative approach that was implicit in the work of the SQA and, at this stage, we do not want to pre-empt future legislation on

the SQA’s successor or any outcomes from Professor Hayward’s review of the future qualifications system for Scotland.

Stephen Kerr: Will the member give way on that point?

John Swinney: Okay, if I must.

Stephen Kerr: In his earlier party piece—forgive me for calling it that—the Deputy First Minister accused us of—*[Interruption.]*

John Swinney: Does the member want to make a point?

Stephen Kerr: Yes, I do want to make a point—without the personal abuse from members on the Deputy First Minister’s benches.

On what the Deputy First Minister said earlier about Conservative and, indeed, Labour members running down Scotland’s education, is he mindful of the fact, in the context of what he has said, that the Ken Muir report called for a national conversation and debate about Scottish education? If, every time someone in the chamber stands up to make a cogent point in relation to that national conversation, they are accused of running down education, we will not get very far.

John Swinney: Of course, I am all for a debate about Scottish education, but let us recognise the strength of Scottish education. A record number of young people are going into work, further education, higher education, training or voluntary placements as a consequence of the strength of our education system. Why cannot people such as Mr Kerr celebrate that achievement? Why cannot they come here and say something positive about Scottish education for one minute rather than—whether it is Mr Kerr, Mr Mundell or any of the others among them—belittling the achievements of Scottish education? That is an insult to the teaching staff of Scotland and to the fine young people in our schools.

In my view, amendment 46 would frustrate the effective implementation of regulations in a public health emergency. The implementation of any regulations cannot be contingent on the actions of relevant managers of student accommodation, who will be required to comply with such regulations. The regulations themselves can make provision to ensure that students are to be provided with necessary support.

Throughout the pandemic, we worked in partnership with stakeholders to produce guidance for the safe operation of student accommodation and the support of students staying in that accommodation. That would be our preferred approach in any future public health emergency.

Amendment 48 would require ministers to set out plans for providing additional financial support

to students. During the Covid pandemic, we provided substantial support to students, including more than £96 million via hardship funding, digital access support and mental health support, and for student associations. We also worked with stakeholders, including student representatives, to ensure the continued welfare and safety of students. By taking that non-legislative and broader approach, we can ensure that any additional support for students is appropriate to the circumstances at the time and includes non-financial support where appropriate.

On amendment 53, there is already flexibility for individual applications to be made to the education authority for pupils to repeat a year, and those applications are assessed on their merits.

In a completely uncharitable comment, Mr Mundell said, in speaking to the previous group of amendments, that it had to be the Government's way or no way at all. Amendment 12 proposes reporting on readiness for remote learning. I have further considered that proposal following stage 2. The amendment now places a more proportionate requirement on ministers to publish a report as soon as practicable after 31 July 2023 on the readiness for remote learning, and thereafter as ministers consider it appropriate. I agree with Oliver Mundell that that would give greater assurance across the education sector. On that basis, the Government is happy to support amendment 12. That demonstrates that we are prepared to listen to arguments from the Opposition when they are decent arguments.

Amendment 64 does not take into account the efforts that educators are making to aid pupils and students as we deal with the effects of the pandemic. It would not help to provide any further legal certainty, and it would place additional burdens on educators across all types of educational institution.

For the reasons that I have given, I invite members not to vote in favour of any of the amendments in the group, with the exception of amendment 12, in the name of Oliver Mundell, on remote learning.

Oliver Mundell: That debate ended up being a bit more heated than I expected. Maybe some of the poking and prodding touched a raw nerve.

I do not need to come to the chamber and run down Scottish education; the cabinet secretary has been doing that, along with his colleagues, for 15 years. When they get started on that, they try to suggest that Opposition parties are criticising teachers and young people.

I want to be very clear: I am criticising the Scottish National Party Government, its poor policy approach, the damage that that has done to young people, and the very difficult job that it

makes for teachers trying to deliver good-quality education in every part of the country. The amendments in my name are important because the SNP Government cannot be fully trusted to deliver on those things in a future pandemic—it looks at the actions that it took during the Covid pandemic and pats itself on the back. That does not match up with the experience of young people and their families, who found that the support offered was often just not good enough.

The Presiding Officer (Alison Johnstone): Mr Mundell, do you wish to press or withdraw amendment 44?

Oliver Mundell: I want to press the amendment, but not move it, if that makes sense.

The Presiding Officer: Do you mean that you are withdrawing it?

Oliver Mundell: Yes.

Amendment 44, by agreement, withdrawn.

Section 9—Regulations on school boarding accommodation

Amendment 9 moved—[John Swinney].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): On a point of order, Presiding Officer. I could not vote. I would have voted yes.

The Presiding Officer: Thank you, Ms Robison. We will ensure that your vote is recorded.

Edward Mountain: On a point of order, Presiding Officer. The robust voting system robustly refused to let me access it. I would have voted yes.

The Presiding Officer: Thank you, Mr Mountain. We will ensure that your vote is recorded.

The Minister for Public Health, Women's Health and Sport (Maree Todd): On a point of order, Presiding Officer. I could not connect to the voting app. I would have voted yes.

The Presiding Officer: Thank you, Ms Todd. We will ensure that your vote is recorded.

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): On a point of order, Presiding Officer. I was not connected to the voting app. I would have voted yes.

The Presiding Officer: Thank you, Mr Matheson. We will ensure that your vote is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (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)
 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 is: For 93, Against 19, Abstentions 0.

Amendment 9 agreed to.

Amendment 45 moved—[Oliver Mundell].

17:00

The Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 50, Against 61, Abstentions 0.

Amendment 45 disagreed to.

Section 10—Regulations on student accommodation

Amendment 10 moved—[John Swinney].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (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)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Presiding Officer: The result of the division is: For 94, Against 19, Abstentions 0.

Amendment 10 agreed to.

Amendment 46 not moved.

Amendment 47 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)

Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 48, Against 63, Abstentions 0.

Amendment 47 disagreed to

After section 10

Amendments 48 to 50 not moved.

Section 11—Compliance and enforcement

Amendment 51 not moved.

Amendment 52 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 51, Against 62, Abstentions 0.

Amendment 52 disagreed to.

After section 11

Amendment 53 not moved.

Section 12—Procedure for regulations

The Presiding Officer: Amendment 54 has already been debated with amendment 29. Does Stuart McMillan wish to move or not move amendment 54?

Stuart McMillan: I will not move amendment 54.

Graham Simpson: I wish to move amendment 54.

Amendment 54 moved—[Graham Simpson].

The Presiding Officer: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

Carol Mochan (South Scotland) (Lab): On a point of order, Presiding Officer. I am not sure whether my vote registered. The app says that there was an error. I would have voted yes.

The Presiding Officer: I can confirm that your vote was recorded, Ms Mochan.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 51, Against 63, Abstentions 0.

Amendment 54 disagreed to.

Amendment 55 not moved.

After section 12

Amendment 56 not moved.

Section 12A—Regulations: public health declarations

Amendment 57 not moved.

Section 12B—Regulations: further provision about public health declarations

Amendment 58 not moved.

Section 13—Review of regulations

Amendments 59 and 60 not moved.

Amendment 61 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 61 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)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
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 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
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 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 50, Against 64, Abstentions 0.

Amendment 61 disagreed to.

After section 13

Amendment 11 moved—[John Swinney]—and agreed to.

17:15

The Presiding Officer: Amendment 12 was debated with amendment 44. Does Oliver Mundell wish to move or not move amendment 12?

Oliver Mundell: I will not move amendment 12.

John Swinney: I wish to move amendment 12.

Amendment 12 moved—[John Swinney]—and agreed to.

Amendments 62 to 64 not moved.

Section 14—School consultations: meetings and documents

Amendment 65 moved—[Oliver Mundell].

The Presiding Officer: The question is, that amendment 65 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)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
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 Mochan, Carol (South Scotland) (Lab)
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 Stewart, Alexander (Mid Scotland and Fife) (Con)
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 Wells, Annie (Glasgow) (Con)
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 Matheson, Michael (Falkirk West) (SNP)
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 Roddick, Emma (Highlands and Islands) (SNP)
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 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 50, Against 64, Abstentions 0.

Amendment 65 disagreed to.

Section 28—Mental health: removal of need for witnessing of signature of nominated person

The Presiding Officer: Group 5 is on mental health: named persons. Amendment 3, in the name of Murdo Fraser, is grouped with amendment 4.

Murdo Fraser: The two amendments in the group relate to an issue that arose during the COVID-19 Recovery Committee's scrutiny of the bill. The background is that the Mental Health (Care and Treatment) (Scotland) Act 2003 provides for a named person to be appointed to support someone who is subject to compulsory powers—for example, someone who is detained in hospital or is subject to a compulsory treatment order. As the law stands, the signature of the named person accepting the appointment must be witnessed by a suitably qualified professional, with the intention that the responsibilities of being a named person should be explained to that person.

Section 28 of the bill removes that requirement. That is a welcome change that is supported by stakeholders and all those from whom the committee took evidence. However, the committee also heard in evidence a concern that a named person could be appointed under the new procedure without having a full understanding of the role and the responsibilities that are involved. When we took evidence, Dr Arun Chopra, from the Mental Welfare Commission for Scotland, and Dr Roger Smyth, from the Royal College of Psychiatrists in Scotland, agreed that a named person should have to declare that they understand their role. Amendment 3 would require a named person to declare that they understand the role, duties, rights and responsibilities of being a named person.

Amendment 4 is a complementary amendment that requires the Scottish Government to issue guidance to named persons so that they are aware of their responsibilities. The fact that there will not be a person witnessing a named person's signature leaves a lacuna, which is why it is important that the matter be addressed. When we discussed the issue in the committee, there was a unanimous view from committee members that it should be addressed in the bill, and a unanimous recommendation in our stage 1 report. Accordingly, I hope that these very reasonable amendments will have members' support.

I move amendment 3.

John Swinney: Amendment 3 proposes that a nominee should declare that

“they understand the role, duties, rights and responsibilities”

that are associated with becoming

“a named person”.

However, mental health legislation does not provide specific duties for named persons, as they vary in each case.

Current legislation already places duties on mental health officers that direct them to seek out, and talk to, a named person, so the potential for a person not to understand the role is minimal. In addition, the statutory code of practice is clear that it would be best practice for the mental health officer, or any other practitioner, to ensure that the nominee is provided with information about the role in a form that is helpful to them. That role will not change.

Legislation only places a statutory duty on a “prescribed person” to act as a witness to the nominee's signature—nothing else. They are not required to explain the role to the nominee. The checking that a person understands that they have been nominated and that they wish to accept the role is a separate process, which a range of professionals can undertake. The change that amendment 3 proposes would extend the reach of that provision and would be difficult to verify, and it offers no new safeguard.

Amendment 4 would require the Scottish ministers to publish guidance on named persons. That guidance is already available and we are revising its content, in partnership with key stakeholders including the Mental Welfare Commission for Scotland.

Given the position that I have just set out, the suggested stage 3 amendments are not required and could actually be unhelpful, as they would introduce more procedure before a role supporting a patient takes effect.

Our intent is to remove a requirement that is currently experienced as disproportionately bureaucratic and might even be a disincentive to taking up the role. I believe that amendments 3 and 4 would take us backwards and so, although I understand the motivations behind them, I ask Murdo Fraser to accept the assurances that I have placed on the record, and not to press the amendments in section 28.

The Presiding Officer: I call Murdo Fraser to wind up and to press or withdraw amendment 3.

Murdo Fraser: I thank the Deputy First Minister for his explanation. I listened with great interest to

the points that he made. The committee sat in evidence sessions and heard compelling evidence from the experts who came before us as to why amendments such as these would be advantageous. Therefore, I am minded to press amendment 3.

The committee was unanimous in its view that these amendments were required. I was very surprised therefore that, when it came to discussing the point at stage 2, the three SNP members of the committee decided to vote against their own recommendation at stage 1—some would call that behaviour flip-flopping. Those members now have the opportunity to flip-flop back into the right place. I urge them at least to support amendments 3 and 4.

I press amendment 3.

The Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

Pam Gosal (West Scotland) (Con): On a point of order, Presiding Officer. I could not get on to my app. I would have voted yes.

The Presiding Officer: Thank you, Ms Gosal. We will ensure that that is recorded.

Brian Whittle: On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr Whittle. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
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 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
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 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
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 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
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 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
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 McMillan, Stuart (Greenock and Inverclyde) (SNP)
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 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
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 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)
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 Stewart, Kevin (Aberdeen Central) (SNP)
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 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 46, Against 58, Abstentions 0.

Amendment 3 disagreed to.

Amendment 4 moved—[Murdo Fraser].

The Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
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 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
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 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (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)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 47, Against 62, Abstentions 0.

Amendment 4 disagreed to.

**Section 33—Private residential tenancies:
discretionary eviction grounds**

The Presiding Officer: Group 6 is on tenancies: eviction grounds. Amendment 66, in the name of Edward Mountain, is grouped with amendments 5, 67 and 68.

Edward Mountain: I remind the Parliament at the outset of my entry in the register of members' interests. For clarity, I state that my family farming business includes rental properties. The rental income from those properties is critical to the financial security of the core agriculture business. I also remind members that I spent 20 years as a qualified rural surveyor, working in the housing sector, which gave me an in-depth knowledge of the Housing (Scotland) Act 1988, the Rent (Scotland) Act 1984 and the Private Housing (Tenancies) (Scotland) Act 2016.

Over the years, there has been a move towards increasing protection of the tenant, which I believe should be broadly welcome. The difficulty, of course, lies in finding the balance between the owner of the house and the tenant, ensuring that the legislation is equitable for both.

The 2016 act changed the balance in favour of the tenant, whose rights have become more defined, with their position given further protection. Not all private landlords welcomed the 2016 act but those who welcomed it did so on the basis that it retained some mandatory grounds and discretionary grounds for ending a tenancy. That would be changed under the bill.

17:30

We need to remember that there are 360,000 rented properties in Scotland, which is about 14 per cent of the total housing stock. We all recognise that housing is in short supply and that we need to keep as many houses as we can available for long-term occupancy. It should worry us that research published by Propertymark shows a 50 per cent reduction in the number of rental properties between 2019 and 2022. It attributes that decline to the 2016 act. Members should be under no illusion: fewer rental properties results in increased rents and increased pressures on social housing, both of which I would like to be avoided.

The pandemic rightly resulted in short-term changes to the way in which we lived our lives. It was right that those included the suspension of the mandatory grounds for landlords to regain possession of rental properties. However, we are past that now, and careful consideration needs to be given to determining what changes should remain.

At stage 2, I challenged the Government's approach to each of the mandatory grounds for ending a tenancy in the 2016, 1988 and 1984 acts respectively. I thank Mr Swinney and Mr Harvie for engaging with me since then. Members will be happy to know that I do not intend to repeat that process, as it would have led to 40-plus amendments rather than the three that I have lodged in this group. However, I will consider briefly each of the key mandatory grounds that will be changed from the 2016 act.

The main grounds for house owners to take back possession of their houses are: to live in the house themselves; to allow a family member to live in the house; to sell the house with vacant possession; to allow the lender to sell the property if it is foreclosed on; to refurbish the property; to facilitate change of use; or to allow the property to be used for religious purposes. If the property is empty and not being used by the tenant, or if there are rent arrears of three months or more, the landlord can also get it back. Further reasons for that to happen are if the property was let as part of an employment contract and if there is a breach of the tenancy agreement.

I will pick up on the points that Mr Swinney and Mr Harvie deployed to counter my position at stage 2. Mr Swinney said that house owners have to apply to the First-tier Tribunal for Scotland housing and property chamber to get possession of their houses. That is currently done on mandatory grounds and the tribunal has to grant possession. He states in his letter to me that the number of hearings by the First-tier Tribunal is limited and that most cases are resolved outside the tribunal process. However, we know that 77 per cent of first-tier hearings relate to rent arrears, so all the other grounds of possession are relatively minor. Therefore, there is little or no need to change those mandatory grounds to discretionary ones.

Mr Harvie stated that he wanted to protect the right of the tenant to live in a home, but he was unable to explain at what cost to the home owner. In relation to cases in which the owner or a family member wants to live in the house, where tribunals have shown that there is not a major disagreement, Mr Swinney's argument for making that a discretionary ground falls. Mr Harvie's argument also stumbles, because putting the tenant's rights before the owner's right to live in the house that they have bought and that they look forward to living in is, perhaps, disingenuous.

That is also the case when the property is required for sale with vacant possession. As a surveyor, I can tell members—this is a fairly accurate generalisation—that, if properties sell without vacant possession, they achieve only about 50 per cent of their value. Therefore, Mr Harvie's proposal to remove that mandatory

ground adversely affects the owner's ability to recoup the real value of the property.

The bill claims to be a Covid recovery bill but, in the case of tenancies, I do not believe that it is. How can a bill that prevents an employer from being able to house an employee be considered as recovery? Remote and rural businesses will be devastated if they cannot use the houses that they have purchased for their workers when previous employees refuse to move out of them.

What happens when the Government's wish to achieve energy performance certification for all houses across Scotland is driven forward? I do not think that that is feasible, but, if home owners cannot get vacant possession of their properties to do the works that they can afford to do, the target will be wildly missed. In my mind, it is an example of Mr Harvie shooting himself in the foot and paying lip service to climate change.

Before I finish speaking on the grounds for ending tenancies, I will briefly consider rent arrears. Rents often fund other activities, including mortgages, so loss of rental income might result in a mortgage default and repossession. That will definitely happen if it takes nine months or more to resolve an issue and it has to go through a tribunal process, which, prior to the pandemic, was taking at least eight months.

The Government should also not forget how important rents are to Scotland and how they generate income for the Government. Rental income is added to all other income and tax is paid on it at the rate of the other income, so the Government misses out if rent is not paid and properties are not let. All that shows how wrong the proposals are and why my amendments should be agreed to.

The proposals to reform tenancies are opportunistic. If the Government was serious about addressing the issue, it would have dealt with it in a housing bill. Indeed, one has been promised, but no date is known. Only yesterday, Mr Harvie told me that it would be introduced early in the current parliamentary session, so where is it? If the Government had prioritised the issue, it would have started consulting tenants, home owners and landlords, but I do not believe that it has done that.

I must make clear that the bill retrospectively changes the law, which the Parliament should not do lightly. If agreements are reached and both parties have signed up to them, rewriting them and disadvantaging either side is not reasonable or fair.

I clarify that my amendments 66, 67 and 68 seek to remove the proposed changes to the Private Housing (Tenancies) (Scotland) Act 2016, the Housing (Scotland) Act 1988 and the Rent

(Scotland) Act 1984. For aficionados of those acts, I should also clarify that I know that the grounds for getting vacant possession are slightly different under each act, but, as much as I would like to go into further detail on why it differs, I suspect that that would appeal to a niche audience only, and I do not see that in front of me.

I seek the support of the Parliament for my amendments. I ask it not to make bad legislation by changing law retrospectively, and to do the right thing by introducing new law in the form of a housing bill that is consulted on properly, which is not the case with the bill.

I move amendment 66.

Murdo Fraser: I agree with the points that Edward Mountain has made about his amendments. When the committee considered the issues at stage 2, it received a joint submission from Scottish Land & Estates, NFU Scotland, the Scottish Association of Landlords and the National Trust for Scotland. All the organisations made significant points about the unintended consequences of the bill.

Scotland has and benefits from a vibrant private rented sector. That is important, because not everyone wants to purchase property and not everybody has access to or wants to live long term in social rented accommodation. Some people want to use the private rented sector because they are living in a location for a short period of time, perhaps due to a work contract. They might be young people who know that they are not going to live in a place for 10 or 20 years and want to flat share with others. We need to have private rented accommodation available, and we need to make that attractive for landlords, as well as to provide reasonable protections for tenants.

The concern, which we have heard from Edward Mountain and many stakeholders, is that what is proposed in the bill does not strike the right balance between the interests of landlords and the interests of tenants. If we shift the balance too far, landlords will simply remove themselves from the market, which will reduce the supply of private property that is available to let. The knock-on effect of that will be that people who want to access property in that market cannot find accommodation, which is a serious unintended consequence that we should be concerned about. I support Edward Mountain's amendments.

My amendment 5 is a much more narrowly drawn amendment, which intends to tackle a specific issue in relation to rural communities. We know that housing in rural communities, particularly in remote areas, is often in short supply. It is important that rural businesses have access to suitable accommodation for those whom they employ.

The purpose of amendment 5 is to ensure that there is a mandatory eviction ground for a landlord who owns property as part of a rural business, such as a farm or a forestry business, and who might wish to recover possession of that property to provide accommodation for an employee who could otherwise struggle to find anywhere to stay.

We know from experience that, in many rural areas—particularly in remote areas—if accommodation is not offered alongside employment, it is simply not practical for people to take up the offer because there is no accommodation available and nowhere for them to stay.

Amendment 5 seeks to protect a rural business or employer who wants to create employment and provide accommodation to go along with it for their employee. My concern is that, if we do not put such a provision in the bill, there might be unintended consequences. For example, rural landlords who are looking ahead to expand their business, or to replace employees who may leave, might want to have a property available for a future employee. That landlord might decide that it is not worth taking the risk of letting that property if they cannot guarantee that possession will be recovered at the end of the tenancy. The consequence of that is that properties will lie empty, which is a negative unintended consequence for two reasons: the business loses a supply of income, and it cannot be in the interests of public policy that we have much-needed properties lying empty when they could be made available to accommodate families and others.

Amendment 5 is moderate and sensible, and it was supported at stage 2 by NFU Scotland and Scottish Land & Estates. To me, it provides a sensible balance in protecting the interests of rural communities, and I am pleased to put it forward.

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): I am afraid that amendment 5, in the name of Murdo Fraser, and amendments 66 to 68, in the name of Edward Mountain, fundamentally go against the principles of the bill.

I will first talk about Mr Mountain's amendments 66 to 68. Like his amendments at stage 2, these amendments seek to remove the provisions that make all grounds for eviction discretionary. That would mean that the tribunal would be obligated to order eviction in certain circumstances. Where the eviction ground would be mandatory, the tribunal would not be able to assess whether eviction was reasonable, and it would be prevented from taking the circumstances of both the landlord and the tenant into account, including the circumstances that both Mr Fraser and Mr Mountain described in the examples that they mentioned.

Both members say that they want us to find the right balance between the interests and the rights of landlords and of tenants. As we set out at stage 2, the tribunal is the correct place to balance the rights of both parties when deciding whether an eviction is reasonable in the circumstances. The tribunal cannot arrive at a decision that is incompatible with the convention rights of either party in determining whether an eviction order should be granted. Our view, as fully endorsed by the Local Government, Housing and Planning Committee, is that the position under the temporary legislation should be continued so that all grounds for eviction remain discretionary.

Mr Fraser's amendment 5 is essentially the same as his amendment on this topic at stage 2. The Government remains of the view that the amendment is not appropriate for a number of reasons. It seeks to create a further mandatory ground for eviction where a landlord seeks to recover possession of a property in order to rent it to an employee. There are already existing grounds to enable a landlord to evict a tenant from a property that is occupied for the purposes of employment where the tenant is no longer an employee. The eviction ground that is being proposed here is also open to abuse, particularly due to its mandatory nature—one employee could find themselves evicted in favour of another.

Jamie Greene (West Scotland) (Con): Is the minister going to address the issue of Covid? This is a Covid bill, but nowhere in his responses to any of the amendments so far have I heard that word.

Although important, those sound like wide-ranging issues that are relevant to the housing market. They should be dealt with in separate legislation, in order to give them due consultation and scrutiny, rather than trying to squeeze them into legislation that seeks only to extend temporary measures in a pandemic. We do not know when pandemics start and end in relation to the law.

17:45

Patrick Harvie: As the Deputy First Minister has said on several occasions, the purpose of the bill includes looking at measures that were brought in on a temporary basis during the pandemic, in the emergency legislation, and determining which of them has longer-term value and should be made permanent. We have reached the view that those measures have proved their worth and should be made permanent.

As was said at stage 2, when the 2016 act was brought in, there was a commitment to a review of all the grounds for repossession after five years, and that period ends in December this year.

I have already confirmed that commitment, and we will ensure that key stakeholders are consulted

in the development of that work. It is right for us to fully consider the grounds for eviction together in a coherent way.

For all the reasons that I have set out, I urge Mr Fraser not to move amendment 5, so that all grounds for eviction can be reviewed together in the months ahead. I also urge Mr Mountain not to press amendment 66 and not to move amendments 67 and 68, because tribunal discretion enables the circumstances of landlords and tenants to be taken into account. If those amendments are moved, I urge members to reject them.

The Deputy Presiding Officer: I call Edward Mountain to wind up, and to press or withdraw amendment 66.

Edward Mountain: There are a few points in those statements that I found really interesting. Mr Greene's point that those issues are about housing and not Covid is particularly appropriate.

Perhaps the minister would like to address the issue that, during the pandemic, money was made available to cover tenancy rent shortfalls for both the tenant and the landlord. I assume that, as the Government is running the eviction measure forward, that money will continue to run forward. It would only be equitable to do that. I am happy to give way to the minister if he wants to answer that question.

Patrick Harvie: I am happy to do so, but, like Mr Greene, Mr Mountain is perhaps conflating the measures that were necessary on an emergency basis during the pandemic with the separate question of which of the changes that were introduced in the emergency legislation have proved to be of on-going worth and should be made permanent.

Particularly in relation to housing policy, the Scottish Government has repeatedly said that we want to close the gap in outcomes between the social and private rented sectors. We believe that making permanent the measures that were brought in through emergency legislation is an appropriate decision to bring to Parliament. Those measures had already proved their worth for many years in the social rented sector and, in the past couple of years, have proved their worth in the private rented sector.

Edward Mountain: I am not sure that the minister answered the question about whether the Government is rolling forward a measure without rolling forward the funding for it. The Government is rolling it forward because of Covid but not saying that it is because of Covid.

Murdo Fraser was also right in his comment. It is about addressing the balance. I do not need to remind members in this chamber about the

importance of rural housing and housing across Scotland. It is not good to see our housing stock being reduced. Members should not forget that the number of rented properties—360,000 homes or 14 per cent of our housing stock—has already been reduced as a direct result of the 2016 act.

Again, Mr Fraser made an interesting point on rural issues. The rural housing problem is well known to those of us in rural constituencies. It is really difficult to find a house. I do not need to give an example, but I will give one anyway. In the region that I represent, there is a business that would expand drastically, but it cannot do so, because it cannot find enough housing. Those are the issues that we need to address.

In addition, I do not understand the research that has been done to support the Government's position. Let us talk about the 1984 act. When was the last tenancy from the 1984 act? It is a bit of a rhetorical question, but it would have been in 1988. Anyone can work out that the chances of 1984 act tenancies being around are very slim and almost nil, because they would have expired by this stage.

Finally, I think that the big mistake with this section is that we should instead have brought forward a housing bill. I support bringing forward a housing bill—I want to have that debate. However, to change things midway through, and say that you are going to review the grounds at the end of the year when you have changed them now, really is disingenuous.

I press amendment 66.

The Deputy Presiding Officer: The question is, that amendment 66 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Maree Todd: On a point of order, Presiding Officer. I am unable to connect to the app. If I were able to connect, I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Todd. I will ensure that that is recorded.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Cole-Hamilton. I will ensure that that is recorded.

Foyso Choudhury (Lothian) (Lab): On a point of order, Presiding Officer. It is the same here—I could not connect. I would have voted no.

The Deputy Presiding Officer: I will make sure that that is recorded.

As a general comment, though, it would be helpful if members were in the chamber slightly ahead of the end of the vote, which might ensure that they do connect to the app—but I will pass no judgment this time round.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 24, Against 86, Abstentions 0.

Amendment 66 disagreed to.

After section 33

Amendment 5 moved—[Murdo Fraser].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

The Deputy Presiding Officer: I call Ruth Maguire, who is online.

Ruth Maguire (Cunninghame South) (SNP): On a point of order, Presiding Officer. I lost connectivity there; I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Maguire. 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)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 28, Against 85, Abstentions 0.

Amendment 5 disagreed to.

Section 34—Assured tenancies: discretionary eviction grounds

The Deputy Presiding Officer: I call amendment 67, in the name of Edward Mountain, which has already been debated with amendment

66. Edward Mountain, do you want to move or not move the amendment?

Edward Mountain: There is no point in my moving amendment 67 if the current law is not being amended. I will not move amendment 67 or amendment 68.

The Deputy Presiding Officer: I have to call both amendments in turn, Mr Mountain, but thank you for your attempt to be helpful.

Amendment 67 not moved.

Section 35—Tenancies under the Rent (Scotland) Act 1984: discretionary eviction grounds

Amendment 68 not moved.

After section 37B

The Deputy Presiding Officer: We move to group 7, on tenancies: expiry and reform of law. Amendment 69, in the name of Edward Mountain, is grouped with amendments 70 and 71.

Edward Mountain: The chamber has filled up and some members might have missed what I said earlier. I am happy to repeat some of it, but I will keep my comments reasonably brief.

Amendments 69, 70 and 71 try to get the Government to focus its mind and be honest about its intention. It is my opinion that retrospectively changing legislation is not a good way to do business. Indeed, it is lazy, if proper consultation and, better still, post-legislative scrutiny have not been carried out. This Parliament has an appalling track record when it comes to post-legislative scrutiny. Although the fault might lie at the door of committees, it is unarguable that that is the case.

Only yesterday, Mr Harvie said that the Government intends to introduce a new housing bill in the Parliament. As yet, we have seen no sign of that bill. That is not unusual. The previous session was littered with promised bills that did not happen, such as the crofting law reform bill, the inshore fisheries bill and the good food nation bill, to name but three. We need to understand when the Government will introduce the new tenancy and housing bill.

Mr Harvie said that he could not support amendments because a new pandemic might come along. If that happened, I would understand why legislative targets were missed, but that is an excuse. It is pure political dissembling.

Amendment 69 would place an obligation on the Government to introduce in the Scottish Parliament, by 1 October 2024, a bill to reform private housing tenancy law. As that date is two thirds of the way through this session, my amendment would ensure that the bill would go

through the parliamentary process by the end of the session. It is a simple ask, which meets Mr Harvie's stated timescales, to which he does not seem able to commit. The Parliament should force his hand and make the Government honour its principles and the promises that it made about the proposed bill.

Amendment 70 provides for a sunset provision to come into force if the Government agrees to amendment 69 and reverses the changes to the mandatory grounds in the Coronavirus (Recovery and Reform) (Scotland) Bill. It is just another way of focusing the Government's mind on the day job. I will not move amendment 70 if amendment 69 is not agreed to—indeed, amendment 70 does not have to be agreed to if amendment 69 is agreed to; that might be acceptable to other parties in the Parliament.

Amendment 71 provides for a sunset provision on all part 4 changes, with a date of June 2024. Again, the aim is to focus the Government's mind on the bill that it promised to deliver without saying how and when. Agreeing to amendment 71 would demonstrate proper parliamentary procedure in holding the Government to account. I understand why the Government might object, but it is for non-Government parties such as mine to keep the Government focused on what it is doing. Amendment 71 would do just that.

I move amendment 69.

Patrick Harvie: Amendments 70 and 71, in the name of Mr Mountain, appear to have the same ultimate effect as amendments 66 to 68 in the previous group, by expiring part 4 of the bill in June 2024. Amendments 66 to 68 would have reinstated mandatory eviction grounds now; amendments 70 and 71 would do that too, but at a later date.

Therefore, the arguments that were made against amendments 66 to 68 also apply here. Part 4 of the bill ensures that tenants are not evicted unreasonably; it also ensures that all the circumstances of the case—those relating to the tenant and those relating to the landlord—can be considered by the tribunal in any eviction proceedings.

18:00

Part 4 of the bill also introduces the pre-action protocol as a permanent measure, which is intended to assist landlords and tenants. I am aware of Mr Mountain's concerns regarding those provisions applying to existing tenancies. The provisions only change the law for future eviction proceedings. The Scottish Government considers that that is a proportionate approach that is designed to prevent the unreasonable eviction of tenants.

As well as seeking to remove that reasonableness test and the protocol, Mr Mountain has lodged amendment 69, which seeks to oblige the Scottish ministers to introduce primary legislation to reform the law on residential tenancies, but without specifying what aspects should be reformed. Creating a duty in primary legislation to enact future unspecified primary legislation is a very unusual approach, and it is not one that has normally been adopted by Parliament.

As was reaffirmed to Mr Mountain at stage 2, and as I said to him in a meeting this week, the Government has already committed to legislation to reform the law on residential tenancies, which will deliver a new deal for tenants. Mr Mountain's amendment 69 is therefore completely unnecessary.

For that reason, I urge Mr Mountain not to press amendment 69 and not to move amendments 70 and 71 and, instead, to work with us as we move forward with our commitment to examine the current private rented tenancy regime over the course of this session of Parliament, building on the constructive discussions that we have had only this week.

The Deputy Presiding Officer: I call Edward Mountain to wind up, and to press or withdraw amendment 69.

Edward Mountain: It does not surprise me that the Government is shying away from agreeing to a timescale for its tenancy reform bill, which is all that I am trying to achieve. Not to do so, and to simply say that it is going to review at the end of the year the situation regarding mandatory and discretionary tenancy grounds is not helpful.

I say to the minister that if he is going to force more people to go through the First-tier Tribunal process—there is an argument for doing that; I am not saying that it is wrong—it will clog up the system. I would not have a problem with that, if the Government was going to provide more funds to the First-tier Tribunal, but at this stage, as the Government does not even know the full extent of the First-tier Tribunal cases and the length of time that it will take to sort them out, I think that its approach is entirely wrong. Therefore, I will proceed with my amendments, on the grounds that I like to see the Government being held to account.

I press amendment 69.

The Deputy Presiding Officer: The question is, that amendment 69 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 27, Against 83, Abstentions 0.

Amendment 69 disagreed to.

Amendment 70 not moved.

Amendment 71 moved—[Edward Mountain].

The Deputy Presiding Officer: The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (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)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)

Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 86, Abstentions 0.

Amendment 71 disagreed to.

The Deputy Presiding Officer: We move on to group 8, which is on tenancies: rent freeze. Amendment 72, in the name of Mercedes Villalba, is grouped with amendment 73.

Mercedes Villalba (North East Scotland) (Lab): I draw members’ attention to my entry in the register of members’ interests, as I am a member of Living Rent and ACORN tenants union.

My amendments 72 and 73 would provide urgent support for tenants right now by introducing an emergency rent freeze from the date that the bill receives royal assent until 31 December 2024. A rent freeze cannot wait, because we are in the midst of a cost of living crisis that is seeing ever-greater financial pressure being exerted on households across Scotland, and one of the greatest costs facing many households is rent.

Even before the current cost of living crisis, rents across the country were rising at a rate that was increasingly unaffordable for many tenants. In the past year alone, average rents have risen by 8.5 per cent, with much higher increases in Glasgow, Edinburgh and Dundee. That is part of a

longer-term trend, with average rents rising by nearly 35 per cent over the past decade.

John Mason: I totally agree that 35 per cent is unreasonable. However, inflation is at 9 per cent or thereabouts; does the landlord not need to pay more for maintenance and such things?

Monica Lennon (Central Scotland) (Lab): Is the member really on the side of landlords and not his constituents?

Mercedes Villalba: I thank John Mason for his question. I am pleased to hear that he recognises the cost of living crisis and the rising inflation facing workers and tenants across the country—and his constituents. My priority in moving amendments 72 and 73 is to alleviate the pressures on renters. As Mr Mason will find out if he reads the amendments, an exception clause is built in for cases where landlords would face “severe financial hardship”. The amendments are therefore reasonable and account for individual circumstances.

Members will know from contact with their constituents that successive rent hikes are taking their toll on tenants. At stage 2, I shared some tenants’ testimonies with the COVID-19 Recovery Committee, and I would like to share further testimonies with the Parliament today. One tenant who reported a rent hike said:

“Our landlord increased our rent from £1,250 to £1,318 per month to bring it in line with market rates. On top of that, our flat is very poorly insulated and our gas bill has tripled.”

Another tenant explained:

“The landlord increased the rent from £1,760 to £2,400, an increase of £640. The reason he gave was that it’s below current market value. We can’t afford to stay and are looking to move but are struggling to find somewhere else in our budget.”

I believe that the final testimony that I would like to share with members today underlines just how vital it is that we support tenants now. The tenant said:

“My landlord raised my rent from £545 to £688 because he found out that the universal credit limit had been raised.”

The experience of those tenants emphasises that we must tackle rip-off rents if we are to truly build a fair recovery from the Covid-19 pandemic. The Scottish Government, by its own admission, recognises—

Graham Simpson: Will the member take an intervention?

Mercedes Villalba: Yes, I will give way to, er, that man.

Graham Simpson: “That man” thanks Mercedes Villalba for allowing an intervention. What consultation has she done with landlords

groups about the effect of her amendments 72 and 73? Clearly, there is a risk that they could drive landlords out of the market.

Mercedes Villalba: I thank Mr Simpson for his intervention, and I apologise for forgetting his name.

I do not recognise that there will be a loss of housing in the sector. Although private landlords can seek to evict a tenant on the ground that they wish to sell their property, the Coronavirus (Scotland) Act 2020 made that ground of eviction a discretionary one. The bill makes that change permanent, so it would be wrong to assume that a private landlord has an automatic right to sell—the position is actually more complex than that.

Although landlords are currently limited to seeking a rent increase once a year, there is no restriction on the level of increase that they can propose. It is clear that the right of tenants to challenge unfair rent increases is not preventing above-inflation rises. Indeed, in its consultation on “A New Deal for Tenants”, the Scottish Government acknowledged that adjudication has

“not achieved the desired policy outcome.”

That is why tenants need urgent support now, until the Scottish Government brings forward its national system of rent controls, which it promised to do by the end of 2025. Tenants cannot endure up to another four years of rent hikes. An emergency rent freeze is an immediate but temporary measure to support tenants now.

I reassure members that this is not a political stunt, an ill-thought-through proposal or mischief making, and that it is not incompetent or unworkable, as some members have suggested to their supporters. This is a reasonable measure, and it is a minimum measure that enjoys support from tenants and workers, who are bearing the brunt of rent costs now. That is why members have received letters urging them to support the amendments from Scotland’s tenants union, Living Rent, and from the Scottish Trades Union Congress, whose member trade unions represent workers across the country.

Ultimately, we need a national system of rent controls, but we cannot afford to do nothing until then. An emergency rent freeze would provide interim relief for tenants who are struggling with rent costs now.

I move amendment 72.

The Deputy Presiding Officer: A number of members wish to contribute to the debate.

Ross Greer (West Scotland) (Green): The bill makes permanent some vital protections for tenants from eviction that were brought in during the pandemic. Specifically, it removes the

mandatory grounds for granting evictions and it mandates that landlords follow the pre-action protocol before they can start eviction proceedings. Given the importance of those provisions, Scottish Greens cannot support either of the amendments in the group.

18:15

As has been pointed out previously, it is true that, in 2020, the Greens introduced an amendment to the emergency legislation to which this bill refers, proposing a rent freeze. There are two critical differences between that amendment and what is being proposed today. First, at that point, we were at the height of a public health emergency. The European convention on human rights allows for derogation from the article 1, protocol 1 rights in the case of a public health crisis. That allows us to do what would, at other times, essentially be unlawful.

Secondly, at that point, during the first lockdown, the tribunals were closed, and almost no evictions took place. Amendment 72 would be highly likely to lose a court challenge, which would delay the whole bill past the point at which the current temporary but important measures would elapse, and potentially strike down the tenancy section entirely until the issue is rectified.

Mercedes Villalba: Will the member take an intervention on that point?

Ross Greer: My contribution will be very short, so I am sure that the member will be able to respond in closing.

Potentially striking down those protections would not be in tenants’ interests—it would be a backward step. Even if the amendment were to survive challenge, it would incentivise landlords to find legal grounds on which to evict their tenants and then jack up rents. That was not an option that was available to landlords in 2020 because, as I mentioned, the tribunals were closed.

Labour had the opportunity to work with the Scottish Government to bring forward workable amendments, and I regret—

Mercedes Villalba: Will the member take an intervention on that point?

Ross Greer: Yes.

Mercedes Villalba: I did seek to work with the Government. I was met with some support, and an acknowledgement that we were facing an emergency situation and that a cap on increasing rents would benefit renters, but I did not receive any constructive counter-proposals or any suggestions for how I could strengthen or improve the amendments.

Ross Greer: I would be grateful if the member could, in her closing contribution, address my specific points about the European convention on human rights and the potential for the amendments in this group to strike down an entire section of the bill that includes essential protections for tenants.

There are protections already in the bill that we need to preserve. The Scottish Government has already alluded to the fact that further action is coming. It is immensely frustrating that we cannot move more quickly on permanent rent controls, but getting such provisions right in forthcoming legislation means that they would survive the legal challenge that I am sure will be inevitable. There are steps being taken right now, including in the bill, to protect tenants, and I will not let these amendments compromise our ability to deliver on that.

Monica Lennon: I speak in support of amendments 72 and 73, because tenants, including those who live in my Central Scotland region, need urgent protection now. I am grateful to Mercedes Villalba for lodging amendments at stage 2 and for bringing revised proposals to the chamber today, because Government and Parliament should be taking every opportunity to protect tenants. That is what Mercedes Villalba is attempting to do, and thanks to her we all have the opportunity to vote for the workable and proportionate measures in front of us today.

Rent is one of the greatest costs facing our constituents. Renters are among the people who were worst hit by the pandemic, and they are now at the sharp end of the cost of living crisis. I am not sure what world Ross Greer is living in, but I point out to him that the emergency is not over—it is now on steroids.

Ross Greer: Will the member give way on that point?

Monica Lennon: I will continue, if the member does not mind.

The promise of rent pressure zones and rent controls is, of course, welcome. However, action is needed now to protect tenants from the type of rip-off rents that we have heard about from Living Rent's members. I listened carefully to those testimonies at stage 2. It is regrettable that Green members did not bring forward any proposals. They criticise Mercedes Villalba for having a proposal. Where is their proposal?

Ross Greer: Our proposals are what is in the bill, because we were the ones who put the work in, back in 2020, to put in place temporary measures that the bill will now make permanent. I would be grateful if the member could address this point. She says that we are still in a cost of living crisis. I absolutely agree, but the specific crisis that

would, as I mentioned, allow for derogation from the ECHR is a public health emergency.

Can the member explain how we would be able to defend her proposed measures in court, given that we are no longer in a period that would be counted as a public health emergency and we would therefore be breaching the A1P1 rights?

Monica Lennon: Ross Greer is scaremongering. The measures will not contravene the ECHR, and Mercedes Villalba will address that point in more detail when she closes.

An emergency rent freeze is not radical or dangerous; it is reasonable and is the very least that we should be doing to make Covid recovery a reality for tenants.

I rather admired what the Scottish Greens brought to the table back in 2020. Their amendments were good. Amendments 72 and 73 today are very similar, but have been strengthened. Something has happened to the Scottish Greens that should concern us all. The Scottish Greens were invited into Government after proposing those amendments but have somehow managed to lose their way since they entered Bute house. That is indeed worrying.

I read a blog on social media today by the Green MSP Ariane Burgess, who led the charge against universal free school meals just a couple of weeks ago. She says that the amendments are not fit for purpose and talks them down, but she also says that the Greens are "blazing a trail" in Government. I am afraid that it is a trail of broken promises; it is not good enough.

Members have made not unreasonable points in expressing concerns about landlords. Mercedes Villalba has addressed those points. Her amendments are balanced and proportionate. We know that landlords in Scotland cannot evict tenants simply because they want to put the rent up.

Ross Greer might want to think about the comments made today by the anti-poverty campaigner Ashley McLean, who has taken to social media to say:

"As one of the people who helped write the housing section of the @scottishgreens manifesto, I'm hugely disappointed in their decision to vote down @LabourMercedes rent freeze proposals."

Others have said that rent controls are desperately needed by 2025, but that tenants need protection in the interim.

Perhaps we need to have a referendum on a rent freeze. I think that Mercedes Villalba has brought competent, proportionate and reasonable amendments to the chamber. It will be more than a shame if we see a pattern developing in which the Greens leave their principles at the door, come

into the chamber and frighten people by saying that the bar is too high or that they see a legal challenge.

I thank Living Rent for its campaign and the STUC for its briefing and for reminding us that the issue affects workers in all our constituencies. I thank Mercedes Villalba and I hope that colleagues will think for themselves today, look beyond their whip sheets and absolutely back the amendments.

Graham Simpson: When someone lodges amendments to a bill such as this, especially amendments as serious as these, they should have done their research and they should have consulted. It is clear that no consultation has been done on the amendments. When we talk about freezing rents, whether that be for a short period or permanently, we must look at what the effect of that will be.

The Parliament has a cross-party group on housing, which I convene and which is looking at exactly this subject and aims to produce a report. It is not easy; it is very detailed. I can tell Monica Lennon and Mercedes Villalba that there is a lack of data on rents across Scotland. The whole question of affordability is very difficult to answer: it is not clear. Mercedes Villalba has failed to make the case in her two amendments as to why we should have a rent freeze right now and until 2024. She has not made that case.

Monica Lennon: I ask Graham Simpson, for the record, whether he would ever be in favour of a rent freeze. When would be the right time to bring in a rent freeze?

Graham Simpson: If Monica Lennon had listened to me, she would know that the cross-party group on housing is looking at that very subject. We have detailed work to do. Our report will go to the Government, presumably to Mr Harvie, who can take the analysis that we have done. It should be ready sometime after the summer and will be a detailed report, written in conjunction with experts in the field.

Amendments 72 and 73 appear to have been rushed. There has clearly been no consultation with the sector and the unintended consequences could be severe. I will close by saying something that I do not say often. I agree with Ross Greer—

Members: Oh!

Graham Simpson: I apologise to colleagues, but I think that Mr Greer has, strangely, got something right. There could be a legal challenge if the amendments were agreed to. We do not support the bill, but those who do should take that very seriously indeed.

Paul Sweeney (Glasgow) (Lab): I support amendments 72 and 73, in the name of my friend

Mercedes Villalba, a member for North East Scotland, because of the criticality and urgency with which we need to address the cost of living crisis that is facing hundreds of thousands of Scots. I am afraid that we simply cannot wait until 2025, because too many people will be financially crippled by that point. That will harm us all; it will harm our communities and rend the social fabric of Scotland itself.

Since 2010, rents in Glasgow are up by 41 per cent while average wages are down by 3 per cent in real terms. That is being further compounded by the pressure of inflation, which is now topping 10 per cent. That cannot hold.

During the pandemic, I unfortunately found myself unemployed. As a mortgage holder, I had the luxury of having a six-month mortgage holiday. That was vital to ensure that I did not lose my flat and end up homeless. Unfortunately, private renters and even social renters are often not in that luxurious position. That is why this Parliament must act to defend the weakest and those who have lost out most during the pandemic. We have seen an unprecedented transfer of wealth from the poorest to the richest. Huge surpluses were accumulated by those with assets, while those who are barely able to make ends meet found themselves plunging further and further into financial distress, with all the psychological torment that that entails.

We saw further pressure being heaped on that situation when the UK Government cut universal credit by £20 a week—money that was vital for me to make ends meet. About 83,000 Glaswegians are affected by that £1,000 a year being ripped out of their income and it is enough to tip them over the edge into arrears and a situation in which they are vulnerable to eviction and to losing their tenancies. That is not sustainable in our economy and, with £86 million a year being taken out of the Glasgow economy, it is not good enough. This Parliament must act today to safeguard those people.

The proposals in amendments 72 and 73 make economic sense. We have some of the highest housing costs as a share of household income in Europe—indeed, in the world. That is unsustainable. It is also a reason why Scotland's economy is so unproductive: because so much of our national income is tied up in housing costs. Often, that money goes to people who collect rents and do not offer anything to our economy. They do not invent things or create products, goods or services that add value to our economy.

That is why we need to control the situation and push that money into productive areas of economic development. It is why we need to help to redress the balance, moving income back from the richest—those who own the investment

assets—to the people who rely on earned income to make ends meet and who go out into the economy and buy goods and services. The measure would support economic recovery.

The argument about article 1 of protocol 1 of the ECHR being used is a bogus, straw-man argument that has been used multiple times by, ironically, landlordism interests to try to prevent increased protection for consumers. We have seen it attempted, but it has not succeeded once anywhere. I do not know of a single case that has been successful. To rely on such an overused and abused argument is really shameful on the part of the Scottish Greens.

Even in 2009, in Ireland, when all repossessions were effectively banned until 2013 and tens of thousands of people stopped paying their mortgages, in effect living rent free, not one case went to the European Court of Human Rights on the basis that the law did not allow a remedy for property owners. I do not think that that argument is justifiable, and it is shameful for it to be presented from the left of politics in this country. That is why we need to take a stand to defend the weakest in our society. I expect better from all parliamentarians who believe in the rights of social justice.

Edward Mountain: I will keep my contribution short. I think that Mercedes Villalba may have misdirected herself in law. There are controls for rent under the Housing (Scotland) Act 2014, the Housing (Scotland) Act 1988, the Rent (Scotland) Act 1984 and the Private Housing (Tenancies) (Scotland) Act 2016.

18:30

I offered to discuss with the member how those controls work and how rent increases can be appealed and reduced. If she would like to come and find out how rents being put up to unreasonable levels can be stopped, the offer remains. There is a system and people should use it. The member should not say, I am afraid, that it does not exist, because it does.

Alex Rowley: I speak in favour of amendments 72 and 73. When Mercedes Villalba lodged her stage 2 amendments, I was shocked by the examples that she gave. When the Deputy First Minister said that there were problems with those amendments, I made the point to him that the Scottish Government would surely not sit back and ignore examples of rents going through the roof. Mercedes Villalba withdrew her amendment that day in order to try and talk to the Government and address the issue.

They say that a bit of power can go to your head, but the Tories lining up with the Greens to not do anything about rents spiralling out of control

is unbelievable; that cannot be allowed to happen. What is the emergency here? The emergency is that we are living in the middle of a cost of living crisis, which all members have mentioned. Members constantly say that people are having to choose between food, heating and getting transport to work.

We are in the middle of this, and it is shocking for any landlord to think that they can offset their increased cost of living by passing it on to poor people who are in the rented market. Something has to give. I am proud that Mercedes Villalba has brought up the issue again and lodged the amendments, because the message is that it is not acceptable for landlords to think that they can pile on rent and end up making the poorest people in society even poorer.

For the Greens to take the position that they are taking, when they have tried in the past to be a champion for tenants against the landlords who would exploit them, is absolutely appalling.

Ross Greer: None of Mr Rowley's colleagues has addressed our concern about the danger of the amendments resulting in that entire section striking down the bill, beyond Mr Sweeney saying that it simply would not happen. Is Mr Rowley aware of any country that is subject to the ECHR that has successfully introduced an emergency rent freeze?

Alex Rowley: The mover of the amendments, Mercedes Villalba, tried to intervene on Ross Greer to answer that question, but he would not take the intervention. I am sure that she will address that point when she sums up.

At stage 2, when the amendments were lodged in a different shape and form, the point was made that they were difficult to agree to and, as a result, the member withdrew the amendment in order to speak to ministers about addressing the issue.

The key issue is that vulnerable tenants will be exploited, and are being exploited, by landlords who think that they can offset their increased cost of living by passing it on to the poorest people in our communities up and down Scotland. That is not acceptable, and that is what has to be addressed.

Pam Duncan-Glancy: I am squarely behind my colleague Mercedes Villalba and my other colleagues in the Labour Party. A rent freeze is desperately needed now. We cannot wait for yet more jam tomorrow; the cost of living crisis stings. The Social Justice and Social Security Committee has heard evidence about debt and low income, and as part of that evidence, we heard that debt advisers are no longer able to

“help people to pay off traditional debts because we are having to advise them on how to retain their house and put food in their mouths. It is that alarming.”—[*Official Report*,

Social Justice and Social Security Committee, 28 April 2022; c 10.]

It is alarming. Advisers are not spending time helping people to pay off credit, as they might once have done; they now have to spend their time helping people to pay off what they would have called priority debt: rent, council tax and fuel. Those advisers also told us that they cannot sleep at night because they face the same problems—the same rent hikes and the same debt—that they advise people about. That is pervasive, widespread and oppressive, and we cannot tolerate it in a civilised society.

We also heard that sheriffs are making up for lost time.

I say to members, including my colleague Ross Greer, that the emergency is not over for people who are living with rent hikes and rent increases; it is escalating. I also say to my colleague Ross Greer that an affordable, accessible, safe and secure home is a human right. The right to adequate housing was recognised as part of the right to an adequate standard of living in the 1948 United Nations Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights. It was later included in many other international human rights treaties.

We cannot pick and choose which parts of the legislation we want to support. Housing is a human right and, as rents increase and people cannot afford to pay them, people are unlikely to be able to keep the roof over their head.

Patrick Harvie: Pam Duncan-Glancy says that we cannot pick and choose which parts of human rights we can comply with. That is precisely the point that Ross Greer has been trying to make. If we have to strike a balance between those that protect people's human right to adequate housing and the A1P1 property rights, there will be a range of views about what the balance should be. However, if we are going to strike that balance, we need to be able to answer this question: how do we prove that it is a proportionate means of meeting a legitimate end? I am not convinced that the amendment has fully answered that question, but I am determined that the Government will answer it in developing an effective national system of rent controls.

Pam Duncan-Glancy: I am deeply disappointed, because I know that Patrick Harvie understands a human rights-based approach and that we cannot pit one human right against another. We have to respect the human rights of everyone, and that starts by ensuring that people have the very basics, such as a roof over their head. We are dealing with people right now who cannot afford to keep a roof over their head.

Simply saying that the Government will wait and bring in rent controls at some point in the future is not good enough. People cannot afford to keep their home. Until we protect that in the midst of a cost of living crisis, we cannot say that we are a nation that is protecting human rights.

Patrick Harvie: I want to begin on a note of common ground. Monica Lennon in particular wanted to thank everyone who had campaigned on the issue, raised awareness of it, and raised challenge politically. I think that that has brought about the political context that has allowed the Government to commit to reintroducing an effective national system of rent controls. Even just a few years ago, that might have been thought to be politically unachievable. It is thanks to the hard work of many campaigners throughout the country that that possibility has become a reality, now that I have the opportunity to implement that policy.

Mercedes Villalba is, of course, absolutely right to highlight a critically important issue in relation to the current cost of living crisis. I know that the issue has provoked a great deal of interest from those who oppose outright the Government's ambitious and radical programme to introduce rent controls and from those who will confidently say that we are not doing enough, or not doing it fast enough. The issue is of interest to both sets of people, and I hope that the Presiding Officer will understand that I want to respond in some detail.

I strongly refute the idea that we are doing nothing now. The bill contains measures that will make a difference to tenants. We have taken other measures outside legislation that will make a difference to tenants, and we are doing much more. Indeed, the level of rents was a major concern for me long before we encountered the current period of extreme financial pressure that the country is now living through. That is why I have been making the case for an effective system of rent controls for over a decade now, and that is why the Bute house agreement specifically sets out that we will deliver a new deal for tenants, including implementing rent controls, during this parliamentary session.

Much of what we have heard amounts to arguments in favour of that policy, but it does not show how amendment 72 can be workable.

We are now working at pace to go through the necessary process to ensure that we make good on our commitment in ways that provide robust and lasting benefits.

The intention behind Mercedes Villalba's amendments 72 and 73 is to prevent a private landlord from serving notice to increase rent for an assured tenancy or a private residential tenancy from the day of the bill receiving royal assent until

the end of December 2024. The effect of that would be a default, national freeze on private landlords being able to increase rents for a period of around 30 months.

I know that there will be people who think that that provides the solution that tenants need now but unfortunately, in reality, it would not. I have listened carefully to Ms Villalba's arguments and I share her sense of urgency—as should we all—but I have to be honest with members and the public that any attempt to use the Coronavirus (Recovery and Reform) (Scotland) Bill to achieve a quick-fix solution would fail and would do more harm than good.

The proposal would constitute the imposition of sweeping rent control with very little notice given to landlords and tenants, and no opportunity to weigh up evidence on the impact and proportionality of the measures. Why is such consultation with stakeholders important? First, there are practical benefits to consultation: it will help us to understand the pattern and root causes of the rent rises, develop workable solutions that will address the problem effectively and assess the impact of those proposals on landlords and tenants.

Pauline McNeill (Glasgow) (Lab): The minister said that Mercedes Villalba was trying to get a quick fix, but would he not accept that he is working with people in the SNP who, four years ago, could have supported my member's bill to protect renters from exorbitant rent increases and that, if they had, we would have been a lot further forward than we are today?

Patrick Harvie: There is a great deal of my job, whether it is tenants' rights, zero carbon buildings or other parts, that I wish had been started 10, 20 or 30 years ago. We do not have a time machine and we are where we are. I have the opportunity to do what can be done to achieve a lasting benefit. However, I am not willing to risk the kind of unintended consequences that I was just speaking about.

One of my main worries about the sweeping nature of amendment 72 is that it would prompt landlords to bring tenancies to an end and restart new ones, simply as a way of raising rents. I know that such a desire in itself is not a ground for an eviction, but, as MSPs, we have all heard too many experiences from our constituents about eviction grounds being abused in this way. That is why, as I said earlier, we have already committed to undertaking a review of all grounds for eviction, once the five-year period of operation ends in December 2022. The unintended consequences would undermine the purpose of the amendment, which could result in an increase in evictions and homelessness, in a bill that otherwise strengthens the protection against evictions.

Mercedes Villalba: I recognise the minister's sincere concern about unintended consequences around evictions. Does he not recognise that the lack of legislative change this year—I am not saying that he is not doing research and preparation on rent controls, but they will not come in this year, because there is nothing on the table—will mean that landlords will continue to increase rents, which will cause evictions because people will be unable to afford their homes and will have to move out? Either way, we have the problem of evictions, but with my proposal, we could prevent some of that.

Patrick Harvie: I absolutely agree that we have the problem. What we do not have is the solution—amendment 72 is not the solution, for some of the reasons that I have set out and because of the unintended consequences that I am quite convinced Mercedes Villalba would not want to see happen.

Beyond the question of unintended consequences, given that rent control will engage the convention rights of both landlords and tenants, consultation is necessary to help us to develop proportionate rent control measures that will appropriately balance the interests of landlords and tenants.

As we have reiterated throughout the process, we have committed to implementing an effective national system of rent controls during this session of Parliament. We are doing the hard work to ensure that the model that we deliver is evidence based and robust against legal challenge. This is not scaremongering; it is simply recognising that the law is the law. Bearing in mind that a legal challenge could delay the implementation of the entire bill, we have to do the hard work that is necessary to ensure that the model is robust against legal challenge. I know that there will be people who are disappointed about that but, for those reasons, we cannot in good conscience support amendments 72 and 73.

18:45

As someone who has been making the case for reforms of the private rented sector for many years, and as someone who now has the opportunity to make progress that has been a long time coming, I welcome the fact that this agenda now has wide and growing support. What has happened to the Scottish Greens, incidentally, is that we have gained the ability, as part of the Bute house agreement and the programme for government, to put these radical measures into practice.

When the Labour Party was in government, it facilitated a massive unregulated explosion of the private rented sector, while many of us warned of

the consequences. It is obviously welcome that the Labour Party now accepts that it got that wrong, but it needs to understand that a quick fix simply will not work, and that this Government—the first in decades with the determination to introduce effective rent controls—is doing the work that is necessary to fix the broken system.

Private tenants are facing extraordinary financial circumstances. Tenants should be aware of the rights that they have now to challenge unfair rent increases imposed on them by their landlord. There are strict processes set out in law that a landlord must follow if they want to increase rent. Rent adjudication rights have been in place in Scotland since 2017, meaning that a tenant can apply to have their increase adjudicated where they think that it is unfair, but those rights are not well used. To ensure that people are aware of those rights and make use of them, I have instructed officials to work with tenant representatives to take forward a further awareness-raising campaign on tenants' rights, with the key aim of increasing the use of and access to rent adjudication. That is the process under which tenants already have the right to challenge rent rises imposed on them by their landlords. As part of that process, I will listen carefully to how we can build on the way in which rent adjudication works.

In summary, although I cannot support amendments 72 and 73, for the reasons that I have set out, I hope that what this debate demonstrates is that we understand and share the sense of urgency and are taking the action that is needed. However, that action must be informed by evidence, so that it is robust, stands the test of time and actually works in practice, because that is what tenants need. I must therefore urge Mercedes Villalba not to press amendment 72 or move amendment 73. If she does, I urge members to reject those amendments.

Mercedes Villalba: I thank everybody who has spoken in favour of amendments 72 and 73, and I also thank the minister for his response. I am disappointed that I was unable to intervene on his colleague on the case law relating to the human rights legislation. I recognise that members have sincere concerns regarding the potential for legal challenge and so, to that end, I would like to put their minds at rest by drawing their attention to relevant case law on this issue.

The case of *Mellacher v Austria* concerned restrictions on the rent that a property owner could charge. Rent control legislation reduced rents to 20 per cent and 17.5 per cent of their initial levels. The court held that the Austrian legislature had had regard to striking a fair balance between the general interests of the community and the right of property landlords in general. There was no

breach of the ECHR. That case has been used as authority in Scotland, which suggests that the rent freeze proposal does not breach the ECHR and is, accordingly, within the competence of the Scottish Parliament.

Ross Greer: Will the member take an intervention on that point?

Mercedes Villalba: Now is not the time, Ross—I do not know what I am supposed to refer to him as.

The Deputy Presiding Officer (Annabelle Ewing): I ask members to refer to each other by their full names. Thank you.

Mercedes Villalba: Ross Greer. Sorry, Presiding Officer.

Amendments 72 and 73 merely freeze rent, rather than reducing it. I have sought to strike a balance between the rights of the landlords, by giving them the ability to appeal and by providing a deadline of 2024, and the interests of the community, given the cost of living crisis.

The measures that I propose in my amendments are less drastic than those taken in Austria and even the Austrian legislation did not breach the ECHR. Given that that case has been used as authority in Scotland, I ask the minister to reconsider his opposition and instead join Labour in supporting them today.

The minister also made a point about the risk of increased evictions. What we have proposed is not a blanket freeze but a proportionate time-limited measure that allows for exceptions. Indeed, it allows for further exceptions, should the minister wish to work and engage constructively.

The amendments, which are entirely consistent with case law, are a short-term solution to mitigate the cost of living emergency. I do not think that what we propose could be successfully challenged. However, even if a private individual or a company challenged a provision in the Court of Session, that would not jeopardise the entire legislation or future legislation; the challenge would be against a single provision.

I urge the minister—I feel that the Government is scaremongering at this point—to come on board and join us. Today, we have the power to legislate in the interests of tenants. There is no excuse not to do so.

Tenants need urgent financial support now, after a decade of rent hikes and in the face of the current cost of living increases. To turn our backs on tenants now would signal to them that we are not acting in their interests. The amendments enjoy support from tenants through Living Rent and of workers in every sector through the Scottish Trades Union Congress. Let us show

tenants which side we are on; let us show them in whose interests we are working; and let us come together to deliver the emergency rent freeze that we so desperately need.

The Deputy Presiding Officer: Ms Villalba, will you clarify whether you are pressing or withdrawing amendment 72?

Mercedes Villalba: I am 100 per cent pressing the amendment.

The Deputy Presiding Officer: The question is, that amendment 72 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhan (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 21, Against 94, Abstentions 0.

Amendment 72 disagreed to.

Amendment 73 moved—[Mercedes Villalba].

The Deputy Presiding Officer: The question is, that amendment 73 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 21, Against 94, Abstentions 0.

Amendment 73 disagreed to.

The Deputy Presiding Officer: I advise members that there will now be a five-minute comfort break.

18:56

Meeting suspended.

19:03

On resuming—

Section 40—Expiry

The Deputy Presiding Officer: We recommence proceedings. [*Interruption.*] If members could face the chair and have no more conversations that are not about the debate, that would be helpful. Thank you, Mr Mundell.

Group 9 is on time limits in criminal proceedings. Amendment 74, in the name of Katy Clark, is grouped with amendments 75 to 77, 82 to 91 and 25.

Katy Clark (West Scotland) (Lab): I will speak about amendment 74 slightly later. First, I will speak about amendments 82 to 91. Those amendments seek to change the time limits in criminal courts, which were extended under the emergency Covid legislation, by creating shorter general blanket extensions in all criminal cases. Of course, under Scots law, it is always possible to go to court to make a case on cause shown as to why the Crown does not have sufficient time, and needs further time, to prepare a case for trial. Therefore, cases would not time out as a result of any of my amendments being agreed to.

In today's debate, we have heard a considerable amount about human rights and the European convention on human rights. There can be no doubt that the extensions that were granted during the Covid pandemic, and the increasingly extensive period in which people are held in prison without appearing in court, have real human rights ramifications, and that they could, indeed, easily be challenged under human rights legislation.

Scotland's criminal law has a proud history of protections, but the legislation that has been enacted during the pandemic has had the effect of increasing the number of people in prisons. That is on top of significant increases in prison numbers over the past two decades. Scotland has the highest number of people in prison in Europe, and we have the highest number of people on remand. During the pandemic, the proportion of the prison population on remand has increased from 18.7 per cent to something in the region of 30 per cent, now.

The whole criminal justice system works towards the time limits that are set out in

legislation. My submission is that the effect of those time limits—because the people who work in the system work to those limits—will put us in a situation in which individuals are in prison who would not be there if they had appeared before a court. The courts look at individual circumstances in each case and grant bail when they believe it to be appropriate.

Practitioners in the legal profession say that the time limits in the bill are not necessary. Indeed, the Law Society of Scotland is asking that we go back to pre-Covid time limits. We know from research that was undertaken before the pandemic that many prisoners who appear from remand do not receive a prison sentence when they are sentenced, or receive a shorter prison sentence than the period that they have already served, or are found not guilty at that point.

Paul Sweeney: Would my friend recognise that an average cost per prisoner per year of £35,000—about the same as it costs to board a pupil at Fettes College in Edinburgh—is also a massive waste of public money, particularly given the constraints on public finances at the moment?

Katy Clark: I agree with Paul Sweeney's point. The Criminal Justice Committee heard evidence recently that the cost is in the region of £40,000, so I think that the costs in the sector are suffering the inflation that we have heard about in relation to other sectors. It is absolutely clear that it is cheaper to deal with cases in other ways, but those ways are not funded in the necessary manner.

We all appreciate that there are huge backlogs across the justice system. Indeed, the cabinet secretary spoke at stage 2 of the work that is involved in preparing and adjudicating large numbers of applications in order to extend them case by case. We understand that point, but everybody in the sector knows that the system works to deadlines, and that prisons have to accept any prisoner who is sent to them. The impact of continuing with that regime is that prison numbers will continue to rise—with the problems that that situation brings.

I wish to speak to amendments 74 and 75, which have the effect of limiting the period for which the bill will be in operation, and limiting the extension so that those particular provisions would expire after one year. That would require the Government to come back to Parliament if it wished to continue with the extension of time limits, at that point.

I believe that the amendments are proportionate. They give longer time limits than existed before the pandemic, and enable the court to have the form of scrutiny and oversight that are required.

I look forward to hearing the cabinet secretary's response to the points that I have made. I move amendment 74.

The Deputy Presiding Officer: I call Pauline McNeill to speak to amendment 76 and other amendments in the group.

Pauline McNeill: Amendment 76 seeks to ensure that, if an extension is requested to already-extended time limits and the application is granted, the judge or the court must state

“the reason for the application, and ... whether the application was made by the prosecution or the defence.”

Amendment 77 asks for regular six-monthly reports to Parliament, setting out that information.

I strongly believe that we need more transparency about the degree to which extensions of time limits are being sought and granted. Also, and importantly, what types of reasons are being given for why the extensions are needed? It would be wrong to assume that an extension would be given for a minor issue if the purpose is to ensure that we can conduct our cases in court, following what is an extraordinary backlog. The time limits that are allowed are already lengthy, so it is concerning to me that further extensions are being requested. I believe that Parliament needs to understand the matter better. Scotland's time limits used to be best practice in the international arena. We are moving away so fast from something that had been well established.

Amendment 86 would amend the time limit in relation to remand in High Court solemn cases until the service of the indictment on the accused, from 260 days to 170 days. Before the original coronavirus legislation, the time limit was 80 days. That means that the Crown has up to 260 days in which to prepare a case. There is no court time required. We are entitled to answers as to why it could take up to 260 days to prepare the Crown case.

I have also heard that the Crown Office has had an extra £50 million as an additional resource. That makes no sense to me. If we accept that the time limit for preparation of a case in the High Court can take up to 260 days, all the other time limits will follow after that. As Katy Clark rightly said, it is human nature for people to work to a deadline. If we give longer—260 days—there will be a tendency to think that that is the deadline. We have been told by ministers up until now that the Crown will not have to use all that time—that is just the time at the outset.

The Law Society of Scotland has stated that it does not consider the Government's proposed time limit extension to be proportionate. As for the extension of the time periods, the immediate

public health restrictions in court proceedings have now been revoked.

The number of people being held on remand—which Katy Clark also mentioned—remains at an historical high. It is important to understand the relationship between the extension of the time limits and the fact that Scotland has a scandal in its prisons, with a very high remand population. As of March 2022, a staggering 29 per cent of prisoners were on remand; 25 per cent were untried and 4 per cent were awaiting sentence.

Amnesty International has voiced concerns over the growing number of people on remand in Scotland. It has pointed out:

“In international law, the detention of individuals who are awaiting trial is a matter of special concern. They have yet to be found guilty of any offence and are therefore innocent in the eyes of the law. This is a fundamental human rights principle, enshrined in the Universal Declaration of Human Rights ... and elaborated on in the International Covenant on Civil and Political Rights ... specifically the rights of a detained person to know why he or she has been arrested and to be brought before a court of law at the earliest possible opportunity.”

Members must know, when voting for or against the amendments in the group, that an accused person in remand in a Scottish prison will not see the full case against them until up to 260 days, potentially.

Last year, the Howard League reported that, between 2014 and 2017, almost 60 per cent

“of remand prisoners who were later convicted in summary proceedings”

and almost 30 per cent

“of remand prisoners who were later convicted in solemn proceedings, did not receive custodial sentences”.

I ask members from the governing parties to think about that. It is absolutely staggering. There could be people in a Scottish jail for up to a year waiting for their cases to be heard, and 28.9 per cent of them will not get a custodial sentence. That is an absolute scandal.

Although I concede that some extension to the time limit should proceed, we must move in the right direction towards getting back to the pre-Covid time limits. During the debate at the Criminal Justice Committee on 8 June, the Cabinet Secretary for Justice and Veterans said:

“Removing or reducing the length of the time limit extension ... will not result in cases being heard more quickly”—[*Official Report, Criminal Justice Committee*, 8 June 2022; c 45.]

on time spent on remand until service of the indictment. I would be interested to hear where that assertion comes from. I could understand it if ministers were talking about a situation in which there is not a court available. By the way, as was discussed earlier, the lack of defence counsel and

of defence lawyers could also hold up the court case.

Surely there is universal concern in the Scottish Parliament about the fact that, even as we come out of and recover from difficult circumstances, we have so many people in Scottish jails awaiting trial, but would allow such extraordinary time limits without question.

If ministers are not likely to support most of the amendments in the group—I appreciate that—perhaps they could at least consider supporting the amendments that provide for us to be able to record why an extension was granted and who asked for it. At the very least, would the cabinet secretary consider agreeing to the idea that Parliament should get to see that information every six months? If we think that we are standing up for fair justice, the least that we should be prepared to do is see every six months what is happening in our courts and what is happening to untried people in Scottish jails, in order that we can ensure that we do not override the important question of access to, and fairness in, our justice system

19:15

Jamie Greene: I confirm that the Conservatives will support all the amendments in the group, mostly in the interests of the victims of crime, who are waiting for their day in court. The elongated time periods are adversely affecting and retraumatising them. We will support Labour's proposals if they are pressed.

The Cabinet Secretary for Justice and Veterans (Keith Brown): Most of the amendments in this group were debated extensively at stage 2, when the Criminal Justice Committee explored the various issues in detail.

Amendments 74 and 75 seek to expire certain time limits automatically one year after the bill receives royal assent. As I said at stage 2, we simply do not yet know what the situation will be with the backlog of cases in the summer of 2023. If those amendments are agreed to, the time limit extensions relating to remand cases would expire no matter what the scale of the backlog of cases was at that point.

I have similar concerns about amendments 82 to 85 and 87 to 91, in the name of Katy Clark, and amendment 86, in the name of Pauline McNeill. They all seek to reduce the length of the extensions to time limits provided for in the bill and are almost all the same as amendments that were debated extensively at stage 2, during lengthy debates. I cannot support pre-emptive attempts to reduce or expire extended time limits if such action would significantly adversely affect the time and resources for progressing trials.

The temporary time limit extension provisions are not the cause of the backlog. Extensions to the time limits help to ensure that scarce prosecutorial, court and defence resource is not diverted to having to prepare and adjudicate on large numbers of applications to extend the statutory time limits case by case. For that reason, I ask Ms Clark and Ms McNeill not to move amendments 82 to 91.

Amendments 76 and 77, in the name of Pauline McNeill, are new amendments that have not been discussed during scrutiny of the bill. They would require courts to record who applies for extensions to certain time limits in criminal cases and why. They would also require the Scottish ministers to report on that information every six months in perpetuity.

In any individual case, there might be a host of interconnected reasons why the prosecution or the defence might not be ready to proceed with a trial in line with the statutory time limits. The exact wording of amendment 76 is that

“the reason for the application”

should be noted. That duty could be fulfilled through recording that the case was not ready to proceed to trial, which would not provide helpful information. If the whole procedural history of the case was recorded each time that a time limit extension was granted, that would place a significant and undue additional administrative burden on the court service.

My officials have been in touch with the Scottish Courts and Tribunals Service, which has advised that however amendments 76 and 77 are interpreted, they would have a significant resource impact on the operation of the courts. In particular, they would add to the burden faced by court clerks by requiring them to record new information, and they could require changes to information technology systems. That would happen at a time when it is important that the justice system's resources are fully focused on tackling the backlog of cases. I ask Pauline McNeill not to move those amendments.

Pauline McNeill: How can we get some transparency if we allow the time limits, which I hope the cabinet secretary agrees are lengthy?

The cabinet secretary did not answer the question why the Crown needs 260 days to prepare a case, so I hope that he will address that point. Under the Criminal Procedure (Scotland) Act 1995, it is possible for there to be a further extension at the end of the 320 days, so I would have thought that it would be helpful to have some transparency so that we know what is going on in our courts. This morning, I spoke to a lawyer who said that his client had been in Barlinnie prison for two years. I am sure that the Government would

express some concern about that. We do not want to be in this situation.

Keith Brown: During stage 2, I tried as best I could to provide the committee with scrutiny assistance on various aspects of different amendments, including offering to write to the Lord Advocate in support of the committee's requests and, in a number of other regards, to increase the information flow. I will only give a general commitment that, in addition to the evidence that the committee seeks, if it requests information from the court service or elsewhere, I will try to assist with that.

On the questions about why extensions are being sought and their extent, that is based on the evidence that we have heard from the court service and the Crown Office about what they require to deal with the backlog. It is not just that Covid is still here but that the backlog is still here, and that is what we are trying to deal with.

Amendment 25 is a technical amendment that is consequential to Pauline McNeill's stage 2 amendment to section 201 of the Criminal Procedure (Scotland) Act 1995. It ensures that the full policy intent of the amendment, which was agreed to at stage 2, is met. I invite members to support amendment 25.

Liam McArthur (Orkney Islands) (LD): I want to express my support and that of the Scottish Liberal Democrats for the proposals that Pauline McNeill has introduced through her amendments. In the past, the cabinet secretary has rightly acknowledged the extent of the problem of those who are held on remand, an issue that was also raised with his predecessor. There is common agreement across the parties that we have failed to tackle the issue to the extent that we would wish.

Although I accept that there might be problems with the practicalities of Pauline McNeill's amendments, she makes important points about better understanding the rationale for why we are in the situation that we are in, because the issues pre-dated Covid. We need to get to grips with that, and, if the cabinet secretary cannot support the amendments, I encourage him to introduce proposals about how we begin to understand the rationale.

Keith Brown: In addition to what I have said to Pauline McNeill, Liam McArthur will be aware that the Bail and Release from Custody (Scotland) Bill has been introduced. It specifically seeks to address our high levels of remand, based on the general concern among members about that, so it might present an opportunity for further scrutiny.

Liam McArthur: I fully accept that point, and, from the discussions that we have had, the cabinet secretary will know my support for those

proposals. It is not necessarily a panacea—there are other issues at play—but I recognise that the Bail and Release from Custody (Scotland) Bill might give us the opportunity to explore further the issues that are thrown up by Pauline McNeill's amendments. I thank her again for providing members with the opportunity to have this debate at stage 3.

The Deputy Presiding Officer: I call Katy Clark to wind up and to press or withdraw amendment 74.

Katy Clark: As we all know, many of the provisions that were brought in during the Covid pandemic were ones that none of us would have accepted in normal circumstances. The pandemic is still with us, but, in many ways, we are moving back to a more normal situation. Earlier, the Government provided information about some of the work that has been done to decrease the backlog of cases. However, it is clear that there are individuals in prison who would not be there if a court looked at their case.

Amendment 82 would shorten the time between appearance in petition to pre-trial hearing from 17 months to 13 months. Amendment 85 would reduce the period to trial from 12 months to nine months. Amendments 87 and 89 would reduce the time on remand until the pre-trial hearing in solemn cases from 290 days to 200 days, and amendments 88 and 90 would reduce that time period from 320 days to 230 days.

It cannot be right that people are spending such extended periods in prison without the oversight of the judiciary through being brought automatically to court. The amendments offer a halfway house between the pre-pandemic limits and the Scottish Government's proposed limits.

No evidence has been forthcoming from the Scottish Government on the reasons or justification for why the specific time periods in the bill were chosen at the beginning of the pandemic.

I will press some of the amendments to the vote.

The Deputy Presiding Officer: Just to clarify, you are pressing amendment 74.

Katy Clark: Yes, I will press amendment 74.

The Deputy Presiding Officer: The question is, that amendment 74 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Sarah Boyack: On a point of order, Presiding Officer. I could not get my app to upgrade itself in time.

The Deputy Presiding Officer: I think that the vote was closed before you reached your seat, Ms Boyack.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Dunbar, Jackie (Aberdeen Donside) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 49, Against 63, Abstentions 0.

Amendment 74 disagreed to.

Amendment 75 not moved.

The Deputy Presiding Officer: Group 10 is on review of temporary justice measures. Amendment 13, in the name of Jamie Greene, is grouped with amendment 14.

Jamie Greene: Section 40 relates to some of the temporary justice measures that the bill seeks to extend, and it has been a source of a little bit of contention throughout the process. Certain elements of the justice system have changed as a result of Covid. Some of those changes have been welcomed not just in the political sphere but by the

legal profession and those in the justice system, but there are changes that some feel should end.

The bill allows that to happen. At the moment, some of the temporary justice measures expire on 30 November 2023. Ministers can seek to extend them by one year, to 2024, then subsequently by one further year, to 2025, but no further thereafter. At the moment, section 42(4) requires ministers to lay regulations to extend temporary justice measures but provide Parliament with only

“a statement of their reasons why the regulations should be made.”

At stage 2, I felt that that did not go far enough. I felt that ministers should present a proper explanation of the requirement to extend justice measures for a number of years, and, as part of that process, undertake proper consultation and bring that to Parliament. The minister accepted that point, and his officials worked with me to produce amendments 13 and 14, which I trust members will support.

Amendments 13 and 14 will insert a new subsection that is designed to set out the actual process that must be undertaken prior to laying a statement of reasons and to ensure that any proposals to extend these temporary justice provisions are informed by the appropriateness of extending them—and, more importantly, by consultation.

19:30

I thank the Government for working with me on the amendments, as they insert an important step in ensuring that ministers, when seeking to extend what are meant to be only temporary measures in the justice system, come forward with very good reasons why those measures could or should be extended. That is important, given that we do not know what pandemic scenarios may arise.

There has been a lot of talk today about what else is happening next year but, equally, we should not lose sight of the fact that the measures in the bill do not simply make temporary measures permanent, but extend what were originally emergency measures in the justice system. Those measures were subject to quite a lot of scrutiny by the Criminal Justice Committee at stage 2. I therefore ask members to support both of the amendments in the group.

I move amendment 13.

Keith Brown: I am pleased to support Jamie Greene’s amendments 13 and 14. The Government is committed to continuing to engage with justice partners and victims’ organisations on the temporary justice measures in the bill. Amendment 13 would embed a statutory duty for

ministers to consult as part of considering whether to extend these temporary measures.

The bill already requires that, if ministers seek to extend the expiry date of the temporary justice measures in the bill, they must provide Parliament with a statement of their reasons for an extension. These amendments would strengthen that requirement by requiring that the statement of reasons must include a summary of the consultation and the findings of the review. I therefore welcome the amendments, which would enhance Parliament’s ability to scrutinise any extensions effectively.

Amendment 13 agreed to.

Section 42—Regulations under this Part

The Deputy Presiding Officer (Liam McArthur): The question is, that amendment 14 be agreed to. Are we agreed?

Members: Yes.

The Deputy Presiding Officer: I jumped the gun there, Mr Greene. I should have asked you whether you wished to move amendment 14, which had been previously debated with amendment 13. Do you wish to move the amendment?

Jamie Greene: Given that it has already been agreed to, I will move it. [*Laughter.*]

The Deputy Presiding Officer: That may get us both out of a hole.

The question is, that amendment 14 be agreed to. Are we agreed?

Members: Yes.

The Deputy Presiding Officer: The amendment is agreed to, despite the spoiler.

Amendment 14 agreed to.

After section 42

Amendment 76 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 76 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)

Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 64, Abstentions 0.

Amendment 76 disagreed to.

Amendment 77 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)

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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 64, Abstentions 0.

Amendment 77 disagreed to.

After section 44

The Deputy Presiding Officer: Group 11 is on conduct of court and tribunal business by electronic means. I call amendment 78, in the name of Katy Clark, which is grouped with amendments 15, 16, 79 and 17 to 24.

Katy Clark: Amendment 78 would require the Scottish Government to provide Parliament with six-monthly reports on the operation of virtual courts.

We know that, in reality, very few fully virtual criminal cases have taken place during the pandemic, although some aspects of cases have been virtual. For example, juries have attended remotely in cinemas.

It has taken some time for the Criminal Justice Committee to get information on the extent of virtual hearings. It is clear that many in the legal profession are strongly opposed to some aspects of virtual courts, particularly those relating to witnesses giving evidence. The cabinet secretary therefore agreed that no virtual cases would proceed without the agreement of all parties. It is therefore unclear how quickly virtual courts will be rolled out across the country. For that reason

alone, it is necessary for Parliament to receive regular reports to enable effective scrutiny.

When courts do take place virtually, the Parliament needs to know what impact that has on the balance of justice. Many people are campaigning for virtual courts. We already allow many vulnerable witnesses to give evidence remotely, and many victims would find it less traumatic to give evidence virtually. There is a strong case for taking steps along that path.

It has always been the presumption that virtual hearings might lead to more convictions. However, that is not necessarily what the evidence suggests. Fully virtual courts would mean that the accused and other witnesses would give evidence remotely. During the pandemic, a pilot of fully virtual court hearings, predominantly involving domestic abuse cases, was carried out in the north-east. Albeit that the sample size was small, there was an unusually high number of acquittals, with the accused being found not guilty. That issue was raised at stage 2 and the cabinet secretary agreed that more evidence would be needed to build up a picture of the impact of virtual courts before any decisions are made about permanent arrangements.

I think that there is a strong case for virtual courts, particularly for victims of offences such as domestic abuse and sexual violence, who may find attending court traumatising. However, if it is the case that people are more likely to be acquitted in a virtual hearing, I think that we have to look very carefully at whether the accused person should also give evidence in that way. As the north-east pilot shows, we cannot presume the outcome of cases. I believe that Parliament must be clear about whether virtual hearings are actually taking place and should also receive regular reports on the implications of such hearings as well as the extent to which evidence is given virtually and other aspects of cases are dealt with virtually.

For that reason, I move amendment 78.

The Deputy Presiding Officer: I call the cabinet secretary to speak to amendment 15 and the other amendments in the group.

Keith Brown: I am pleased to speak to this group of amendments, which deals with electronic attendance at court. I commend the justice agencies on the record for their urgent, effective and collaborative work over the past two years. Virtual hearings are one measure that has enabled them to respond to the challenges that the pandemic has caused, and the extension of those measures is an important part of the justice system's recovery.

I do not support Katy Clark's amendment 78, which would require ministers to prepare and lay regular reports

"setting out the progress that is being made in the implementation of virtual courts."

That would not be a temporary provision; it would be a permanent one that remained on the statute book even after all the provisions on virtual court attendance in the bill had expired. There are already avenues for members to obtain such information, such as parliamentary questions and the committee system, and I am pleased to confirm that we are working with the court service to agree an approach to the publishing of regular data to improve the evidence base on virtual trials. I mentioned that at stage 2. I will be happy to update the Criminal Justice Committee on that in due course. I therefore invite Ms Clark not to press her amendment 78.

I turn to my amendments in the group. Government amendments were agreed to at stage 2 to make it the default position that people who are appearing in court on undertakings will attend court in person, which matches what has been happening in practice. I told the committee that, in the run-up to stage 3, we would continue to consult justice partners on whether it would be beneficial to make other types of hearing in person by default.

Many types of hearing in the criminal courts are largely being held in person, and it makes sense for the default positions in legislation to reflect that operational reality. However, some types of hearing are predominantly calling virtually—for example, preliminary hearings in the High Court—and we do not want to undermine those arrangements. The courts also require flexibility, which has proved to be crucial in their response to the pandemic. We have been working closely with partners to try to find the best way to balance those considerations.

My amendments 15, 16, 21 and 22 are designed to do two main things. First, they will make almost all hearings in criminal cases in person by default. Civil proceedings are not affected. Secondly, they will enable the Lord Justice General to make determinations that suspend the requirement for physical attendance for particular groups of people or particular classes of criminal hearing. In other words, the default mode of attendance for those people or those hearings would become virtual.

For instance, the Lord Justice General might determine that virtual attendance should be the default for preliminary hearings in the High Court or when a person has Covid, or a determination could be used to support pilots of virtual hearings in specific parts of the country. Those are just

illustrative examples; the decisions will be a matter for the Lord Justice General. However, that power to make determinations could not be used to make trials virtual by default.

Whether the default is physical or virtual attendance, courts and tribunals will have the flexibility to override the defaults in individual cases as long as they are satisfied that that will not jeopardise the fairness of proceedings or the interests of justice. Where the default is virtual attendance, a person will still be able to request an in-person hearing. Any determination that the Lord Justice General makes under the provisions must be made publicly available, so members will have a clearer picture of where and when virtual hearings are being used.

I know that Pauline McNeill has been particularly concerned about custody hearings being held by videolink. I hope that, rather than moving her amendment 79, she will support amendments 15 and 21. As I said, they will make almost all hearings in criminal cases in person by default, including custody hearings. The door is being left open for the Lord Justice General to determine that custody hearings should become virtual by default, at least in some circumstances. I think that that is a good thing. Greater use of technology in our courts has the potential to improve the experience and processes of hearings, and we should allow latitude for testing that.

I hope that Pauline McNeill will be reassured by the safeguards that I have outlined. I have no doubt that she and her colleagues on the Criminal Justice Committee will keep a careful eye on developments, and I very much welcome that.

My amendments 19, 20, 23 and 24 make changes to how courts and tribunals consider representations and issue directions in relation to a person's mode of attendance. The changes apply to both civil and criminal proceedings. The bill as introduced called for parties to be given an opportunity to make representations about the mode of attendance before any directions about it were issued. However, practical experience has shown that, in some contexts, the first opportunity for parties to make representations can be at, rather than before, the first hearing in a case. In other cases, it is simply more efficient to let the court or tribunal first propose how attendance should take place, because it then only has to spend time dealing with any objections to that proposal.

19:45

The amendments therefore enable a court or tribunal to direct a person on how to attend a hearing, whether in person or virtually, without first

giving parties the opportunity to make representations. They put the court or tribunal under a legal duty to ensure that the parties are aware of their right to challenge the mode of attendance that is proposed by the court, and to deal with any such challenge before turning to the substantive business of the hearing. If a court or tribunal upheld a challenge to proceeding virtually or in person, the hearing would be adjourned and rearranged accordingly.

Finally, amendments 17 and 18 in my name are minor technical corrections. They ensure that tests that are designed to be applied when courts or tribunals override an in-person or virtual default rule apply only to the overriding of the rule and not to decisions that would have the effect of reverting back to the default.

I hope that members across the chamber will support my amendments.

The Deputy Presiding Officer: Before I call the next speaker, members will have noted that we have passed the agreed time limit for the debate on this group to have finished. I confirm that I have exercised my power under rule 9.8.4A to allow the debate on this group to continue beyond the limit in order to avoid unreasonably curtailing the debate.

I call Pauline McNeill to speak to amendment 79 and the other amendments in the group.

Pauline McNeill: Amendment 79 prevents appearances in custody courts from being virtual by default. Having visited the sheriff court in Glasgow to see how virtual court appearances operate in practice, I am convinced that they do not save time or resources; rather, they cost, on both counts.

The quality of the virtual experience was extremely poor. Virtual appearances in custody courts are slowing down courts, and courts regularly have to run late because of them, with all the costs that that incurs. It is not surprising that sheriffs and staff are not happy about that. If anything, as far as I could see, virtual custody courts add to the backlog. Further to that, as I said, the videolinks are extremely poor.

Citizens Advice Scotland and the Law Society of Scotland have raised concerns about our reliance on virtual hearings. The Law Society has argued that the use of virtual custody courts raises significant operational and human rights concerns. It noted that the evaluation of the Falkirk pilot in May 2022 was critical of the virtual custody process, absent significant additional investment, and stated that the issue of fairness to the accused is fundamental.

The Law Society has also said that the physical separation of the accused, the solicitors and the

courtroom has had a detrimental impact on the overall process. Many solicitors have also complained that they cannot advise their clients, because they are not in the police station where their clients are being called during the custody hearing. The process has made it harder for solicitors to communicate with their clients, that is for sure. Police Scotland has said that it cannot support the fully virtual model without a complete overhaul of the custody process and significant investment in resources.

I put on record that I am extremely grateful to the cabinet secretary, Keith Brown, for the thorough way in which he has examined the issue. When he wrote to me last week, I was delighted to see that he had lodged amendments that have my full support. It is important, particularly in relation to custody hearings and other hearings, that physical hearings are the default. As Katy Clark said, it is important that, as we move forward and decide which aspects of the court process are suitable for virtual hearings, we are sure that such hearings are of good quality and do not compromise the quality of justice.

The cabinet secretary said that the Lord Justice General may have the power to decide on whether preliminary hearings in the High Court are virtual. I put out a plea that, when we examine all aspects of the court process, the Parliament has oversight of whether preliminary hearings are virtual. Those hearings have been physical and are really important—they are where the defence and the prosecution agree their evidence, although there are no witnesses and the accused is not there. It is right that the Parliament has oversight of that and that it is not simply a matter for the Lord Justice General.

I am delighted to support the Government amendments, and I will not move amendment 79.

The Deputy Presiding Officer: I encourage members who need to carry on conversations to do so outside of the chamber.

Jamie Greene: I will keep this brief.

Amendment 78 is an important one, and we will support it. Members who were here two years ago will remember when the Parliament shut down as a result of the pandemic. We had to go fully virtual at one point. That was helpful—it allowed us to carry on our business in some manner or form—but it was not ideal. Exactly the same point is to be made about virtual courts and virtual trials: they are helpful in some cases, but they are far from ideal. That is a view that is reflected by the key stakeholders on both sides—the defence and the prosecution.

I simply make a plea that we get our courts back open as fully as possible, because the cinemas that housed juries to do remote jury trials are now

packed by people watching movies cheek by jowl. There is no reason why a court should not be back open to its full extent. That will help us to get through the backlog of cases, help to reduce the long remand times that were spoken about in the debate on the previous group of amendments, and help to alleviate some of the trauma that victims are going through in waiting for their trials.

I support all the amendments in the group as a result of the quite considered conversations that we had at stages 1 and 2. There are some lessons to be learned. There are things that worked really well remotely. We heard from witnesses, the police and other experts who waste entire days or even weeks going to court. Cases are not called, and they spend hours wasting time. There are benefits of technology, when it is used appropriately, but there are serious reservations and concerns about fully virtual trials and what they mean for justice—for both the accused and the accuser.

The amendment that requires ministers to come back to Parliament and report is quite a sensible one. I do not think that it is overly onerous. Perhaps it is not the best drafted amendment—for example, it does not have an end date, and it is not pertinent to the conclusion of the regulations that it relates to. That is a shame but, nonetheless, that is a valid point to make.

I ask members to support the amendments in the group. I am pleased that Ms McNeill will not move amendment 79. Amendments 15 and 21 do the job better, and it is good that the Government has worked constructively with members on that issue.

Katy Clark: More information needs to be provided to Parliament and to the relevant committee on the operation of criminal courts. Significant changes are being proposed to the criminal justice system and, indeed, to our fundamental right to a fair trial. We need to have the evidence base to ensure that any permanent changes are the right changes, because a very different approach might need to be taken in cases that involve evidence being given to case management aspects. For those reasons, I will press amendment 78.

The Deputy Presiding Officer: The question is, that amendment 78 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
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 Griffin, Mark (Central Scotland) (Lab)
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 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)
 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)
 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)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 67, Abstentions 0.

Amendment 78 disagreed to.

Section 46—Commencement

Amendment 6 moved—[Murdo Fraser].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Edward Mountain: On a point of order, Presiding Officer. My device is showing that connection to the digital voting platform failed. I would have voted yes.

The Deputy Presiding Officer: Your vote has been recorded, Mr Mountain.

Edward Mountain: The app is obviously more reliable than I thought—or it shows.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 64, Abstentions 0.

Amendment 6 disagreed to.

Amendment 7 moved—[Murdo Fraser].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 30, Against 85, Abstentions 0.

Amendment 7 disagreed to.

Schedule—Temporary justice measures

Amendment 15 moved—[Keith Brown]—and agreed to.

Amendment 16 moved—[Keith Brown].

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

Members: Yes.

The Deputy Presiding Officer: That is agreed to.

Martin Whitfield (South Scotland) (Lab): Presiding Officer, amendment 16 is not agreed to.

The Deputy Presiding Officer: We have just agreed to amendment 16, Mr Whitfield.

Martin Whitfield: I disagreed to the amendment.

20:00

The Deputy Presiding Officer: I have not called the next amendment yet, so I am prepared to re-run that vote.

Members: Ooh!

The Deputy Presiding Officer: This is not a popularity contest. We are going to proceed on the basis that I have suggested. If anybody objects to an amendment, I encourage them to make their objection as audible as possible.

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

Members: No.

The Deputy 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, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (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)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 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)
 Thomson, Michelle (Falkirk East) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)

Whitfield, Martin (South Scotland) (Lab)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 88, Against 25, Abstentions 0.

Amendment 16 agreed to.

Amendment 79 not moved.

The Deputy Presiding Officer: Amendments 17 to 24, in the name of the cabinet secretary, have all previously been debated with amendment 78. I invite the cabinet secretary to move amendments 17 to 24 en bloc.

Amendments 17 to 24 moved—[Keith Brown].

The Deputy Presiding Officer: Does any member object to a single question being put on amendments 17 to 24?

Martin Whitfield: Yes.

The Deputy Presiding Officer: It would be helpful, Mr Whitfield, if you could identify which amendments you object to.

Martin Whitfield: Amendments 20 and 24.

The Deputy Presiding Officer: Okay. In that case, I propose to put the question on amendments 17 to 19 en bloc. Are we all agreed?

Members: Yes.

The Deputy Presiding Officer: That is agreed.

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

Members: No.

The Deputy Presiding Officer: For the avoidance of doubt, are we all agreed on amendments 17, 18 and 19?

Members: Yes.

Amendments 17 to 19 agreed to.

The Deputy Presiding Officer: Excellent. We are not agreed on amendment 20, so we will move to a vote.

The vote is now closed.

Keith Brown: On a point of order, Presiding Officer. The app is getting a bit tired. I would have voted yes.

The Deputy Presiding Officer: Much like the most of us. I will make sure that that is recorded.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Balfour, Jeremy (Lothian) (Con)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (Con)
Greer, Ross (West Scotland) (Green)
Gulhane, Sandesh (Glasgow) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lockhart, Dean (Mid Scotland and Fife) (Con)
Lumsden, Douglas (North East Scotland) (Con)
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)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (SNP)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Simpson, Graham (Central Scotland) (Con)
Slater, Lorna (Lothian) (Green)

Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (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 Deputy Presiding Officer: The result of the division is: For 95, Against 20, Abstentions 0.

Amendment 20 agreed to.

Amendments 21 to 23 agreed to.

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

Members: No.

The Deputy 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, Alasdair (Na h-Eileanan an Iar) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (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 Deputy Presiding Officer: The result of the division is: For 95, Against 21, Abstentions 0.

Amendment 24 agreed to.

The Deputy Presiding Officer: Group 12 is on fiscal fines. Amendment 80, in the name of Russell Findlay, is grouped with amendment 81.

Russell Findlay (West Scotland) (Con): I had pages and pages of wisdom to impart but, after what I can best describe as gentle encouragement from my colleagues, I have put a pen through most of it.

Amendments 80 and 81 relate to fiscal fines that are issued directly by the Crown Office and Procurator Fiscal Service to an accused person as an alternative to prosecution. Those neither result in criminal conviction, nor are they an admission of guilt.

The emergency Covid law increased the rate of fiscal fines from £300 to £500. It stands to reason that more crimes—and more serious crimes—will be more likely to result in fiscal fines. My concern is that prosecutors, who are under immense pressure, might be inclined to use those as a means of reducing the Government’s chronic court backlog. We neither know which types of crime now qualify for fiscal fines, nor how many more will be disposed of in that way. I remain vexed about the difficulties that the Criminal Justice Committee

has experienced in getting such basic information from the Crown Office and Government. However, we know one thing: all those cases will be kept secret from the public.

There is another concern. Last year, John Swinney told the Parliament that the refusal of a fiscal fine would be

“treated as a request by the alleged offender to be prosecuted for the offence”.—[*Official Report*, 23 June 2021; c 64.]

That sounds great—criminals can either pay up or have their day in court. However, it has not quite worked out in the way in which Mr Swinney sold it. A freedom of information request has shown that around 30 per cent of rejected offers saw prosecutors taking no further action. That fails victims.

To summarise, there is a potential misuse of fiscal fines to clear the backlog; there is a lack of detail about how, why and when they are being used; and there is a concern that the rejection of fiscal fines does not result in prosecution. Each of those risks undermining the public’s faith in justice.

Amendment 81 is consequential to amendment 80. I therefore urge members to support both amendments.

I move amendment 80.

Keith Brown: Amendments 80 and 81, in the name of Russell Findlay, retread ground that was extensively debated at stage 2. They would end the temporary increase—from £300 to £500—to the upper limit of fiscal fines. That increase, which has been in force since April 2020, has freed up the courts and prosecutors to deal with more serious cases, easing the burden at a time of significant resource pressure as justice agencies deal with the backlog that has built up during the pandemic.

Fiscal fines have been part of the Scottish justice system since the mid-1990s. Independent prosecutors are able to use their discretion in deciding whether it is in the public interest to offer a fine as an alternative to prosecution. They are a tool that can be used by prosecutors to relieve the pressure on the courts by allowing less serious offences to be dealt with without taking up valuable court time.

Rightly, members have expressed concerns about the backlog of cases in our courts. This is not the moment to remove a measure that is aimed at tackling that backlog. Indeed, due to inflation, to revert to the previous maximum level of £300 would make fiscal fines less effective in diverting cases away from prosecution than they were when the Parliament approved that £300 maximum in 2007. At this time, given the backlog

in the criminal courts, that would be counterproductive.

Retaining the maximum level of fiscal fine at £500 for a further temporary period remains an important part of our justice system's on-going recovery from the impacts of the pandemic, and I ask members to reject amendments 80 and 81.

The Deputy Presiding Officer: I call Russell Findlay to wind up and press or withdraw amendment 80.

Russell Findlay: Amendments 80 and 81 do, in some ways, retread old ground. That is because the concerns remain valid and the questions remain unanswered. Despite the cabinet secretary's app fatigue, I press amendment 80.

The Deputy Presiding Officer: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their votes now. *[Interruption.]*

You styled that out, Mr Stewart. The vote is closed.

For

Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 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)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 67, Abstentions 0.

Amendment 80 disagreed to.

Amendment 81 not moved.

Amendment 82 moved—[Katy Clark].

20:15

The Deputy Presiding Officer: The question is, that amendment 82 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 65, Abstentions 0.

Amendment 82 disagreed to.

Amendments 83 and 84 not moved.

Amendment 85 moved—[Katy Clark].

The Deputy Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 64, Abstentions 0.

Amendment 85 disagreed to.

Amendment 86 moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 86 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 86 disagreed to.

Amendments 87 to 91 not moved.

Amendment 25 moved—[Keith Brown]—and agreed to.

The Deputy Presiding Officer: Group 13 is on early release of prisoners: policy. I draw members' attention to the procedural information relating to this group, which is set out in the groupings.

Amendment 92 pre-empts amendments 93, 26, 27, 94, 95, 28 and 96. Therefore, if amendment 92 is agreed to, I will not be able to call amendments 93, 26, 27, 94, 95, 28 and 96.

Amendment 92, in the name of Russell Findlay, is grouped with amendments 93, 26, 27, 94, 95 and 28. I call Russell Findlay to move amendment 92 and to speak to all the amendments in the group.

Russell Findlay: As previously, after some military persuasion from Mr Mountain and some subbing advice from Mr Simpson, this will be short.

Amendments 92 and 94 in my name relate to the emergency release of prisoners. As I argued in relation to my multiple similar amendments during stage 2, this is in some way a point of principle. Prison sentences are imposed by the independent judiciary on the basis of all relevant available information, and it is wrong for ministers to have such widespread powers to override those decisions and to do so in such great numbers.

At stage 2, we learned that 142 of the 348 prisoners who were released early under the emergency powers reoffended within six months, so people suffered as a direct consequence of the ministerial decision. Covid-19 caught everyone off guard, but that was more than two years ago. It is my contention that the Scottish Government should be better prepared the next time, if there is one, which includes its having the ability to safely manage the prison population in the event of a similar outbreak. Being prepared is preferable to the panic opening of prison gates.

Victims' groups were scathing about the ministerial mass release of 2020. Victim Support Scotland told the Criminal Justice Committee that "no regard whatsoever" was given to victims.

If amendment 92 were not successful, my amendment 94 would seek to exempt the early release of any prisoner who is serving a sentence of more than 12 months. It seems to be common sense that those more serious offenders should not benefit from early release at the stroke of a ministerial pen.

I thank the cabinet secretary and his team for the inclusion of amendment 27, which came about as a result of my similar stage 2 amendments.

I ask members to support my amendments.

I move amendment 92.

The Deputy Presiding Officer: I call Jamie Greene to speak to amendment 93 and other amendments in the group.

Jamie Greene: Following on from my colleague's comments, if the Parliament is not minded to accept his amendment about the overall premise of early release, I ask members to consider mine instead. If ministers are to use that power, my amendments 93 and 95 are short but quite important—maybe not necessarily to us, but to the victims of the crimes of those people who have been released early.

Our arguments against early release as a concept are on the record and there is no point in rehearsing those. What matters is whether that power is used, and it was used before: 348 people were released early, whatever our views are on that. What did not happen was proper notification to the victims. We know that they were not properly notified because that is what Victim Support Scotland said. We have heard one quote from Kate Wallace, and I would like to put on record another. She told us that there was

"a massive upsurge in the number of victims who contacted us"—

that is, Victim Support Scotland. Those victims were

"petrified that the perpetrator in their case was going to be released early. We all struggled to find the capacity to manage people's anxiety and to support them through that time."—[*Official Report, Criminal Justice Committee, 23 February 2022; c 10-11.*]

We also heard about the funding that was available for things such as personal safety or security devices. The requests for such funding went through the roof because people were genuinely concerned that the offender had been released.

We must put ourselves in the shoes of a victim who does not know whether the perpetrator will be or has been released. If that person has been released, what does that mean to the victim? The anxiety that victims were feeling was palpable. Let us not forget that, of the 348 people who were released using the extraordinary power, 21 had been convicted of serious assault.

I welcome the fact that the cabinet secretary has said on the record that he is sympathetic to doing something about the situation and that more victims should be informed about decisions that affect them. To use his words, if we were ever to use that early release power again, we would "want to learn" from the experience in 2020 and ensure that improvements to the process were put in place. That would include improved

communication with victims. My amendment 93 would ensure just that. It would mean that every victim of an offender who was released early under the ministerial power would be afforded the privilege, the benefit and the luxury of being told that information. Let us do right by the victims. This is the cabinet secretary's opportunity to do that and to stick to the commitment that he made at stage 2.

I now turn to the other two notable amendments in this group. Amendment 26 is a response to concerns that I raised at stage 2 about people being released more than six months before the end of their sentence. The cabinet secretary conceded that that was unacceptable and lodged an amendment in response to that. I support amendment 26.

Amendment 27 relates to the type of offences that cannot merit early release. In this case, those are specifically offences under the Domestic Abuse (Scotland) Act 2018. It goes without saying that people who have perpetrated the most heinous types of domestic abuse or violence against their partners should absolutely not be considered for early release. I support amendment 27, too.

I know that this is the last group, but I ask members to think carefully about how they vote on the amendments in it. We all want to do right by the victims of crime, and I hope that my short amendment 93 will improve things. We all hope that the power is not used again and that it does not have to be. However, if it is used again, the very least that we can do is ensure that the victims of those crimes are informed as much as possible as part of the process. We owe that to them, and we know that, to date, that simply has not been the case.

Keith Brown: Ensuring the security and good order of our prisons and young offenders institutions and the health and safety of both those detained in them and those who work in them is absolutely vital. It is a responsibility that I take extremely seriously. The emergency prisoner release power—which, I remind the Parliament, the Scottish Government has used only once since it was introduced under the Coronavirus (Scotland) Act 2020—is a way of meeting that important responsibility. The Scottish Government currently has no plans to use the power, but we have all seen how unpredictable the coronavirus and its variants can be and the significant impact that coronavirus outbreaks have on the prison regime.

Without these temporary provisions, we would be required to introduce emergency legislation if the impact of the coronavirus placed the security of our prisons or young offenders institutions at risk. Even emergency legislation would take time

that we could not afford. For those reasons, the Government is opposed to Russell Findlay's amendment 92.

Amendments 93 and 95, in the name of Jamie Greene, seek to provide that victims be notified before prisoners are released under that mechanism. I agree that ensuring that victims receive clear and appropriate information about prisoner release is critical. Indeed, that is why the Government is legislating to extend that provision to victim support organisations under our Bail and Release from Custody (Scotland) Bill, which is proposed to take over from the extended temporary provisions in the Coronavirus (Recovery and Reform) (Scotland) Bill.

The regulations for the May 2020 early release process extended the remit of the victim notification scheme to include prisoners released under that mechanism. That meant that individuals who were registered with the scheme would be informed if the prisoner that they had registered to be notified about was to be released early. We intend to take that bespoke approach should the power ever be needed again.

20:30

The drafting of amendment 93 appears to require ministers to notify anyone registered with the victim notification scheme of the release of prisoners, but it is not specific about which prisoners or which victims should be notified. The drafting is so wide that it would mean that every victim who had registered with the notification scheme would need to be notified, not just the victims of prisoners who stood to be released under the emergency mechanism. That seems to risk unnecessarily retraumatising people, although I cannot believe that that is the intention behind it.

Jamie Greene: I hear what the cabinet secretary says about the deficiency of the wording. Why did the Government not lodge a competent amendment to satisfy that issue? Why did it not lodge an amendment that provided a solution for the victims of specific crimes by specific offenders? Indeed, why did the Government not seek to amend my amendment 93, which it could have done? All those options were available.

It is all very well to shoot down my proposal at stage 3. That is the problem when we rush legislation. I look forward to hearing what the cabinet secretary will commit to doing to ensure that every victim of crime will be notified when an offender has been released early using a power that he will hold.

Keith Brown: It is not my or the Government's responsibility to correct an incompetent amendment. I have laid out what we think our approach should be. We think that that is the right

approach, so why would I want to amend Jamie Greene's amendment 93 if I do not agree with it in the first place?

I could be corrected, but I am sure that I said the same thing at stage 2. If we were to follow amendment 93, we would have to notify every victim who had registered with the scheme on the release of any prisoner. That cannot be what Jamie Greene intended. It is not my fault if that is the impact of the proposed amendment.

Amendment 93 also fails to provide an important safeguard on the sharing of information about prisoner release. The legislation underpinning the victim notification scheme provides the Scottish ministers, as the Scottish Prison Service, with a discretion not to share information with a victim who is registered with the notification scheme in certain circumstances. That discretion is, in part, to protect the human rights of the prisoner being released where they may be at risk from retaliatory attacks following release. Amendment 93 does not give the Scottish ministers such a discretion and, therefore, does not provide for that necessary safeguard.

For those reasons, the Scottish Government cannot support amendments 93 and 95, and I ask Jamie Greene not to move them.

Amendment 94, in the name of Russell Findlay, seeks to exclude individuals who are serving sentences of more than 12 months from emergency release. That is a sweeping and arbitrary exclusion, which I do not support. It would significantly reduce the effectiveness of the emergency release power—which is probably its intention—as a mechanism to manage the prison population in the face of a serious threat to security and good order caused by a deadly virus.

The bill as introduced included restrictions on the categories of prisoner who could be released under the emergency release power. I have been pleased to work with Russell Findlay and Jamie Greene to lodge amendments to impose further specific restrictions that are sensible and proportionate. They are considered and proportionate safeguards. The blanket exclusion from emergency release of anyone sentenced to more than 12 months, regardless of the offence, is not. I urge members not to support amendment 94.

Amendments 26 to 28, in my name, will place further restrictions on how the early prisoner release provision will operate. Those amendments give effect to proposals made by Jamie Greene and Russell Findlay at stage 2.

Amendment 26 restricts the use of the early release power so that it can be used to release prisoners with only six months or less of their

sentence left to serve. Amendment 28 is consequential on amendment 26.

Amendment 27 excludes individuals who are serving sentences for offences under the Domestic Abuse (Scotland) Act 2018 and the Domestic Abuse (Protection) (Scotland) Act 2021 from release under the early release provision. It gives effect to a proposal from Russell Findlay at stage 2 but goes further by also excluding from emergency release individuals who are serving sentences for offences with a domestic abuse aggravation under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

I invite members to support the amendments in my name.

The Deputy Presiding Officer: I call on Russell Findlay to wind up and to press or withdraw amendment 92.

Russell Findlay: I have little more to say other than to note my disappointment at the cabinet secretary's response in regard to Jamie Greene's amendment 93 on the notification that is given to victims. I think that victims will have heard the Government's message loud and clear.

I press amendment 92.

The Deputy Presiding Officer: I remind members that, if amendment 92 is agreed to, I cannot call amendments 93, 26, 27, 94, 95, 28 and 96, due to pre-emption.

The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)

Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 30, Against 84, Abstentions 0.

Amendment 92 disagreed to.

Amendment 93 moved—[Jamie Greene].

The Deputy Presiding Officer: The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Doney, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (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)
 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)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 51, Against 64, Abstentions 0.

Amendment 93 disagreed to.

Amendments 26 and 27 moved—[Keith Brown]—and agreed to.

Amendment 94 not moved.

The Deputy Presiding Officer: I call Jamie Greene to move or not move amendment 95.

Jamie Greene: I will just toss a coin here. Hold on.

Amendment 95 not moved.

Amendment 28 moved—[Keith Brown]—and agreed to.

Amendment 96 not moved.

The Deputy Presiding Officer: That ends the consideration of amendments.

As members will be aware, at this point in the proceedings, the Presiding Officer is required under standing orders to decide whether in her view any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer’s view, no provision of the Coronavirus (Recovery and Reform) (Scotland) Bill relates to a protected subject matter. Therefore—[*Interruption.*] Sorry, could I just have a bit of quiet while I do this? Therefore, the bill does not require a supermajority to be passed at stage 3.

Before I invite John Swinney to open the debate, I call on him to signify Crown consent to the bill.

John Swinney: For the purposes of rule 9.11 of the standing orders, I advise Parliament that Her Majesty, having been informed of the purport of the Coronavirus (Recovery and Reform) (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of Parliament for the purposes of the bill.

Coronavirus (Recovery and Reform) (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a stage 3 debate on motion S6M-05217, in the name of John Swinney, on the Coronavirus (Recovery and Reform) (Scotland) Bill.

20:42

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): I am pleased to open the final debate on this important bill. I would like to thank the conveners, members and clerks of the COVID-19 Recovery Committee, the Criminal Justice Committee, the Local Government, Housing and Planning Committee, the Delegated Powers and Law Reform Committee and the other scrutiny committees, and all the individuals and organisations that have helped to shape and inform the bill that Parliament is considering today.

The Scottish Government's priorities this session have been to continue to lead Scotland safely through and out of the Covid pandemic and to address inequalities that have been made worse by Covid, progressing towards a wellbeing economy and accelerating inclusive person-centred public services. Individually and collectively, the provisions of the bill support those ambitions as set out in the Covid recovery strategy and the updated Covid strategic framework.

The Government recognises that the powers contained in the bill to prepare for future public health threats are substantial. However, it is fair to say that we need those powers to address the gap that existed in the statute book at the start of the Covid pandemic. The powers have been demonstrated to be essential.

I have made it clear previously that the test of proportionality is central to all our judgments, and that is reflected in the bill. The bill as introduced contained significant safeguards around the exercise of those powers, but I recognised at stage 1 that the right balance had not been struck between the need for swift, effective action to deal with the implications of a pandemic and the need to do so with the maximum amount of robust parliamentary scrutiny available in such circumstances.

I want to touch on some of the improvements that have been made to the bill as a consequence of the hearing of evidence by the committees and the engagement that the Government has had with other members of Parliament and stakeholders.

It is an important part of the parliamentary process that, where the Government brings forward proposals and there is evidence marshalled to committees that indicates that we could move to a stronger and more appropriate position, we are prepared and willing to do exactly that.

I will address some of the changes that have been made to the bill to strengthen oversight and parliamentary scrutiny and the exercise of powers under the bill. Where the bill allows for regulations to come into force immediately under the made affirmative procedure, an explanation will be required as to why ministers consider that the regulations need to be made urgently. Such regulations must also contain an expiry, or sunset, provision where they are not already time limited in some way.

Any regulations engaging the so-called Henry VIII powers, which allow ministers to modify primary legislation by regulations in relation to public health protection, would require parliamentary approval before they could come into force. Moreover, key aspects of the public health protection and education continuity powers in the bill will also be subject to a gateway vote mechanism to ensure that they could be used only with parliamentary authorisation in the event of a future public health threat, with an appropriate alternative mechanism for situations such as dissolution when Parliament would be unable to consider a gateway vote mechanism.

In making all those changes, the Government has listened to the concerns expressed by external stakeholders and members of Parliament. We have done so in order to satisfy the objective of ensuring that our statute book is updated so that we have the necessary powers to deal with a pandemic—an important lesson that has been learned from the exercise of powers during the past two years or so—and that the exercise of those powers is undertaken in a fashion that is consistent with the appropriate level of parliamentary scrutiny in an emergency situation.

I turn to the public services reforms in the bill. Scrutiny committees rightly cautioned against possible risks of digital exclusion, and the Government shares the view that, while we must support online and telephone public services where they offer convenience to service users, we must recognise that such an approach will not suit all service users all of the time. It has always been Government policy that nothing in the bill should preclude the provision of traditional paper-based and in-person public services, and amendments were agreed at stage 2 to emphasise that point in the bill.

Although the bill is not, and cannot be, a complete solution to the cost of living crisis, I am

pleased that amendments were agreed at stage 2 that amend bankruptcy and diligence law and provide important protection to people who are experiencing financial difficulties. Those measures increase the length of time that people with unsustainable debt have to seek advice without the threat of creditors taking action to pursue the debts, and they increase the sum of money that a person can keep in their bank account when they are subject to debt recovery procedures.

I recognise that some members would wish to go further on some of those measures, in particular in relation to support for tenants. The final version of the bill maintains provisions that have supported tenants and prevented evictions, despite some calls for those provisions to be removed or significantly limited. In the earlier debate on amendments, the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights emphasised that we will continue our detailed work with stakeholders to further raise awareness of tenants' rights, and to explore how we can make better use of existing powers and increase access to rent adjudication, which is key to challenging unfair rent increases.

Time does not allow me to speak to all the important reforms in the bill, from facilitating future vaccination and immunisation programmes to the modernisation of licensing practices, but there are measures in the bill that all members and all parties can support. In that spirit, and in the light of what I consider to be formidable movement by the Government at stage 2 to enhance parliamentary scrutiny of the exercise of these emergency powers, I urge members and parties to support the provisions in the bill.

I move,

That the Parliament agrees that the Coronavirus (Recovery and Reform) (Scotland) Bill be passed.

20:49

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

My remarks will be relatively brief, not because it is past my bedtime, but because we have extensively debated the issues in the bill over a period of many weeks and I am not going to repeat everything that I have said before.

I start by putting on record my thanks to the legislation team for all their assistance with the drafting of amendments at stages 2 and 3 and to my colleagues on the COVID-19 Recovery Committee for the work done together in handling stage 2.

There are some aspects of the bill that we would be happy to support, had they been brought forward in some other form. For example, there are entirely sensible measures to allow nurses to administer vaccinations; there are entirely sensible

reforms that allow movement towards using digital and online services to deliver public functions; there are also some necessary reforms in the criminal justice space to deal with what continues to be a major backlog in relation to trials and the administration of justice.

However, too much in the bill seemed to us to be simply not necessary at this stage and represents a power grab on the part of Scottish ministers, which is not something that we could support.

During consultation, the COVID-19 Recovery Committee heard evidence of how much concern there was from stakeholders about a lot of what was proposed in the bill. The committee's survey had almost 4,000 responses, which may well be unprecedented, with as many as 90 per cent of those who responded expressing concern about what was proposed in the bill. When the general principles of the bill were debated in committee, it was supported only following a casting vote by the convener. There is no broad consensus in support of the bill and I think that, when we come to decision time, we will find that all the Opposition parties will oppose the bill.

That is essentially because, in our view, the bill puts too much power in the hands of ministers. I recognise that there has been some movement from the Scottish Government, which has made a number of concessions, but those are not enough to satisfy our concerns.

John Swinney: I have listened with care to Mr Fraser in the past few weeks. It strikes me that his objections are not only about the allocation of powers to ministers, albeit with, as he correctly notes, significant changes to improve parliamentary scrutiny. Is his objection to the Government putting measures in place to tackle the deficiencies in the statute book? Is he in fact objecting to that?

Murdo Fraser: There are two possible ways in which the Government could approach what was a serious problem. One way was to do what the Government has done, which was to legislate to give ministers power to bring forward, in regulation, the legal measures necessary to deal with an emergency situation. That is the choice that the Government made.

The alternative approach, which was the one that we talked about at stage 1 and which also came up during stage 2, was to sit down with Opposition members of Parliament and stakeholders to prepare draft legislation that could sit on the shelf and could be introduced as and when it was required. This Parliament demonstrated two years ago that it could legislate very quickly when that was required in an emergency.

There is a very significant difference between the two approaches. To take the second approach would put Parliament, not the Government, in the driving seat. Doing this in the way that the Deputy First Minister has done means that Parliament does not have the power to amend the measures being brought forward. If we had done this in the second way, which was the one that was suggested to the committee by Professor Fiona de Londras of the University of Birmingham among others, that would have given Parliament the ability to amend the legislation. Regulations cannot be amended. That is the essential difference between me and the Deputy First Minister.

It was because of that that we were concerned about what was being proposed. We were also concerned, as Mr Rowley explained earlier, about the Henry VIII provisions. Although those have been watered down and qualified, they have not been removed altogether, which causes us very serious concern.

I will make one more point, which is in relation to the measures in the bill that affect the private rented sector. We have heard very serious concerns from stakeholders in that area, including bodies such as NFU Scotland and Scottish Land & Estates, that there may be unintended consequences of what is in the bill.

Already, the evidence is showing that landlords are withdrawing from the private rented sector because of the concerns that they have about some of the legislation that this Government is introducing. We know that the Government intends to introduce more tenancy legislation, and we look forward to seeing that in due course. I just say to the Government that it should be careful that we do not see an even faster exodus of private landlords from the market, because the consequence of that would be that the shortages that we already see in the private rented sector for tenants who are seeking somewhere to live would simply be exacerbated. I urge the Government to tread carefully.

With that, I will close. This is not a bill that we can support. There may be measures in it that are sensible reforms, but overall it represents a power grab by the Scottish Government, and we cannot support that.

20:55

Jackie Baillie (Dumbarton) (Lab): This has been a marathon meeting, so I particularly thank the Parliament staff, the clerks and the bill team for staying late into the evening. I think that it is fair to say that the Parliament is not particularly family friendly tonight.

There is a theme that emerges when we look back over the 15 years for which the SNP has been in Government, and it is the same theme that runs through the bill that we are debating this evening. It is the centralisation of power in the hands of the executive. During the SNP's time in Government, many powers have been sucked up from local authorities and moved to St Andrew's house or indeed to one of the 129 quangos that the SNP has set up—one for each of us in this Parliament.

The bill would see the level of scrutiny that comes with primary legislation removed from the Parliament and power handed over to Government ministers. I welcome John Swinney's concessions at stage 2 to allay the fears that were expressed by members of the Parliament, members of the public and civic society organisations alike, but they simply do not go far enough. The executive will still have far-reaching powers that will potentially lead to ministers making rushed, ad hoc decisions without the benefit of the appropriate level of scrutiny.

The mistakes that were made at the beginning of the pandemic were not made because of the absence of those powers. If the Government had made the decision to lock down just two weeks earlier, 2,000 lives could have been saved. If the Government had not sent untested and infected people into care homes with Covid, thousands of elderly and vulnerable people might not have died. Making those calls did not need the legislation that we are debating today, and passing the bill today will not help Governments to make these decisions in future.

What will help future Governments that are faced with public health emergencies are the lessons learned from the past two years. The inquiry into the Government's handling of the pandemic will identify where things went wrong and ensure that its mistakes are not repeated in the future. The inquiry is at its starting point, and while I have every confidence in Lady Poole's approach, it is concerning that the Government would attempt to pre-empt its findings by pushing the bill through today.

We cannot assume that future public health emergencies would take the same form as that of Covid-19. It is also foolhardy to pass legislation that is informed by what this Government has done since March 2020 while not allowing ourselves to be informed by the inquiry that will consider the actions taken. We are setting ourselves up to repeat the mistakes from before.

John Mason (Glasgow Shettleston) (SNP): Will the member take an intervention?

Jackie Baillie: To be honest, I do not have time and I do not have the energy.

The bill would not, in and of itself, lead to a better response to a future pandemic, and it would diminish scrutiny and accountability. Those of us who have been around the Parliament for many years can recall emergency legislation being passed quickly, but nevertheless being considered by Parliament and key stakeholders. As such, the importance of Alex Rowley's amendment to remove the so-called Henry VIII powers cannot be overstated. It is also the case that the Scottish Government's suggestion that Henry VIII powers are used in the same way in the UK Parliament is simply not accurate.

Let us be clear about what ministers are attempting to do today. They are wrapping up a plethora of issues into one Frankenstein-like bill, which is wholly unjustifiable. It is fundamentally a bad way to legislate. There could have been separate bills so that each of the changes could be debated on its own merits. Indeed, there are plans for legislation in the immediate future that would have presented suitable vehicles for making changes to policy.

Labour supports many individual provisions, but the Government has deliberately wrapped them all up in a bill that hands sweeping powers to ministers. Where there was the opportunity to be bold and agree to amendments such as Mercedes Villalba's on protecting renters, the SNP and the Greens have simply turned their backs on people who might be struggling. It is appalling to watch those in ministerial office abandon their principles.

I remind members that 85.8 per cent of people who responded to the consultation on the bill opposed giving ministers permanent powers. The Government should reflect on that and should stop this gross overreach. Centralising power and diminishing scrutiny without learning lessons from the pandemic is not the right approach. Scotland deserves better than that, and I regret, for that reason, that I will vote against the bill.

The Deputy Presiding Officer: Beatrice Wishart joins us remotely.

21:00

Beatrice Wishart (Shetland Islands) (LD): I am pleased to speak for the Scottish Liberal Democrats at stage 3 of the bill, but I must say that my party and I do not believe that we should be here in the first place.

It is the view of the Liberal Democrats that the bill represents an unprecedented and unsavoury power grab by the Scottish Government. It seeks to retain powers that it solemnly promised it would return as soon as possible.

Let us remember that, in March 2020, as millions of people were put into lockdown, the First

Minister said that she was clear that emergency powers were necessary, but that they should only exist and be used if and when it was deemed necessary. She went on to say that when the Government uses emergency powers that restrict our liberty, "scrutiny is absolutely essential".

However, today we are being asked to vote for legislation that removes the scrutiny of Parliament over vital decisions that would affect all our lives, so what has changed? Why does the Government no longer believe in limiting its ability to use those unprecedented powers, and why does it want to undermine parliamentary scrutiny?

There can be absolutely no justification for the Executive to permanently retain the ability to shut schools, release prisoners and impose lockdowns. The Government will argue that it is retaining those powers to keep us all safe in the face of a future pandemic, but we could not have legislated for everything that we needed to do to respond to Covid-19 before we had heard of it any more than we can now legislate for the next variant of the virus or the next pandemic that might come down the track.

As my colleague Alex Cole-Hamilton has said previously, it would be far better to instruct civil servants to prepare draft legislation—a toolkit—to put on the shelf ready for any such eventuality. Let us not forget that, at the start of the pandemic, we turned the necessary bill around in days. We could do so again in the future, and even quicker with draft legislation.

The other thing about the bill is that it represents yet another attempt by the Government to centralise power. The ability to make changes to our justice or education systems should come from the ground up. That power should lie with local authorities and those who understand the systems that they work in. Changes should be made by people who have an existing responsibility for managing those systems and are able to monitor the impact of any changes that are made.

We all want the Government to have a plan for future pandemics, and we want it to be prepared. Its Silver Swan strategy planned for the wrong type of pandemic. It ignored care homes and did not have a plan for testing. We need something better, but this bill is not it. Let us not forget that, during the recent pandemic, the scrutiny of the Parliament prevented the Government from unnecessarily stopping jury trials for the first time in 800 years. Parliamentary scrutiny matters.

In closing, I note that lessons have undoubtedly been learned from the pandemic, and it is right that sensible reforms are made in response to that. My party agrees with some of the changes that have been made to the bill, such as those that

protect tenants' rights, but there is no need for them to be wrapped up in legislation that undermines our democracy. That is what the bill does, which is why my party will vote against it at decision time.

21:04

John Mason (Glasgow Shettleston) (SNP):

There is a lot in the bill that we can all agree on, and we certainly found that to be the case in the committee. We considered issues such as bankruptcy and the temporary measures that had to be put in place during Covid to give added protection to those in difficult financial circumstances. Those measures were found to have worked well, and there was widespread agreement that what had been intended as temporary measures should be made permanent.

A few put the counterargument that, rather than combining so many issues in one piece of legislation, perhaps we could just have waited until the particular area of legislation was due to be looked at again later on. However, that would have meant good and successful measures being dropped for an indefinite period until Parliament had the opportunity to consider more specific legislation later on.

Other examples of generally welcomed changes have included the remote registration of births and deaths, and certain licensing procedures being conducted remotely. However, there was justifiable concern that such online or remote interactions might become the default position, with councils and others no longer providing face-to-face services at all. I think that most people felt that that would not be a good move, as there is the challenge of digital exclusion for some and the advantage of face-to-face communication in particularly sensitive cases. Therefore, I very much welcomed the fact that the Government introduced protection for such in-person meetings at stage 2.

In the area of protection for tenants, for example, there have been suggestions both that the Government has gone too far and has disadvantaged landlords, and that it has not gone far enough, for example by not controlling rents to a greater extent. I believe that we have reached a middle position today, and I feel certain that housing and tenants' rights are issues that we will return to before too long.

We have had the major question of how far the Government and Parliament should go in preparing for the next emergency—whether that is a pandemic or something else. One school of thought was that we managed perfectly well in 2020 and successfully pushed through primary legislation very rapidly, so we might as well sit

back and do the same next time. However, the other school of thought is that we could have been better prepared last time round, and we should be taking advantage of what we have learned in order to be off our marks more quickly next time round.

Again, the question has been how much power should be transferred from Parliament to Government, and when exactly that should come into effect. Should it be all set to go as soon as the bill is passed, or should Parliament have more of a say once we are clear what the particular emergency is? The Government has clearly moved on that with amendments at stage 2, and I think that a reasonable compromise has been reached. Powers will come into play if Parliament says so, and that effectively gives Parliament a veto or the gateway vote. Therefore, I find it disappointing that other parties still claim to have concerns about that. Mind you, they still have time to change their minds.

Overall, I think that the bill is a good move. It is unusual in covering such a wide range of topics, and it is only happening because of Covid and because some of the measures that we took turned out to have been worth while. I hope that all members will support it, as I am happy to.

21:07

Edward Mountain (Highlands and Islands) (Con): I can read the room, and I note the weariness of some people around the chamber.

I thank the legislation team for helping me to lodge 44 amendments at stage 2. That was quite a task. The legislation team helped me to do that when I was incapacitated in hospital. It also managed to draft the amendments in such a way that I would have to get the committee to vote against my amendments if I wanted to achieve what was in them. Trying to explain that to my party and my colleagues was not easy. However, the team was extremely helpful. That shows the professionalism of the service that we get.

I have been able to say a huge amount of what I wanted to say, and I do not want to rerun it all. However, there are some things that I would like to say about part 4 of the bill.

The bill is a smorgasbord of legislation in areas that should have been properly scrutinised and subject to committee scrutiny and post-legislative scrutiny so that we had the right ideas. In part 4, we saw a change to private residential tenancies. I believe that there is a lot in there that could have been done by consulting all the sectors, but things were done without doing that and without consideration. I found it deeply disappointing when I met the minister to discuss that. I heard the debate this afternoon. People peddle untruths. Whatever tenancy is set up—whether it be a

regulated tenancy under the Rent (Scotland) Act 1984, a short assured tenancy or an assured tenancy under the Housing (Scotland) Act 1988, or a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016—there is a way to stop rent increases and appeal against them. If members are saying to constituents who write in that there is no way of stopping such rises, they are giving bad advice. My door will remain open to people seeking advice on how to appeal rent reviews.

My concern, which has been well debated this afternoon, is that the bill is a move of powers into the middle, which will prevent the Parliament from scrutinising the Government's position on legislation. Therefore, I cannot support it.

21:10

Mercedes Villalba (North East Scotland) (Lab): The Covid-19 pandemic exposed many of the underlying inequalities in our society. From insecure work, to the undervaluing of our key workers, the pandemic highlighted the need for us to make real transformational changes. However, the bill before us today, which is supposedly focused on building a fair post-pandemic recovery, leaves many injustices untackled—and none more so than rip-off rent hikes, which continue to cause so much financial hardship for tenants in the private rented sector.

Today, the Scottish Government had an opportunity to act in the interests of tenants, but those in power have voted for the benefit of landlords. I welcome the tenancy provisions in the bill, but they will do nothing to address the rent costs that tenants face now. Changing eviction grounds from mandatory to discretionary on a permanent basis will strengthen private sector tenants' rights, as will provisions that relate to putting the pre-action protocol on a permanent footing.

However, we should reflect on the landscape that tenants will still face, irrespective of those changes: tenants will continue to face years of potential rent hikes until the Scottish Government delivers on its promise to introduce rent controls by the end of 2025; there will be no restrictions on the level of rent increases that landlords can propose until then; and there will be no relief from the Scottish Government, with not a single rent pressure zone having been designated yet.

If the Scottish Government had supported an emergency rent freeze, tenants across the country would have had urgent relief. They would not have been subjected to further rent hikes for a period of two years. Given that average rents in Scotland have increased by nearly 35 per cent in the past decade, that would have been a welcome reprieve

for tenants ahead of the introduction of a national system of rent controls. Instead, the Scottish Government has shown that it is unwilling or unable to take action in the midst of the cost of living crisis.

Although there are notable exceptions on the Government's back benches, ministers seem to have been cowed by the vested interests of landlords and the threat of legal challenge. That is concerning, given that the Scottish Government would have us believe that it will introduce rent controls later in the session—in the face of opposition from landlords and the threat of legal challenge. After watching every other party vote down a rent freeze this evening, it is hard not to question the promises that those parties have made about bringing in a national system of rent controls.

The bill presented us with a unique opportunity to address the underlying injustices in our society. Green MSPs once championed a rent freeze. In 2020, Scottish Greens criticised the SNP for

“lining up with the Tories and landlords to vote down Green proposals for a rent freeze”.

Today, Scottish Greens deployed the same spurious arguments to talk down rent freeze amendments—the same arguments that the SNP used against them in 2020. As progressive parties, we should be working together to outnumber Tories and landlords, to win a rent freeze for tenants, rather than undermining redistributive policies using the establishment's tactics.

The Tories are a minority in our communities. We should be making their profit-hoarding, wage-robbing beliefs a minority in the Scottish Parliament, too.

21:14

Ross Greer (West Scotland) (Green): The process of passing two pieces of emergency legislation at the height of the first phase of the pandemic and before remote participation arrangements had been made was a difficult one for this Parliament, but it was one that I believe showed us in our best light, responding to a crisis generally collegially and with common purpose.

The process for those bills did not get everything right, though, and that is one of the key questions that the bill addresses. Do we want to leave ourselves in a position of needing to go through that process again? Do we want to delay potentially life-saving actions and self-evidently obvious ones, even for a matter of days, if we are, once again, hit by a pandemic unlike anything previously seen in living memory, or do we consolidate what we have learned from this experience so that the necessary powers are available in the event that they are needed? I

welcome the addition of a gateway clause—something that the Greens were keen to see introduced—to address the perfectly valid concerns about the primacy of Parliament over Government.

Beyond the powers that are specific to the circumstances of a public health emergency, we can all recognise that some of the changes introduced by the two coronavirus acts simply made sense and probably should have been in place all along. The most obvious example is of processes that were previously only able to be completed in person via hard-copy papers, but which can now be done digitally. If we are committed to the delivery of efficient, effective and easy-to-access public services, returning to the pre-pandemic situation in that regard would clearly be a backward step. Those provisions will be of particular benefit to those in more rural communities, for whom the reality of travelling to a council office to register a relative's death, for example, is quite different from that of urban residents. However, it is important to highlight that this is not an either/or situation; the bill does not give councils permission to move some services entirely online.

Housing was area into which Green MSPs put considerable effort during the process for the two emergency bills—specifically, the protection of tenants, including those in purpose-built student accommodation. Since then, we have joined the Government on the basis of an agreement that includes our new deal for tenants proposals, which are now being taken forward by Patrick Harvie as minister for tenants' rights.

Before the pandemic, it was far too easy for landlords to evict tenants. The protections that were introduced back in 2020 made a real difference to many people who were at risk of losing their homes, and there is simply no good reason for going back to where we were before—to a system in which all the cards were stacked in favour of landlords. If nothing else, it would be comically inefficient for those protections to expire now, given that a tenants' rights bill is coming soon.

It is worth pointing out that, throughout the consultation process, those representing landlords were happy to see the pre-action protocol made permanent, because, in their view, it simply formalises the kind of best practice that they would expect landlords to undertake anyway before eviction proceedings start. I know that landlords were far less happy about maintaining the ability of tribunals to take all circumstances into account before ruling on an eviction, citing the financial impact that that could have on them. If that is the case, I can only suggest that they consider getting a job.

A number of other progressive provisions, first introduced in the context of the emergency, are now appropriately being extended, such as the bankruptcy protections, which, if I remember correctly, were rightly first pushed for by Jackie Baillie.

The duty on purpose-built student accommodation providers to take account of the chief medical officer's advice will hopefully avoid a repeat of the scenes that we saw at Murano Street student village in Glasgow and elsewhere in the autumn of 2020. There are other provisions that I am glad to see included in the bill, but I do not have time to cover them now.

The bill takes a pragmatic approach to maintaining the improvements that were brought about as a result of our response to the pandemic. It gives Government the powers that it would need in the event of another such crisis and strikes the appropriate balance between parliamentary oversight and executive action. For those reasons, the Greens support the bill.

The Deputy Presiding Officer: I call Emma Roddick, who will be the last speaker in the open debate and is joining us remotely. *[Interruption.]* Ms Roddick, you are on mute, so you will need to start again from the beginning. *[Interruption.]* You are still on mute, and we cannot hear anything that you are saying.

I am afraid that we seem to have a problem with Ms Roddick's connection. Given the lateness of the hour, I would imagine that members would be keen that we continue to make progress with the debate. It is unfortunate, but that is the way it is.

We move to closing speeches.

21:19

Alex Rowley (Mid Scotland and Fife) (Lab): Given the lateness of the hour, I will try to be brief.

We set out from day 1 that our problem with the bill was the Henry VIII powers. Despite the fact that the Deputy First Minister said that he had gone a long way to try to address some of those concerns, it was a red line for us, and it continues to be a red line. That is why Labour will vote against the bill at decision time.

Jackie Baillie spoke about centralisation, and the centralisation tendencies of this Government. When I speak to Labour colleagues in England, they tell me that they do not want devolution because of what has happened to the powers of local authorities in Scotland. The National Care Service (Scotland) Bill will basically take masses of powers away from local authorities. That centralisation continues in the Coronavirus (Recovery and Reform) (Scotland) Bill.

The Cabinet Secretary for Justice and Veterans (Keith Brown): I wonder whether Alex Rowley, being a former council leader, remembers, as I do, compulsory competitive tendering, private finance initiatives and the ring fencing that went on under a previous Labour-Liberal Democrat Government and, prior to that, the Tory Government.

Alex Rowley: The cabinet secretary might remember that PFI came in under a Tory Government and that it was the only game in town at that point. Thankfully, local authorities, which had more powers than they have now, were able to come up with public-private partnerships, which were cost effective. Fife Council has done detailed reports showing that, unless a boiler or something major goes in a school, PPP schemes, such as those that were put in place to build Queen Anne high school and other schools in Fife, are economically and financially sound. The line that the cabinet secretary is pushing about PFI is wrong.

Centralisation is a major issue that must be challenged. We are seeing local authorities being stripped of powers. That is bad for local democracy and for communities.

Through the bill, powers are being taken out of this Parliament and put into the executive. That is a major problem. I wonder whether, if we look back in 10 or 15 years' time, people will be asking how on earth the Scottish Parliament ended up becoming the big town council of Scotland.

In fact, the SNP Government is not very good at centralising. The centralisation of the police has left communities without local policing and local policing policy—I could go through every centralisation that has happened. The Government is not that good at running public services, so I really do not know why it is trying to turn this place into the town council.

On the debate that took place earlier today, whether we have further devolution in Scotland, home rule, independence or the status quo, the reality is that we will own nothing in Scotland. The ownership of Scotland sits with private multinational companies, so it will not matter what type of Government or system we have in place. This SNP Government has failed to take political and economic control of our country.

As for the Greens, they knew that they were going to force through the bill along with the Government. A little bit of power seems to have gone a long way in terms of where they are, but it is disgraceful that they would not stand up for tenants and for those who are paying the biggest price at this time.

Ross Greer *rose*—

Alex Rowley: By all means, I will take an intervention from Ross Greer.

The Deputy Presiding Officer: Very briefly, please, Mr Greer, because Mr Rowley should be bringing his remarks to a close.

Ross Greer: I simply point out that Labour's entire argument for the rent freeze rested on a piece of case law that was about a single property that had no running water or toilets. If it had looked at the more recent case law that was about a blanket rent freeze, it would have seen that the measure was, in fact, struck down on ECHR grounds.

Alex Rowley: The Greens used to stand for strong local government and strong national Government. Clearly, they have moved away from that position. They are moving from a Green Party to a paler shade of white and becoming yellower by the week.

On that note, I will conclude. We will not support the bill tonight. We would have supported it had the Government recognised where our red line was, but there you go, Presiding Officer.

21:23

Oliver Mundell (Dumfriesshire) (Con): As one of the closing speakers in a long and wide-ranging debate—not just today but through the various stages of the bill—there is a huge amount that I could say, but, at this point, very little that would be new.

As colleagues have set out already, we fundamentally disagree with the Government's approach to the bill. The final bill is an improvement, but it still falls far short of something that we could support in full. We have heard throughout the debate that there are many unresolved flashpoints across the Parliament.

The bill could have been split up. We could have opted for draft legislation that would have sat ready on the shelf. That would have allowed for amendments, tweaks and changes in thinking and approach; it would also have allowed for the learning from the Covid-19 inquiry to be taken into consideration. I cannot help but feel that we are making the very same mistake again. Just as we planned for a flu pandemic, we are now planning and putting powers into the statute book based on the Covid pandemic.

There is something in the Government's approach that we have seen throughout the pandemic. At the start, it was keen to work consensually, and we were told that powers would be used only if they had to be and only for as long as was absolutely necessary. Slowly, over time, there has been a breakdown in that approach, and the appearance of exactly the type of centralising

“Government knows best” approach that Jackie Baillie and Beatrice Wishart talked about, and that we see all the time in the Parliament.

On something so fundamental, however, through which not just the Parliament but the people of Scotland are being asked to hand a huge amount of power to the executive—to Government ministers—there is a duty to try to build consensus, take people along, and find as many areas of agreement as possible. The approach that has been taken by the Government has not allowed for that to happen.

I still think that such a collaborative approach is best. During the pandemic, the things that worked best were those in which we could find that agreement. I am concerned that, over time, as our collective memory of the pandemic fades—as I hope that it will—there will be a temptation to use some of those powers in an arbitrary way, because that is the easy thing for the Government to do. The hard work for Government is working with partners and building consensus.

Today, we have heard much about democratic consent. I do not want to get drawn into that different debate. However, it is important that the Government’s use of sweeping emergency powers must be on the basis of broad public support or extreme threat.

At decision time tonight, we will be in the position of handing a wide range of powers to the Government for an unlimited period. In no sense does that carry broad public support. We have heard from multiple speakers about the very stark feedback that the committee got during the consultation stage, and no evidence has been marshalled about the extremity of that threat. There are other worrying signs, and we have heard the Deputy First Minister talk to those at several points, but at no point have we heard an explanation of why it is possible for the Parliament to pass an enabling vote but not to pass legislation in draft form, or why we should be willing to lower the bar for allowing those powers to be used. A gateway vote is an improvement, but it is not the same thing as passing primary legislation. It is a different test.

My worry, particularly given the many things that we see happen and how this Government operates—and how all Governments operate, for that matter—is that a Government that has a majority in the Parliament might be willing to hand such a blank cheque to ministers and allow them to grab hold of powers that would be best exercised by the Parliament. I cannot vote for that in good faith.

The Deputy Presiding Officer: I call Keith Brown to wind up on behalf of the Scottish Government—for up to six minutes, please, cabinet secretary.

21:28

The Cabinet Secretary for Justice and Veterans (Keith Brown): As the cabinet secretary responsible for part 5 and the schedule to the bill—the temporary justice measures—and a number of permanent justice system reform measures in part 3 of the bill, I am pleased to close the final debate for the Scottish Government. Before I turn to points that have been made, I will say a little more about the wider justice policy and legislation, and build on what the Deputy First Minister said about the other provisions in the bill.

The bill is important for the Scottish justice system and the legal professions, and I repeat the Deputy First Minister’s thanks to the organisations, victims, witnesses and other people who are affected by the justice system for their engagement specifically on the justice provisions.

As other members have done, I thank the members of parliamentary staff who have made the debate possible at this late hour.

If the bill is passed, it will extend the temporary justice measures in the schedule, initially until November 2023, giving justice partners increased certainty to aid planning and support recovery as they continue to respond to the effects of the pandemic.

During the bill’s passage, it has been apparent that some of the measures—for example, the extensions to criminal procedure time limits—should remain in place only for as long as they are essential to aid recovery. However, we have heard views from members and from stakeholders that other temporary justice measures that were introduced in response to the pandemic could have a part to play in a longer-term transformation to a modern person-centred justice system. Under the bill, none of those measures can be extended beyond November 2025. However, as our programme of justice transformation continues to develop, the Parliament will be able to consider any permanent legislation that we introduce and to determine the most appropriate approach for the longer term.

It has been a long but—sometimes—interesting debate. I will try to address one or two of the points that members made.

I come first to the Conservative Party. It is clear that, whether in relation to the justice provisions or the wider provisions that have been taken forward by the Deputy First Minister and Patrick Harvie, there have been substantial compromises and that substantial ground has been given, not least in ensuring that the Parliament is well informed. Despite that, it is clear to me, having listened to some of the summing-up speeches, that the unionist block was never going to vote for the bill,

regardless of how much ground was given by the Government.

Oliver Mundell: How does the cabinet secretary possibly think that he will build consensus on the measures or secure widespread public support when he makes such political remarks about something that is so important? It is bizarre.

Keith Brown: I believe what I said to be true. I do not think that the Conservatives ever had any intention of supporting the bill in its final form. I believe that to be the case.

In relation to the Labour Party, it is unbelievable to hear somebody try to rewrite history. The Labour Party has a history of centralisation, of PFI, of compulsory competitive tendering and of local government ring fencing. Those of us who lived through it know that that is the real history.

In relation to the point about changing PFI to public-private partnerships, I remember putting forward a bid for a trust model to build three new houses, but the Labour Party turned it down and said that PFI must be used. That PFI legacy lives on in councils throughout the land through the debts that they face because of the Labour Party. More than 30 per cent of our funding from the Labour Executive was ring fenced. That is what Labour did in terms of centralisation, so forgive me if I do not take too seriously some of the points that Labour members made on centralisation. They should remember their past.

Paul Sweeney (Glasgow) (Lab): Will the cabinet secretary give way?

Keith Brown: I seem to have enlivened the Labour group, which is good to see.

I am disappointed that some members remain of the view that the current bill process should not be used to enact key public health and education continuity powers now, ahead of the temporary legislation expiring in September.

We also heard that the Government should not act in advance of the conclusion of the public inquiry. I think that we all agree that the public inquiry must be independent and that we cannot fix its timescales. I know in my heart that, if we were to say that we will do nothing just now and that we will wait until the end of a public inquiry, we would be attacked by the Labour Party for sitting on our hands and doing nothing about the situation.

In relation to the current bill process, Professor Fiona de Londras, who was mentioned by Murdo Fraser, has said:

“There is significant scope for public and parliamentary involvement. The bill is a product of a meaningful pre-legislative scrutiny and consultation process. MSPs have been given plenty of time to prepare for the legislative

stages. The robust treatment of the bill through this ordinary process is very welcome.”

I agree with the Deputy First Minister that digital public service reforms should not disadvantage service users who cannot, or prefer not to, use digital means. We absolutely recognise that some people cannot or do not want to use technology to access services, and we remain committed to offering alternative options. We are also working with partners to support connectivity across Scotland and to minimise the risks of digital exclusion. However, it is important to emphasise, as the Deputy First Minister has said, that nothing in the bill as amended precludes in-person or paper-based services.

The bill’s education provisions are based on our experience of the Covid pandemic. Ensuring continuity of education for children and young people, and students, is at the heart of the measures. The Government is committed to continued engagement with education stakeholders as we implement the bill’s provisions.

The debate on the rent freeze amendment was important. The Government is committed to doing what it can to tackle such issues in ways that are workable and robust. I am very grateful to Ross Greer for the interventions that he made; he put some facts into the debate.

The bill supports Covid recovery in the justice system and the Government’s Covid recovery ambitions more widely. Ministerial colleagues and I have listened to stakeholders, Opposition MSPs and scrutiny committees, and the bill has been improved in the amending stages in the ways in which the Deputy First Minister set out earlier. I have made it clear that engagement on justice system reforms will continue and that there will be further justice bills in this parliamentary session. The most significant public health and education powers in the bill are now subject to additional strong parliamentary safeguards, including, but not limited to, the gateway vote mechanism.

As the Deputy First Minister said, there are provisions in the bill that can be supported by all members, and there is no reason why they cannot be supported by all members and all parties.

That being so, and as the Cabinet Secretary for Health and Social Care said in the stage 1 debate,

“I invite the Parliament to vote to learn the lessons of the pandemic, to complete the statute book and to put in place that preparedness for whatever challenges may come in the years ahead.”—[*Official Report*, 12 May 2022; c 117.]

The Presiding Officer (Alison Johnstone): That concludes the stage 3 debate on the Coronavirus (Recovery and Reform) (Scotland) Bill.

Business Motion

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-05253, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees—

(a) the following revision to the programme of business for Wednesday 29 June 2022—

after

followed by Ministerial Statement: Tackling Child Poverty Delivery Plan – Fourth Year Progress Report (2021-22)

insert

followed by Legislative Consent Motion: Social Security (Special Rules for End of Life) Bill - UK Legislation

delete

6.15 pm Decision Time

and insert

6.30 pm Decision Time

(b) for the purposes of consideration of the legislative consent memorandum on the Social Security (Special Rules for End of Life) Bill, Rule 9B.3.5 of Standing Orders is suspended;

(c) the following revision to the programme of business for Thursday 30 June 2022—

after

followed by Members' Business

insert

followed by Members' Business—[George Adam]

The Presiding Officer: I call Stephen Kerr to speak to and move amendment S6M-05253.2.

21:35

Stephen Kerr (Central Scotland) (Con): I am genuinely sorry to detain the chamber tonight. However, earlier today, we heard the First Minister's statement on her proposed independence referendum. Aside from it being the furthest thing from the minds of the people of Scotland in terms of their priorities, it is clear from the First Minister's statement that such a referendum could in fact be illegal. Indeed, in her statement, the First Minister said that the Lord Advocate has today sought the UK Supreme Court's view on the legality of holding a referendum without a section 30 order.

The question that begs to be answered is whether that move was made out of pure curiosity,

or whether it was made because the Lord Advocate refused to certify Nicola Sturgeon's wildcat referendum as competent. Is the Supreme Court giving its view on the proposed bill? In that case, what about future amendments?

I heard the First Minister say that she will respect the Supreme Court's decision if it agrees with her, but will blame Westminster if it does not. How utterly ludicrous. What is the Lord Advocate's view on that position?

We do not have the answers to those questions, and we will not have the opportunity to ask them until September or later. That is simply not good enough, especially given the proposed timetable for the referendum.

It is therefore imperative—[*Interruption.*]

The Presiding Officer: Members, please could we hear Mr Kerr? Thank you.

Stephen Kerr: It is therefore imperative that the Lord Advocate delivers a statement to the chamber tomorrow and answers questions from MSPs on the serious legal considerations surrounding the proposal, which has been made at the expense of the Scottish public.

My amendment seeks to insert such a statement into the programme for tomorrow's business, and I encourage all members to support it.

I move amendment S6M-05253.2, to insert after "followed by Ministerial Statement: Tackling Child Poverty Delivery Plan - Fourth Year Progress Report (2021-22)":

"followed by Statement by the Lord Advocate on Independence Referendum Legal Considerations".

The Presiding Officer: I call Douglas Ross to speak to and move amendment S6M-05253.1.

21:38

Douglas Ross (Highlands and Islands) (Con): Thank you, Presiding Officer. As others have said, I know that we have been detained tonight, but members have very important issues—[*Interruption.*]. I am sorry that I am—[*Interruption.*]

The Presiding Officer: Please proceed, Mr Ross. We will hear Mr Ross—thank you.

Douglas Ross: I am really sorry that Scottish National Party members want to shout this down. I am asking—[*Interruption.*] I am asking—[*Interruption.*]

The Presiding Officer: Excuse me. Members! Please proceed, Mr Ross.

Douglas Ross: I am asking for Parliament to have an opportunity to discuss an issue that has

affected Moray women and families since 2018 and continues to do so. The response tonight from SNP members who do not want to hear it is, I think, disgraceful for people in Moray who have suffered for so long.

To give the background, in 2018, we were told that there would be a temporary downgrade of our maternity services for up to one year. Four years on, that downgrade is still in place. [*Interruption.*] Oh, come on—please!

Members: Oh!

The Presiding Officer: Excuse me, members. I know that each and every member would like to be heard when they are speaking. If we could please remember to treat one another with courtesy and respect.

Douglas Ross: The standing orders of the Parliament allow members up to five minutes to move an amendment to the business motion. That is what I am trying to do. It may help SNP members to support my amendment if they hear why this matter is so important.

I declare an interest, as this is an issue that has affected my family, but it affects hundreds of Moray families every single year. We know from D C Thomson's hard-hitting "Stooshie" podcast, which featured Marj Adams from the maternity unit for Moray—Keep MUM—campaign, that campaigners do not believe that the issue is getting enough focus in the Parliament.

There have been two recent events that I think make the issue even more crucial, and which make the response from SNP members even more depressing. One is a recent road closure on the A96, which led to a 10-mile diversion. That is bad enough for any commuter, but imagine what that would have been like for me a year ago on Thursday, when my son and my wife were in the back of an ambulance, to have had to follow them along a 10-mile diversion, round by Inchferry, to get back on to the A96. Imagine what that is like for families who cannot get an ambulance and have to go in their own car.

There was an example on 22 May this year when a woman gave birth in her car. Her husband was driving her and was timing the contractions at the same time. He had to call an ambulance using the headset in the car. He also had to help to deliver the baby. He had to tie his shoelace around the umbilical cord. He had to take off his shirt and his wife's cardigan to keep the new-born baby warm for 15 minutes, until the ambulance arrived.

This is a crucial issue, and it has cross-party support.

Rhoda Grant (Highlands and Islands) (Lab): I share many of Douglas Ross's concerns about the

situation. Would he agree with me that it surely cannot be safer to give birth in a roadside lay-by than to give birth in Dr Gray's hospital in Elgin?

Douglas Ross: Absolutely. I whole-heartedly agree with Rhoda Grant. She has been crucially involved in the discussions with local campaigners and others.

My amendment simply asks for the Government to make a statement on Thursday, which is the final sitting day before the summer recess. That is crucial, because Humza Yousaf, the Cabinet Secretary for Health and Social Care, said in March this year:

"I can promise Douglas Ross two things. First, I will keep him and the Parliament updated on the timescales. We will be open and transparent about them ... Timetables and timescales are absolutely important."—[*Official Report*, 30 March 2022; c 48-49.]

The NHS Grampian board minutes from 7 April this year said:

"Timelines for planning for Model 4 were to be provided by June 2022"—

that is, in the next two days.

If we do not accept my amendment to have a statement on Thursday, we will have to wait until September before Parliament can debate the issue. If the update is not available by the end of this month—Thursday—the health secretary will surely want to come to Parliament to tell MSPs why, and what he is doing to urge the health board to deliver. If those timelines are ready, surely Parliament should have the opportunity to discuss that.

The business manager always likes to suggest that there are options other than getting a statement inserted. I wrote to the Cabinet Secretary for Health and Social Care a number of weeks ago, asking him to make a statement; I have not had a response. My party has repeatedly asked at the Parliamentary Bureau for a statement to be inserted. Tonight, therefore, is the final opportunity for me to put one into the Parliament's business on Thursday.

I sincerely hope that the Minister for Parliamentary Business will signal that the SNP Government will accept the amendment and will insert that statement on Thursday, the last sitting day when the Parliament can scrutinise the matter for months. If the SNP Government as a whole refuses to provide that statement, I hope that the likes of Richard Lochhead and other members who represent Moray, the Highlands and Islands and North East Scotland will put their constituents first, not their party, and support my amendment.

I move amendment S6M-05253.1, to insert after "Thursday 30 June 2022—":

"after

12.00 pm First Minister's Questions

insert

followed by Ministerial Statement: Moray Maternity Services Update".

The Presiding Officer: I call George Adam to respond on behalf of the Parliamentary Bureau.

21:44

The Minister for Parliamentary Business (George Adam): I will be as brief as I can be, as it has been a long day and evening for us.

With regard to Douglas Ross's points about Moray maternity services, that matter has been discussed at the bureau on a number of occasions. Mr Ross himself brought up the fact that the Cabinet Secretary for Health and Social Care has committed to keeping Parliament up to date on the matter and will do so when updates are available. The Scottish Government is expecting reports from NHS Highland and NHS Grampian, and we must consider those reports in full before final decisions are made.

With regard to Stephen Kerr's request for a statement by the Lord Advocate on independence, the Lord Advocate would be constrained in what she would be able to say at this stage about the substantive legal issues regarding the proposals. Members know that the sub judice—that is easy for me to say—rule is recognised by rule 7.5 of standing orders by reference to the Contempt of Court Act 1981. That rule properly prohibits parliamentary debate of matters that are currently before the courts. Its purpose is to help to maintain the boundaries of the relationship between the legislature and the judiciary, and it should be respected on that basis.

The 1981 act is concerned with hearings and does not spell out when proceedings are active specifically for references like the one made today. However, there is a reference to the Supreme Court and, as papers are now with the court, ministers and the law officers wish to honour the current principles.

Like the First Minister, I cannot commit the Lord Advocate to anything. However, the remaining matters to which the law officers might be able to speak, to the limited extent to which it is appropriate for them to do so at this stage, do not call for an urgent statement.

I assure members that we and, more importantly, the Lord Advocate will take further steps to explore with the court and other parties how to make available details of the arguments in the cases. That has been done in some other Supreme Court cases. We wish to discuss that with the court and other parties now that the court proceedings are under way.

The Presiding Officer: The question is, that amendment—*[Interruption.]* Members, if I might have your attention.

The question is, that amendment S6M-05253.2, in the name of Stephen Kerr, which seeks to amend motion S6M-05253, in the name of George Adam, on changes to this week's business, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. I would be grateful if, at this point, members would please—*[Interruption.]* I am hearing rude and discourteous shouting. I am not entirely sure what is going on across the chamber, but I would be very grateful if it would just cease.

I ask members to refresh their screens, because it has been a while since the previous vote.

Members should cast their votes now.

Voting is over.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
 White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (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)
 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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 50, Against 66, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-05253.1, in the name of Douglas Ross, which seeks to amend motion S6M-05253, in the name of George Adam, on changes to this week's business, 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)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)

White, Tess (North East Scotland) (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, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (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)
 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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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 51, Against 66, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-05253, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business, be agreed to.

Motion agreed to,

That the Parliament agrees—

(a) the following revision to the programme of business for Wednesday 29 June 2022—

after

followed by Ministerial Statement: Tackling Child Poverty Delivery Plan – Fourth Year Progress Report (2021-22)

insert

followed by Legislative Consent Motion: Social Security (Special Rules for End of Life) Bill - UK Legislation

delete

6.15 pm Decision Time

and insert

6.30 pm Decision Time

(b) for the purposes of consideration of the legislative consent memorandum on the Social Security (Special Rules for End of Life) Bill, Rule 9B.3.5 of Standing Orders is suspended;

(c) the following revision to the programme of business for Thursday 30 June 2022—

after

followed by Members' Business

insert

followed by Members' Business

Point of Order

21:53

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

On a point of order, Presiding Officer. This afternoon, the Scottish Government published its draft Scottish independence referendum bill, although I note that the bill has not yet been formally introduced. Section 31(2) of the Scotland Act 1998 states:

“The Presiding Officer shall, on or before the introduction of a Bill in the Parliament, decide whether or not in his view the provisions of the Bill would be within the legislative competence of the Parliament and state his decision.”

Presiding Officer, will you advise the chamber when you would expect to rule whether the referendum bill falls under this Parliament’s legislative competence?

The Presiding Officer (Alison Johnstone): I would expect that that would happen when the bill was introduced to Parliament. Mr Fraser is quite right: I am required by section 31(2) of the Scotland Act 1998 to issue a statement at the time of the introduction of every bill, stating whether, in my opinion, the provisions of the bill would be within the legislative competence of the Parliament. I have already made such a statement in relation to each of the 17 bills that have been introduced so far during this parliamentary session. I state my views after careful consideration of the terms of each bill, and, for confirmation, that is at the point at which it is introduced to the Parliament.

Decision Time

21:54

The Presiding Officer (Alison Johnstone):

There is one question to be put as a result of today’s business. The question is, that motion S6M-05217, in the name of John Swinney, on the Coronavirus (Recovery and Reform) Scotland Bill, be agreed to. Members should cast their votes now.

The vote is closed.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (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)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (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)
 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)
 Maguire, Ruth (Cunninghame South) (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)
 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)
 Regan, Ash (Edinburgh Eastern) (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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (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)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 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)
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 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)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the vote on motion S6M-05217, in the name of John Swinney, is: For 66, Against 52, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Coronavirus (Recovery and Reform) (Scotland) Bill be passed.

The Presiding Officer: The Coronavirus (Recovery and Reform) (Scotland) Bill is passed. [Applause.]

That concludes decision time.

Meeting closed at 21:56.

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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