



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Wednesday 21 December 2022

Session 6



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Wednesday 21 December 2022**

**CONTENTS**

	<b>Col.</b>
<b>MOTION WITHOUT NOTICE</b> .....	1
<i>Motion moved—[George Adam]—and agreed to.</i>	
<b>GENDER RECOGNITION REFORM (SCOTLAND) BILL: STAGE 3</b> .....	2
<b>PARLIAMENTARY BUREAU MOTION</b> .....	110
<i>Motion moved—[George Adam]—and agreed to.</i>	
<b>GENDER RECOGNITION REFORM (SCOTLAND) BILL: STAGE 3</b> .....	111
<b>BUSINESS MOTIONS</b> .....	311
<i>Motions moved—[George Adam]—and agreed to.</i>	
<i>Amendment moved—[Alexander Burnett]—and disagreed to.</i>	
<i>Amendment moved—[Neil Bibby]—and disagreed to.</i>	
Alexander Burnett (Aberdeenshire West) (Con) .....	311
Neil Bibby (West Scotland) (Lab) .....	313
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	324
<i>Motions moved—[George Adam].</i>	
<b>DECISION TIME</b> .....	325

---



## Scottish Parliament

Wednesday 21 December 2022

[The Presiding Officer opened the meeting at 13:16]

### Motion without Notice

**The Presiding Officer (Alison Johnstone):** Good afternoon. Given the point that we reached in proceedings yesterday and that we have a number of groups of amendments to debate before we reach the next line, I am minded to accept a motion without notice to propose that, under rule 9.8.5A, the next time limit be extended by up to two hours. I invite the Minister for Parliamentary Business to move the motion.

*Motion moved,*

That, under rule 9.8.5A, the time limit for groups 10 to 12 be extended by up to two hours.—[George Adam]

*Motion agreed to.*

## Gender Recognition Reform (Scotland) Bill: Stage 3

13:17

**The Presiding Officer (Alison Johnstone):** The first item of business is continuation of stage 3 proceedings on the Gender Recognition Reform (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament Bill 13A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter RTS in the chat as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

**Douglas Ross (Highlands and Islands) (Con):** On a point of order, Presiding Officer.

I seek your guidance on the *Official Report* of this Parliament.

“The *Official Report* is a written record of what is said in public meetings of the Scottish Parliament and its committees.”

Those are not my words but the words on the *Official Report* website, which is hosted by the Scottish Parliament.

Last night, the Deputy Presiding Officer suspended the meeting, saying:

“We will have to clear the galleries now. We will suspend the meeting for a few minutes while that happens.”—[*Official Report*, 20 December 2022; c 104.]

The *Official Report* states that, at 18:24, the meeting was suspended. At 19:00, on resuming, the Deputy Presiding Officer invited members to resume their seats. In the intervening period, the Deputy Presiding Officer had begun proceedings again. I then made a point of order. That has been totally removed from the *Official Report*—there is not a single note of it. At that point, I was urging the Deputy Presiding Officer to make it clear that, if people had been unruly, they should be removed but that people who had sat through silently and listened to the debate should not be removed. That point was, I think, accepted by the Deputy Presiding Officer.

We then had further discussions. I pointed out—on the record, I thought—that people had been

threatened with arrest if they did not leave the public gallery. Again, there is no mention of that whatsoever in the *Official Report*. I reiterate that it is supposed to be a

“record of what was said in public meetings of the Scottish Parliament”.

Later on, my colleague Jeremy Balfour said:

“On a point of order ... I seek some clarification about a question that my colleague, Douglas Ross, asked just before the suspension, in connection with who can use the gallery”.—[*Official Report*, 20 December 2022; c 105.]

However, anyone who tries to read what I said will find no record of that in the *Official Report*.

How can we possibly have a situation in which there is an incomplete *Official Report* for an important meeting of the Parliament?

**The Presiding Officer:** I thank Mr Ross for his point of order. My understanding is that proceedings had been suspended, but I will look into the matter that he has raised and I will be back in touch with him.

We move to group 10, which is on certificates obtained by fraud. Amendment 108, in the name of Jamie Greene, is grouped with amendments 110, 114 to 116, 138 and 139.

**Jamie Greene (West Scotland) (Con):** First of all, I place on record my thanks to colleagues and, more importantly, to the staff of the Parliament, who aided and abetted us so diligently last night in our late sitting. Without them, we would not be able to do the jobs that we do. [*Applause.*] The good news is that I will try not to speak so much that I keep them here until midnight.

I also welcome people back to the public gallery. We are an open Parliament and it is important that we are a Parliament of the people for the people.

The amendments in group 10, which we did not get through to last night, are largely centred around the concept of certificates that are obtained by fraud. Members who were here for yesterday's proceedings will know that I made comments about what I felt was much-needed compromise in this bill. Such compromise was notably absent at stage 1.

Over many hours yesterday, many concerns were raised about the use of the new simplified process for nefarious purposes. Various members proposed a number of amendments about that, which were voted on.

In my desire to amend the bill, I have followed two overriding themes. I am not trying to be difficult or to take advantage of the situation for other purposes; I am simply trying to make the bill better. I think that that is a desire that we should all share. I am trying to meet that desire on the basis of two themes: compromise and

competence. I hope that we will all bear in mind those two recurring themes as we go through today's amendments.

The issue of compromise is important because, without it, I do not think that those on both sides of the argument will feel fully satisfied that they have been heard and listened to.

The issue of competence is equally important. This is a stage 3 debate, and what we put in the bill now will live in the bill in black and white for generations to come.

Through the process, I have come to the view that the amendments in this group will meet the need for compromise and competence. These are amendments of compromise because, in my view, they will ensure that, whatever someone's view on the simplicity of the new process, that process will not be taken advantage of or abused. My six amendments, four of which are substantive and two of which are consequential, seek to do that in a number of ways.

Amendment 108 addresses an issue that was raised when I introduced the concept at stage 2. I was happy to participate constructively in that stage of proceedings. During that stage, Pauline McNeill raised the very valid issue of what the definition of a fraudulently obtained certificate might be and what that might look like. She set me quite a challenge—it has been very challenging to get a well-rounded definition of what a fraudulently obtained certificate is without it being so limited that it could prevent prosecution in valid cases.

My understanding is that my revised amendment is much clearer legally. Amendment 108 states that a

“gender recognition certificate is fraudulent if the applicant knowingly ... makes a statutory declaration ... or ... includes information”

in their application that

“is false in a material particular”.

What does that mean in practice? An application would be fraudulent if the court saw sufficient relevant evidence to prove that the application was fraudulent. Of course, that would be a matter for the independent judiciary—in that scenario, either a jury or a judge or a sheriff. A broad range of evidence could support the fact that there was suspicion that an application was fraudulently made. It could include things such as the physical appearance of the offender in question; evidence from people who know the offender; names, pronouns and prefixes used by the offender before, during and after the period that they lived in the acquired gender; and anything else that the court might deem appropriate.

**Graham Simpson (Central Scotland) (Con):** The issue that I have with this section, which I

raised at stage 2, is that it seems to me to be virtually impossible to prove fraud if, in order to get a gender recognition certificate, a person does not have to present any evidence. If no evidence is needed to get a certificate, how can a fraud be committed in order to get one? What would be the fraud? If the only thing that someone has to say is, "I am a man" or "I am a woman," and they present no other evidence, what fraud can there be?

**Jamie Greene:** I am aware of a number of other amendments on the production of documentation, which have been discussed. There is a valid point, in that the Gender Recognition Act 2004 does not go into great detail in specifying what evidence is required to obtain a GRC. However, that has been the case for nearly two decades. Nothing in the bill changes that.

I feel that what is missing from the 2004 act—and I hope that this is a point of agreement between me, Graham Simpson and other members—is that it does not fully address the issue that there is a possibility, which I believe to be low but others believe to be greater, that someone could use either the existing process or the new simplified process of statutory declaration and self-identification, as it is otherwise known, for nefarious reasons.

I think that the 2004 act is weak in that respect. What I am trying to do with this set of amendments—I will go on to explain some of the others and how they go about this—is to introduce the concept that making a false statutory declaration is a very serious offence. Making a false declaration is already an offence, but, if these amendments are agreed to, doing so, and using the new process to commit further offences, would be taken extremely seriously by the judiciary. That is manifested in another amendment of mine in this group, on aggravated offences.

Of course, we cannot consider every scenario and every court case in which such an offence may be involved. I expect the numbers to be relatively low, but, if they occur and come to a court of law, it will be a matter for the court to decide whether a false declaration was made.

It should be clear to folk out there that making a statutory declaration is a very grave matter and a very serious thing to do. For that reason, we should put faith in the process of statutory declarations—a process that has existed for generations. *[Interruption.]* I will give way in a second. I want to make some progress, or we will be here till midnight.

Such offences will be addressed case by case. It might be difficult to put specific criteria in the bill, as that could be counterproductive if they are used as a definitive list rather than an open one.

Following on from that, amendment 114 would create an aggravation when a crime is committed using a fraudulently obtained certificate. To be clear about what I mean by the aggravator, I introduced the concept in an amendment at stage 2. The wording of that amendment was widely challenged, which is the whole point of stage 2 amendments. I revisited it and am confident that amendment 114 tidies up the concept of the aggravator. It means that, if someone has a GRC and commits an offence that can be linked to the acquisition of their GRC, that offence would be considered to have an aggravating factor. That would result in a harsher sentence and punishment for those who use the GRC process to commit an offence.

It is important that that link would have to be made. To give another example, if someone who holds a GRC commits a criminal offence such as a hit-and-run or theft, the two are clearly unrelated. If a court was confident or had suspicion that the acquisition and holding of a GRC enabled a person to commit a specific offence, the aggravating factor could kick in.

That is a commonly used mechanism in sentencing. It is used in domestic abuse legislation and is a concept that I introduced during the passage of fireworks legislation. It is a well tested and well known concept in court, and the amendment has been welcomed and well received by many stakeholders.

If an individual was found to have fraudulently applied for a certificate and/or was convicted of an aggravated offence, their certificate would rightly be revoked. Amendment 115 would provide for the automatic revocation of a certificate in that scenario. It would also fix a loophole whereby an applicant could have received an interim certificate based on a fraudulent application and could be converting that interim certificate into a full GRC. Amendment 115 would close that loophole and bring the measures on fraudulent applications for interim GRCs in line with the measures in the rest of the bill.

13:30

**Stephen Kerr (Central Scotland) (Con):** I pay tribute to the contribution that Jamie Greene is making to this process. The way in which he is carefully presenting his views and the standard of debate that he brings to the chamber are a credit to him.

Is the fraud thereby defined as someone obtaining a certificate—

**The Presiding Officer:** Mr Kerr, I am sorry, but I would be grateful if you could speak into the microphone, because we are finding it difficult to hear you.

**Stephen Kerr:** Yes—it is very difficult to speak to someone who is behind me.

Would the fraud happen when someone seeks to obtain the certificate in order to commit a crime? Mr Greene did not want to give specifics, but is that the nature of the fraud that he is describing?

**Jamie Greene:** That is a helpful question, and the answer lies in the wording of amendment 108, which states:

“an application for a gender recognition certificate ... is fraudulent if the applicant knowingly—

(a) makes a statutory declaration which is false in a material particular in connection with the application, or

(b) includes information which is false in a material particular in ... the application, or ... a notice of confirmation given under section 8B(3) in connection with the application”.

That is a technical answer but, essentially, if somebody makes a false statutory declaration, which is a distinct possibility, the gender recognition certificate will have been achieved through fraudulent means. That is the first scenario, and that in itself is the offence of making a false declaration. However, if, by receiving a GRC through the normal process, a person then goes on to commit a further offence, such as an offence of sexual violence or violence against another individual, and the court believes that the acquisition of the GRC was a material factor in that offence or a facilitating factor that enabled the individual to commit the offence, that would be an aggravated offence. Therefore, it is very likely that the measure would be relevant only in the scenario where the holder of a GRC commits an offence and the court deems that the offence was facilitated by the acquisition of a GRC through fraudulent means.

As I said, there are a number of cases in which I believe that, had these provisions already existed in legislation, they would have been helpful. For example, a few years ago, there were a number of cases in which individuals who held GRCs were convicted of sexual assault. Members are welcome to look up the cases—they are the cases of the Crown versus Barker, McNally, Wilson and Newland. They were trans men who had female partners. In most of those cases, the female partner discovered the transgender identity of the offender only at the point of intercourse. Those people were then duly charged and prosecuted with sexual offences. There was no aggravating factor in that; they were simply charged with sexual offences.

Under my proposals, courts would look more severely on such offences, because there would be a direct link between the person having obtained a GRC and their committing a sexual offence, as happened in those scenarios. Under

my proposals, those people would have received a harsher punishment for the offence because of the link between obtaining a GRC and committing such an offence. That is why my amendments are, I believe, important and helpful additions to the bill, as those provisions do not exist in the current system.

**Ruth Maguire (Cunninghame South) (SNP):** I listened carefully to the member’s answer to Graham Simpson. He seemed to say that there is no difference between the 2004 act and this bill in relation to evidence. However, there is a major difference in that people would have had a diagnosis of gender dysphoria. I appreciate that we do not wish to have that requirement in the future, but does that not mean that the evidence that will remain will be a bit arbitrary and subjective? How will we prove that there has been a fraudulent inquiry if we are talking about how people feel?

**Jamie Greene:** I respect the member’s position on the matter. To be clear, there are people who believe that getting a gender dysphoria diagnosis is an important safeguard in the process, because evidence must be submitted to the panel before someone can obtain a GRC. Of course, the bill will remove that requirement—I understand that—but that does not take away from the fact that making a false statutory declaration is still an offence. We have had quite a wide-ranging discussion, but the issue of how one proves that one is living in an acquired gender does not relate to the amendments in the group. That has been a matter of debate since the 2004 act.

These are, of course, hypothetical scenarios, but my amendments will give courts flexibility. That is an important point. If the view was taken that a false statutory declaration was made and that the acquisition of a GRC enabled an individual to commit a further offence, the GRC could be revoked and the sentence that was given would be harsher than the sentence for a normal scenario involving a similar type of offence by an individual. I am not sure whether that answers the member’s question, but I am doing my best.

The amendments in this group will reintroduce the things that some people believe will be taken away through the simplification of the process. They are to act as a deterrent. They will simply send a strong message that people cannot abuse the new process for nefarious purposes and that, if they do, the law will look harshly on them. People must know that making a statutory declaration is a solemn and grave act, and that making a false declaration will be dealt with by the law. It will not be possible to use the process to commit further crimes and get away with them. That is the important point.

I am trying to address the perception that there will be a loss of safeguards by introducing provisions that do not even exist in the current process. They will have absolutely no effect on trans people who go about their business in applying for a GRC under due process.

Importantly—going back to the second point that I made at the beginning of my comments—my amendments are competent. That is important, given our type of chamber, which is unable to revisit legislation after stage 3. My amendments have been legally reviewed and are, I believe, helpful. They have been welcomed even by those who are in favour of the current bill, and they will address the important concept of deterrence.

I move amendment 108.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I agree with the comments that were made by my colleague Jamie Greene. I thank the parliamentary staff who worked yesterday.

I also stand with Jamie Greene in relation to his comments about the importance of compromising and finding shared ground, which the Conservatives did yesterday by supporting a number of amendments from the Government and others.

Amendment 116 seeks to make it a criminal offence to gain

“access to a single-sex service as a result of having fraudulently obtained a gender recognition certificate”.

The amendment seeks to address a key concern of thousands of women and girls who have contacted me, my colleagues and many others in the chamber about the potential unintended consequences of the bill. The provisions of the bill open the ability to obtain a GRC to a much wider and more diverse group of people. The danger that amendment 116 aims to mitigate relates to the potential for bad-faith actors to take advantage of the bill by fraudulently obtaining a GRC.

The right to access single-sex spaces, such as changing rooms, hospital wards or religious spaces, can be conferred on holders of a GRC unless a service provider is confident that they can legitimately exclude people of protected characteristics. My fear is that, without the amendment, a bad-faith actor could fraudulently obtain a GRC to access those spaces. Therefore, I believe that it is imperative that we criminalise such an act, both to deter people from doing it and to convict those who do it.

On Monday evening, the committee on which I sit heard evidence from the United Nations special rapporteur on violence against women and girls, specifically in relation to the bill’s potential harmful impact on the rights of, and protections for, women

and girls. During her evidence and in her correspondence to the committee over the past few months, we have heard that women across the country may have to self-exclude from women-only spaces because of the bill. We need to take those concerns very seriously. The special rapporteur’s expert opinion should not be brushed aside; she has consulted widely on the matter and her opinion has been well informed.

If the bill passes and those concerns are not addressed, it is right that the cabinet secretary should take the time to explain exactly why the Government has brushed aside Ms Alsalem’s comments, which specifically relate to matters in my amendment 116. We must take time to listen to those people who have warned the Parliament of the dangers of the bill to women’s spaces, so I sincerely hope that members will reflect on this amendment.

I also recognise the points that Graham Simpson and Ruth Maguire made in their interventions. Much of the amendment hangs on some of the amendments that I aimed to achieve yesterday. I want to respond to the concerns that individuals have, and I am not yet sure, until I hear from the cabinet secretary, whether I will move amendment 116.

**Pauline McNeill (Glasgow) (Lab):** First, I thank Jamie Greene, who always lodges thoughtful amendments on some of the technical issues around the commission of offences. I will look at the matter from that point of view, so I am grateful that he has responded to a question that I put to him at stage 2.

To prove the commission of any crime, you must show the mental and the behavioural elements to the crime. It is impossible to see into someone’s mind, so you have to look at the actions of the person to establish what they were thinking.

What would be required to be shown around the commission of a fraudulent application, such as that which amendment 108 mentions? The bill is a self-identification model with no specific requirements as to what would constitute living in the gender. As the cabinet secretary pointed out yesterday, the guidance on acquiring gender in the Gender Recognition Act 2004 sets out what is required under that act, which is to gather the documentation.

Under the 2004 act, it is the panel that signs off before the declaration at the end of that two-year period, which is an important difference to understand. When it comes to this legislation, we need to be clear about what kind of evidence would need to be brought before a court before an offence would be brought before it.

Jamie Greene said at stage 2 that you could show the commission of the crime by showing that the person did not really mean to apply for a GRC or had not been using correct pronouns—and I think that the member said something about appearance. I do not think that that would be enough, because nothing in the bill requires a definition of living in the gender.

That is why I am interested in probing the question. How would someone prove such a fraud? Of course, it is possible to reverse a GRC—there is a provision to do that, and rightly so, because people might change their minds. My concern is that, having been charged with a fraud under this offence, someone could use that as a reasonable explanation—that they had changed their mind and reversed their GRC.

13:45

I am trying to probe the technical nature of the provision to see whether it is of any value. On balance, I would support having it over not having it, and I would support having the aggravator, because, although it might be unclear to us now why it might be needed, it is better to have a belt-and-braces approach.

Under article 5 of the European convention on human rights, there is a requirement to provide legal certainty of how an offence is committed under any act that we pass. However, I am concerned that the answers that I got from the cabinet secretary at stage 2 do not seem to square with the legislation that we are looking at, which does not require any specifics in order for a person to acquire their gender. To have a birth certificate aligned with that simply requires a declaration that that is the gender that the person now wishes to live in.

I have some difficulty with regard to how someone would prove that fraud to a court, but, on balance, I would rather have that provision in the legislation than not have it.

**Graham Simpson:** Pauline McNeill raises the fundamental questions. The issue is that, if the bill passes as it is, we will have a system of self-ID. All that a person would have to do is make a declaration. I could declare that I was a woman. I could tell people now, “I’m a woman.” I am not a woman, but I could tell people that. If anyone said, “Prove it”, I would not have to prove it. Under this bill, all I would have to do is say, “I’m a woman” and apply for a certificate. No evidence would be required other than my saying, “I’m a woman.” If someone were to challenge that and say, “No, you are not. You have obtained that certificate by fraud,” surely they would have to prove that I was not a woman. However, I would not have had to present any evidence other than that of stating the

fact—or not—that I was a woman. Therefore, how could a fraud have been committed?

People are looking puzzled by that. I am puzzled by the bill, let me tell you. We have a situation in which these well-meaning amendments—I see that Mr Kerr wishes to make an intervention.

**Stephen Kerr:** In my intervention on Jamie Greene, I suggested that the only fraud that was possible would be somebody obtaining a GRC for the purposes of some nefarious act that they had in mind to perform or commit. Do you agree?

**Graham Simpson:** I agree that that is a risk in the bill. That is one of the problems with the bill, but how do you prove fraud if no evidence is required to obtain one of these certificates? That is something that several of us have been trying, unsuccessfully, to tackle in the amending stages—at stages 2 and 3. We are left with a bill that requires no evidence—just self-ID—so how, then, can a fraud be committed unless someone can prove that I have lied, and why would I own up to that? Somebody would have to prove it in court.

**Ash Regan (Edinburgh Eastern) (SNP):** Does the member agree that evidence suggests that the risk of getting caught committing an offence is a very effective deterrent?

**Graham Simpson:** Yes, that is correct. That would be a deterrent. Where is the risk here? There is very little risk, because of the situation that I have outlined, which is that no evidence is required to obtain the certificate. If the police were to get involved, how would they be able to prove anything?

**Brian Whittle (South Scotland) (Con):** I have been wrestling with that exact point since speaking to a policeman the other day who said to me that, if a transgender person walked into the toilet for the opposite gender and was challenged by somebody in that toilet, one of those two people would be committing an offence, but how would they tell the difference?

**Graham Simpson:** That is precisely the point. That was a good point well made by Mr Whittle, as I would expect.

All the amendments in the group are very well meaning and would work if obtaining a gender recognition certificate required a person to produce some evidence, because we could then disprove the evidence; however, we are not asking for that. Unfortunately, therefore, none of the amendments work, and I urge the members who lodged them not to move them.

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** I put on record my thanks to Parliament staff for supporting last night’s very late sitting. It

was very much appreciated by members across the chamber.

At stage 2, Jamie Greene lodged an amendment to introduce a new statutory aggravator of an offence connected to fraudulently obtaining a gender recognition certificate. At the time, I supported his amendment with the caveat that it would require some adjustment at stage 3. I am grateful to Jamie Greene for working with me on developing the updated wording in amendment 114. The introduction of a statutory aggravator supplements the other safeguards in the bill and provides additional assurance against misuse of the system.

Jamie Greene's other amendments in the group also strengthen the bill, and I am happy to support them. Revocation was already possible through an application to a sheriff, but making it automatic in the case of a conviction, as Mr Greene does here through his amendment, is sensible and appropriate. I therefore support all Jamie Greene's amendments in this group.

I do not support amendment 116 in the name of Rachael Hamilton, which specifically creates an offence of gaining fraudulent access to single-sex services. The bill already creates an offence of making a false application, with penalties identical to those in the amendment. Under Jamie Greene's amendments, there will also be an aggravator of an offence connected with a fraudulently obtained GRC.

**Tess White (North East Scotland) (Con):** What safeguards will be put in place to prevent those who fraudulently obtain a GRC from accessing women-only spaces?

**Shona Robison:** The protections under the Equality Act 2010 that have exceptions for single-sex service spaces are there and are unchanged by the bill. Therefore, if a trans woman tried to enter a space that was for women only and that could exclude trans women—in, for example, a service for victims of sexual assault—it would be an offence under common law; it could, for example, be a breach of the peace. In that circumstance, they might be a genuine trans woman trying to enter a service that excludes them.

If, however, the person had obtained a GRC fraudulently and had made a false application, clearly, that is dealt with through these provisions. It is a very serious offence that could mean up to two years in prison and an unlimited fine in the circumstances covered.

**Stephen Kerr:** Will the cabinet secretary give way?

**Shona Robison:** Briefly.

**Stephen Kerr:** There is huge confusion about what the whole concept of “applying fraudulently” means. Will the cabinet secretary spell out for the benefit of us all what exactly the offence of applying fraudulently for a GRC amounts to? How do we define it, and how do we prove it?

**Shona Robison:** For example, a person of interest would be able to go to the sheriff and provide enough evidence to allow the sheriff to look into whether the person was living in the acquired gender. They would, in essence, have to be able to demonstrate that they had been living in the acquired gender as per the guidance under the 2004 act.

**Jeremy Balfour (Lothian) (Con):** Will the cabinet secretary give way?

**Shona Robison:** Not at the moment.

At the end of the day, as with any other case in court, the sheriff would look at the circumstances. If it was found that the person had made a false application, that person would, clearly, face the penalties for doing so. If that person went on to commit a crime, which is what these amendments deal with, and it was shown that part of the crime involved their having falsely obtained a gender recognition certificate, there would be an aggravator to the crime.

I think that this is a sensible set of amendments that strengthens the safeguards that are already in the bill. I therefore ask members to support amendments 108, 110, 114, 115, 138 and 139, in the name of Jamie Greene, but to reject amendment 116, in the name of Rachael Hamilton.

**The Presiding Officer:** I ask Jamie Greene to wind up the debate on this group and to indicate whether he wishes to press or withdraw amendment 108.

**Jamie Greene:** I thank members for their contributions. I should point out that this is a debate, and I am pleased to say that we, on the Conservative benches, are happy to have such debates.

I want to make three points. First, although they are lengthy, I believe that the amendments are, from a legal point of view, self-explanatory.

**Liam Kerr (North East Scotland) (Con):** Will the member give way?

**Jamie Greene:** I will do so after I have made some progress.

The first of my three points—a point that was also made by Pauline McNeill—is that I would rather have something in the bill than nothing. That is a sentiment that I agree with. I believe that the “something” that I introduced at stage 2 had technical and legal issues, which I have sought to

resolve. I have done so without the assistance of anyone on these benches; I have resorted to getting assistance and legal advice from elsewhere, to try to make the amendments competent, which I believe—and am advised—they are.

As is always the case with things such as aggravators that exist in other pieces of legislation, we often do not know whether they are competent until they are tested in specific court cases and are put through rigorous testing in such scenarios. I do have sympathy with the notion that there is a spectrum between having nothing in the bill that states the criteria for what constitutes an offence and having a large range of specificity in that respect. Somewhere in the middle might have been a better balance. I understand that, and it is an issue that I wrestled with ahead of lodging this particular amendment.

My second point is that, if members do not support or agree with the amendments or think that they are poorly worded, they should not vote for them. That is, of course, their prerogative and, indeed, the point of today's session.

My third point relates to a theme that I have picked up on, which is the conflation of this issue with the other, parallel issue of self-identification. There is a very valid debate to be had in that respect.

**Liam Kerr:** Will the member take an intervention?

**Jeremy Balfour:** Will the member take an intervention?

**Jamie Greene:** I will take the first intervention.

**Liam Kerr:** If I may, I will take the member back to the legal points, because I am really struggling with them and I did not hear any answer to them from the cabinet secretary.

We are talking about fraud, which is a criminal offence. It seems to me that, if that is right, proving it requires not only the act itself, but the mens rea—that is, the intention. I am struggling to understand what could be adduced and what evidence could be brought forward to show or prove beyond reasonable doubt the intention, because I have not heard anything about that so far.

**Jamie Greene:** The member makes a very valid point. The idea is that it is clearly a matter for the court to decide or prove that somebody has made a false statutory declaration or has fraudulently obtained a GRC. Evidence will be given, but it is difficult to foresee what that will be, because it so rarely happens. Indeed, since 2004, the issue has rarely been tested in court, despite the fact that it is already possible to get a GRC and already an offence to make a false statutory declaration.

The fact is that I do not have a huge amount of case study precedence to revert to; it would have been helpful if I had had that. I do not want to preempt what criteria courts might look at, but, in my view, the scenario in which somebody has clearly made a false declaration would include some of the factors that I mentioned in my opening remarks. For example, it could be demonstrably proven that the person had not been living in their acquired gender. There are ways of doing these things.

**Jeremy Balfour:** Will the member take an intervention on that point?

**Jamie Greene:** I will do so in one second, but I want to answer Mr Kerr's point first.

There are manifest ways in which one can do that. In my opening comments, I talked about not living in one's acquired gender for the defined period. There might be physical evidence, evidence that someone is not using pronouns that are attributed to the acquired gender, or evidence given by those who know the offender and who believe that the declaration was made falsely. Such evidence could be used in court. Amendment 115 states:

"Evidence from a single source is sufficient to prove that an offence is aggravated by a connection with a gender recognition certificate obtained by fraud."

That would be a matter for the court to decide on. The court might not believe that the case had been made, but that would be a matter for the court.

14:00

**Jeremy Balfour:** This is one of the things that I wanted to ask the cabinet secretary. I am sympathetic to what Jamie Greene is trying to do, but the test in a criminal trial is "beyond reasonable doubt". It is a very high test that a sheriff has to apply. Following on from the interventions made by Graham Simpson and Liam Kerr, I am struggling to think what evidence the Crown could bring in a case that would reach that "beyond reasonable doubt" test. There is a danger that we are making a law that could never be enforced. Is that a good way for us to move forward?

**Jamie Greene:** It might never be enforced, but it could be, and that is the point. It is important that this exists, so that, in such a scenario, it can be enforced. I hope that it does not have to be, because, if so, it will show that the system has been abused. However, if we find ourselves in a scenario where the law has to be put to the test, it would be, as the member has rightly said, for the court to decide whether the case had been made "beyond reasonable doubt" that a declaration was false and that the aggravator was relevant. I have

every faith in the judiciary to make that decision on the basis of the evidence that is provided by the prosecution and the defence.

Such provisions are common in a number of areas. As I have said, my amendments could be seen as similar to the provisions in the legislation that this Parliament passed on domestic abuse aggravators in cases in which an abuser was using children to further traumatise the victim. In such a situation, the court would decide whether, on balance, that was an aggravating factor.

It is not an unusual concept. I appreciate that members are not happy with the wording of my amendments but are sympathetic to the notion behind them. All I can do is try to word my amendments as best I can, with the advice that I get, and make them competent. I am sure that they are, but they would be tested in court in the unlikely scenario that such a case went to court.

The underlying principle behind my amendments is that I am trying to introduce a greater deterrent. There is a perception that safeguards are being dropped as a result of the self-identification process. Whether or not one agrees with the new process, all members are welcome to lodge amendments. What my amendments try to do is improve the deterrent aspect of the bill by saying, “No, you cannot use this new process for nefarious purposes, and, if you do, the law will take it very seriously.” That is their underlying premise. If members do not think that I have achieved that in my amendments, they should not vote for them; if they do, I ask them please to do so.

If members have problems with the concept of self-ID, that is not a problem that I can fix—that is their personal view.

**Ruth Maguire:** Will the member take an intervention?

**Jamie Greene:** No. I have probably said enough on this.

**Ruth Maguire:** That is not the point that I was making.

**Jamie Greene:** I will give way, then.

**Ruth Maguire:** I just wanted to be clear that I was not making a point about self-identification itself; I was just pointing out the difference between the two systems and asking what evidence would be accepted as proof.

People might have a concern that folk will be wrongly accused. I get that prosecution is the business of the Crown Office and Procurator Fiscal Service, but law is our business and we need to be really clear about what we are legislating for. I was not making a point about self-ID—I was talking about the member’s amendment.

**Jamie Greene:** First, I point out that I did not refer to the member by name or glance in her general direction. The comment was not directed at any individual member.

I am just making a point, and it is fair to say that it would be unusual for me not to point out that there are members in the chamber who do not agree, as a matter of principle, with the change that the legislation proposes. I understand that and I respect it, much as members respect my position on the bill. I am not accusing the member of saying anything.

The member has made a valid point, which is that people might be wrongly accused of such matters. As with any criminal case, it would be for the defence to make its case, the prosecution to prove its case and the court to make a judgment. That is the whole point of an independent judiciary. I have confidence in it; other members might have less.

There are members who have a problem with the changes to the process: the reduction in the time period for living in the acquired gender; the threshold for evidence that needs to be given as a result; and the removal of the panel—all the things that the bill does. If members have a problem with those proposed changes, that is fine. My amendment 108 would not alter or affect—would not change—any of that. Members who oppose the bill will still oppose it. All that I am trying to do is improve the bill by adding what I believe is a much-needed deterrent, and I will be happy to move my amendments when it comes to doing so.

**The Presiding Officer:** Can you confirm that your intention is to press amendment 108?

**Jamie Greene:** It is.

**The Presiding Officer:** The question is, that amendment 108 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division of the day, I suspend the meeting for five minutes.

14:06

*Meeting suspended.*

14:11

*On resuming—*

**The Presiding Officer:** We will now proceed with the division on amendment 108. This is a one-minute division.

The vote is closed.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** On a point of order, Presiding

Officer. My app is not working. I would have voted no.

**The Presiding Officer:** We will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dorman, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Kerr, Stephen (Central Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

#### Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 94, Against 16, Abstentions 16.

*Amendment 108 agreed to.*

**Alexander Burnett (Aberdeenshire West) (Con):** On a point of order, Presiding Officer. I seek your guidance under rule 16.1.3 of standing orders, which states:

“The Clerk shall arrange for the minutes of proceedings to be published as soon as possible by whatever means is considered appropriate.”

It is, obviously, vital to make public the full results of votes on amendments in this place as soon as possible because, as we saw from last night, there is significant public interest in the proceedings that are going on, particularly in relation to the Gender Recognition Reform (Scotland) Bill.

Last night, the detail of the results of votes on the amendments was passed to parliamentarians and their staff at 17 minutes past midnight, which was after the conclusion of the debate and many hours after some of the amendments had been voted on. Given the circumstances, I think that that is completely understandable—or I would think that, had I not learned this morning of the following developments.

14:15

I can reveal that the detailed results of votes on those amendments were passed from parliamentary officials to journalists hours before elected parliamentarians received them. At 21:04 in the evening, the detailed results were passed to journalists—more than three hours before MSPs and their staff received them. On top of that, the results of the votes on those amendments were not made publicly available for anyone to access. That, of course, meant that the details of yesterday’s proceedings were not published as soon as possible, because that information was not made public through the proper channels.

I am also aware that the detailed results of all votes on amendments last night have been published in the *Official Report* only in the past hour.

Will the Presiding Officer clarify what measures are being taken to ensure that standing orders are being adhered to, particularly with regard to the details of proceedings being made publicly available as soon as possible to everyone, and not just to a select group?

**The Presiding Officer:** I thank Mr Burnett for his point of order. The rules require the minutes to be published as soon as possible by whatever means is considered appropriate. I am aware that divisions were notified to business managers as soon as possible, and I believe that that was as close to the suspension of last night’s proceedings as possible.

Mr Burnett will understand that officials need time to ensure that the minutes are correct before they are published, and he will also be aware that several hours of business had to be checked through before publication took place. We had an exceptionally late sitting last night, as everyone appreciates.

I will look into the points that Mr Burnett raised with regard to information being available to some before others.

**Stephen Kerr:** I think that it is important to ascertain from the Presiding Officer that it would be inappropriate for that information to have gone to journalists ahead of parliamentarians. That is a fundamental, and I would be grateful to have your ruling on it, Presiding Officer.

**The Presiding Officer:** I have just ruled on the point that Mr Burnett raised, and I said in that ruling that I would look into the matter.

#### After section 8A

*Amendment 50 moved—[Russell Findlay].*

**The Presiding Officer:** The question is, that amendment 50 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)

Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 62, Against 64, Abstentions 0.

*Amendment 50 disagreed to.*

#### Section 9—Review and appeal of decisions

**The Presiding Officer:** Group 11 is titled “Late application for review of Registrar General’s decision”. Amendment 109, in the name of Jamie Greene, is the only amendment in the group.

**Jamie Greene:** I hope that this group will be slightly less contentious. The single amendment in the group is amendment 109, which is on late application for a review of the registrar general’s decision.

We know that, unfortunately, many transgender lives can be filled with much disruption and instability due to a wide range of socioeconomic factors. I have spoken to a number of individuals who have already gone through or who are about to go through the GRC process. Some do not have regular addresses; some have wider physical and mental health problems and often require medical supervision or, indeed, intervention.

As the bill is drafted, an individual seeking to obtain a GRC who has had their application refused, for whatever reason, has the right to an appeal. That appeal must be made within 40 working days. There are provisions that allow the registrar general to consider an appeal after that period if they so wish, but they are not required to do so. I am concerned that if, for example, the number of applications is higher or additions are made to the duties that fall within the registrar general’s remit as a result of amendments that are agreed to, the 40-day deadline may become a strict, blanket deadline, irrespective of the applicant’s circumstances.

From a sympathetic point of view, I feel that, if a person were to have good reason for missing that deadline—perhaps, for example, because of hospital admission, sickness, a change of living circumstances or a family emergency—that should be taken into account when an appeal is submitted late. Amendment 109 is a relatively simple amendment. It would allow late appeals, but only if the registrar general was satisfied that the applicant had good reason for not making the request sooner.

**Liam Kerr:** Will the member take an intervention?

**Alexander Burnett:** Will the member take an intervention?

**Jamie Greene:** Two members have asked to intervene—who was first?

**Liam Kerr:** I am seeking clarification from Jamie Greene. I follow his articulation of the idea that someone could make a request later if they had a “good reason”. I appreciate that the member gave some examples, but will there be guidance on what constitutes a good reason? If not, who will be the arbiter of what constitutes a good reason?

**Jamie Greene:** As stated, the amendment sets out that

“if the request is made after ... that period”,

the registrar general

“must comply with the request”

if he or she is

“satisfied that the applicant had a good reason for not making it sooner,”

and “may”, but does not need to, comply with it if not satisfied.

The amendment does not specify any grounds for which a scenario would be given. I think that the concept of guidance is a helpful one; I might ask the cabinet secretary to reflect on that in responding. There will be guidance that is associated with many other aspects of the bill. This may be a good example of where, instead of putting in the bill prescriptive scenarios that the registrar general must adhere to, we can give flexibility to the registrar general, as I trust their judgment on whether they believe that the applicant has “good reason” to make a late application.

However, some parameters around that in guidance to the registrar general would be helpful, given that the nature of the role of the registrar general—this is a point that we have not properly debated in all this—is changing as a result of the bill, and that deserves wider airtime. I am sure that we will talk more about that as the day goes on, but I do not disagree with Liam Kerr’s comments.

Alexander Burnett was also wanting to make an intervention—he is indicating that it was on the same point, so I hope that I have answered it.

I move amendment 109.

**The Deputy Presiding Officer (Liam McArthur):** Thank you, Mr Greene. I call the cabinet secretary to respond.

**Shona Robison:** Thank you, Presiding Officer. I hope that I will be similarly brief.

Under the terms of the bill as introduced, the registrar general “must” comply with a request for a review if it is made within 40 days of the application being determined, and the registrar general

“may (but need not) comply”

if the request is made after that time. Amendment 109 would provide further clarification on the discretion that is provided to the registrar general to deal with applications and it is a helpful clarification of the review process. I am happy to support the amendment, and I confirm to Jamie Greene and others that National Records of Scotland will produce guidance, which the registrar general will apply to individual circumstances using their judgment.

**Jamie Greene:** I am happy to receive that further clarification on the role that NRS will play in producing guidance. I hope that that addresses any concerns that members had.

**The Deputy Presiding Officer:** The question is, that amendment 109 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)

Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 116, Against 4, Abstentions 5.

*Amendment 109 agreed to.*

*Amendment 52 moved—[Russell Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 52 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhan (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 61, Against 63, Abstentions 1.

*Amendment 52 disagreed to.*

*Amendment 53 moved—[Russell Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 53 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)

Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)

Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 60, Against 62, Abstentions 2.

*Amendment 53 disagreed to.*

*Amendment 110 moved—[Jamie Greene].*

**The Deputy Presiding Officer:** The question is, that amendment 110 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

#### Abstentions

Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 92, Against 13, Abstentions 19.

*Amendment 110 agreed to.*

14:30

**The Deputy Presiding Officer:** Group 12 is entitled “Manifestly unfounded application to sheriff to revoke certificate”. Amendment 51, in the name of Pam Duncan-Glancy, is the only amendment in the group.

**Pam Duncan-Glancy (Glasgow) (Lab):** The function of the

“person who has an interest”

under new section 8S, which will be inserted into the 2004 act by the bill, is essential. It makes provision for someone who has a genuine interest in a person's GRC application to intervene and express concern that the application has been made fraudulently or that the person was coerced or did not understand

"the effect of obtaining the certificate".

The definition of

"person who has an interest"

has been drawn more widely in the bill than it is in the 2004 act in order to take account of the change process that is proposed. Scottish Labour supports that definition. My amendment 51 seeks to apply proportionality to that function in the bill so that it serves the intended purpose and is not used as a means to unfairly block a GRC application.

Amendment 51 would give the sheriff jurisdiction

"to determine ... that an application under section 8S was manifestly unfounded"—

which is to say that the person making the application to the sheriff had malicious intent, was using the request with

"no real purpose other than to cause disruption",

or had made unsubstantiated accusations against or was targeting the applicant because they had a problem with them—

"unless it is proved on the balance of probabilities that it was not."

Amendment 51 would transfer the burden of proof to a respondent in civil proceedings so that it would be for them to prove that the GRC application should be revoked, thereby ensuring that it is not for the GRC applicant to disprove any claims that are made against them.

My amendment 51 would clarify that evidence that is used to prove a fraudulent GRC application cannot be based on personal feelings towards the applicant, or on the person's view on gender reassignment. Applications under the "person who has an interest" powers are important, but they must be based on evidence that transcends personal opinion.

I am confident that amendment 51 would address concerns that a person who has an interest who disapproves of a trans person's identity and their right to exist might use the courts to interfere in a GRC application.

**Liam Kerr:** I want to make sure that Pam Duncan-Glancy addresses this point, which she might have been going on to do. At the end of proposed new section 8SA, there is a definition of "manifestly unfounded" that finishes by saying that it turns on the application having "no evidential basis". Can the member help me to understand

whether there is any specification of what might constitute evidence for that evidential basis, and/or is there a threshold around sufficiency?

**Pam Duncan-Glancy:** The language that is used in that part of amendment 51 was taken from data protection legislation and from information around freedom of information. There is, therefore, precedent in how to look at the term. Ultimately, however, it would be a matter for a sheriff to determine. At that point, a sheriff would already have been involved because the "person who has an interest" function had been invoked. Therefore, it would be for the sheriff to determine whether there was evidence. I hope that that helps Liam Kerr and provides the clarity that he needs.

In my view, we must protect trans people from manifestly unfounded claims, and I believe that that is something on which all members in the chamber can agree. We also believe that the "person who has an interest" function is incredibly important. We believe that with amendment 51 and that function, we would have a suite of protections that would ensure that trans people and others get what they need from the legislation. I urge colleagues to support my amendment 51.

**Stephen Kerr:** Does Pam Duncan-Glancy also accept that the provision on the award of damages might put off people who have genuine concerns who might be afraid of that element of the bill? Maybe that is her deliberate design, but I do not think that it is. Does the member accept that the provision could have a serious dissuading influence on people who have genuine concerns but are terrified about what it might mean if the court ruling was different from what they had hoped it would be? That might put them off completely.

**Pam Duncan-Glancy:** No, I do not accept that. I believe that, if concerns are genuine, the person would be able to prove that and would have the evidence that is required.

The definition of a "manifestly unfounded" application is that it has malicious intent, that a request is being used with no real purpose other than to cause disruption and that it makes unsubstantiated accusations.

Anyone who can make substantiated accusations and therefore has, in the member's words, "genuine concerns" should not be put off by the provision. It is not designed to deter them; it is designed to deter people who might wish to frustrate the process for trans people who, as I think we all believe, need access to the system. I believe that even people who have voiced concerns about the bill recognise that trans people who need to change their legal gender should not be blocked from doing so just because somebody does not agree with their acquired gender status.

I move amendment 51.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank Pam Duncan-Glancy for lodging amendment 51 and for her explanation of it. It references unfounded applications under proposed new section 8S of the 2004 act, which allows for gender recognition certificates to be revoked on application to a sheriff if the sheriff is satisfied that “on the balance of probabilities”

the application was fraudulent. Where a sheriff makes that finding, they must revoke the certificate or take other action as appropriate to the specifics of the case.

I understand Pam Duncan-Glancy’s intention in lodging amendment 51, but having considered it very carefully I am concerned that it is confused. It also throws up a number of legal difficulties.

Amendment 51 seeks to make a provision that would allow sheriffs to determine that an application to revoke a gender recognition certificate was “manifestly unfounded”. As with an application that is fraudulent, a sheriff could judge that an application for revocation was unfounded “on the balance of probabilities”.

As my colleague Stephen Kerr has just mentioned, amendment 51 would also allow for the award of compensation where “injured feelings” are found to have occurred as a result of a “‘manifestly unfounded’ application” for revocation.

That “‘manifestly unfounded’ application” for revoking a gender recognition certificate is defined as one that is

“intentionally misleading ... made in accordance with the applicant’s feelings”

about GRCs and

“that had no evidential basis.”

There are number of issues with that. During the afternoon, we have already had quite lengthy debates about the very difficult issue of fraudulent applications and the question of evidence. Someone can apply for a gender recognition certificate with no evidence whatsoever—that is the whole principle of self-identification. They are not required, for example, to change their appearance or to change their pronouns, and they are not required to change the way that they dress. Those are not requirements for obtaining a GRC. Therefore, I really struggle to see what the “evidential basis” that is referred to in amendment 51 would actually mean, because none of those things are prerequisites for obtaining a GRC, if we accept the principle of self-identification.

**Pam Duncan-Glancy:** The things that Murdo Fraser has outlined are not current requirements

in what a person must prove in order to access a gender recognition certificate. Amendment 51 would neither change nor affect those provisions.

**Murdo Fraser:** I accept Pam Duncan-Glancy’s point but, with respect, I do not think that it strengthens her case. She has lodged an amendment that refers to “evidential basis.” I am afraid that she is now, in effect, arguing against herself by saying that those things are not currently required.

We would be creating a mechanism with an ill-defined threshold and throwing it on to sheriffs to try to make a judgment against those criteria

“on the balance of probabilities”,

with no history of case law around those areas. I think that it would be extremely difficult for a sheriff to make such judgments based on amendment 51.

My second point has already been mentioned. Amendment 51 would allow for compensation to be awarded to those who successfully claim that an application for revocation was “manifestly unfounded”. I think that there is a genuine worry that that would lead to a situation where people know, or are concerned, that a gender recognition certificate was fraudulently claimed, but will not apply for a revocation because they are worried about the financial consequences for them should the challenge be unsuccessful. Should,

“on the balance of probabilities”,

a sheriff reject their challenge, they would potentially be liable for financial compensation. That would act as a potential barrier to people seeking to challenge awards.

I believe that allowing people to apply for revocation of a gender recognition certificate without fear of litigation is important because the proposed legislation is opening up the process and removing so many safeguards. Threatening individuals with legal action if they take up the option simply to apply for a review of the granting of a gender recognition certificate should not, in my view, be in the bill. I hope that colleagues will support me in opposing amendment 51.

**Shona Robison:** I know from the evidence that was provided to the Equalities, Human Rights and Civil Justice Committee and through our own consultations that there is concern in the trans community about potential misuse of the ability of a person with an interest to apply to a sheriff for a GRC to be revoked. I can understand that.

The bill allows for a person who has an interest in a GRC to apply to a sheriff to revoke a certificate on the grounds that the application was fraudulent, that the applicant was incapable of understanding the effects of it, or that the applicant was incapable of validly making the application.

That is an important safeguard. The person seeking to revoke a certificate would need to have a genuine interest in the certificate, in that it would have to affect them personally or professionally. They would be required to produce evidence of their interest and of the ground on which the certificate could be revoked.

**The Deputy Presiding Officer:** Cabinet secretary, could you resume your seat? Tess White has a point of order.

**Tess White:** Thank you, Presiding Officer. As you can see, the gallery, again, is not full. Again there are people who would like to witness what is happening today but who have been refused tickets. They have been told that they cannot have access. That is completely unacceptable. Will the Presiding Officer take a view, please, on those women and people who cannot get access? It might be too late, but there are some who would like access to the empty seats in the gallery above us. Thank you.

**The Deputy Presiding Officer:** Thank you, Ms White, for the point of order. I recognise that a similar point of order was made yesterday, and there was no evidence that people had been prevented from coming into the building, as far as I am aware.

**Tess White:** I have evidence, and I will feed that to—

**The Deputy Presiding Officer:** Ms White, resume your seat, please! [*Interruption.*] I will not have the chair challenged, Ms White. I responded to your previous point of order and I will respond to your current point of order. I will ask that the matter be looked into. It is not something that I can do alone from the chair. As was said yesterday, we would hope and expect that any members of the public who wish to attend proceedings and who can be accommodated in the public gallery will be allowed to do so.

I invite the cabinet secretary to continue her remarks.

**Shona Robison:** As I was saying, the person who was seeking to revoke a certificate would have to have a genuine interest in the certificate—it would have to affect them personally or professionally. They would have to produce evidence of their interest and of the ground on which the certificate could be revoked.

At stage 2, a number of amendments were lodged along similar lines to amendment 51. I indicated then that I was sympathetic to the aims of those amendments and would consider whether there was anything that could address those concerns without raising wider issues around access to justice. I have not been able to identify anything for the bill, because existing mechanisms

already allow the courts to dismiss groundless applications in the most efficient manner.

In a clear case of lack of genuine interest or bad faith, a sheriff could dismiss a case at the first hearing without even having required the GRC holder to formally participate. It is a common statutory requirement that a person has an interest in a particular matter in order to bring proceedings to court. The courts are used to determining what amounts to a genuine interest.

**Pam Duncan-Glancy:** Does the cabinet secretary accept that, in those proceedings, the burden of proof is on the GRC applicant rather than the person who is applying to revoke the certificate?

14:45

**Shona Robison:** Let me just continue.

If a person was to make repeated vexatious applications to revoke the GRCs of different GRC holders, there is an existing provision in the Courts Reform (Scotland) Act 2014 that would allow the Lord Advocate in the public interest to apply to the Court of Session for a vexatious litigation order, which would require the person to get permission from the court before making a further application. The courts also have existing powers to properly compensate the GRC holder for their legal expenses and to sanction a malicious applicant through an enhanced award of expenses against them.

We will work with the Scottish Courts and Tribunals Service on any updates or changes to court rules that are needed as a result of the bill, including where those rules could avoid any negative impacts on the GRC holder that arise from the court proceedings. I consider that the law already provides mechanisms that can be used to respond to a malicious application—because, of course, the prospect of litigation being used maliciously is a general issue that is not particular to these circumstances. There does not appear to be anything further that could be achieved in the bill without either duplicating the existing machinery or restricting access to justice in a way that would be unacceptable.

However, I am pleased to say that the amendments in group 15, on the requirement to review the bill, will include a requirement to review the provision allowing applications to be made to the sheriff. I hope that that will be enough to reassure Pam Duncan-Glancy and Maggie Chapman, who has also expressed an interest in the issue, that we will look at whether the existing machinery, which has worked well to date, also covers the issues that the member raises. On that basis, I hope that she will not press amendment 51.

**The Deputy Presiding Officer:** I call Pam Duncan-Glancy to wind up and to say whether she wishes to press or withdraw amendment 51.

**Pam Duncan-Glancy:** In the interests of brevity, I will be as brief and as clear as I can be. I do not accept some of the concerns that my Conservative colleagues raised about the fact that the deterrent of potential civil proceedings will prevent people from using the person-with-an-interest power. I go back to where I started on the issue, which is that we believe that that power in the bill is entirely proportionate, and we support it. Indeed, we voted against proposals to narrow the power at stage 2 because we think that it is incredibly important that it is there.

However, I believe that amendment 51 would allow us to bring some proportionality to that and ensure that, when someone uses the power, they would have to bring evidence. The point about people not using the power due to the level of evidence that would be required is not accurate because, in order to bring an accusation of a fraudulent application, of coercion or of someone not understanding the application, evidence would be required anyway. The point of amendment 51 is to enable the sheriff to say that the evidence is not founded or that there is not enough evidence to prove that the application is fraudulent or unclear.

The cabinet secretary made important points about existing legislation, and I welcome the fact that there will be a review, but I still think that the burden of proof is being left on the trans person. We need to ensure that the burden of proof does not sit with the trans person and that they do not have to prove that someone is deliberately trying to prevent them from accessing a GRC. That is why I cannot accept that the existing mechanisms are enough. However, I look forward to hearing how the review sees that issue.

On that basis, I will press the amendment.

**The Deputy Presiding Officer:** The question is, that amendment 51 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

Meghan Gallacher, who joins us online, has a point of order.

**Meghan Gallacher (Central Scotland) (Con):** On a point of order, Presiding Officer. My laptop froze, so I am unsure whether my vote has been recorded. Can I please confirm whether it has been?

**The Deputy Presiding Officer:** I can confirm that your vote has been recorded.

## For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 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)  
 Arthur, Tom (Renfrewshire South) (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)  
 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)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 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)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 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)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 26, Against 98, Abstentions 0.

*Amendment 51 disagreed to.*

**Rachael Hamilton:** On a point of order, Presiding Officer. Under rule 9.10.6 of standing orders, I would like to lodge a manuscript amendment to the bill that would leave out section 15A. The Scottish Parliament's guidance on amendments states:

"If no amendment to leave out the section or schedule has been lodged in advance, any member may lodge a manuscript amendment to leave it out."

I can submit the wording of the amendment to the Presiding Officer if necessary—if that has not already been done. I hope that my amendment can be permitted.

I will briefly explain why I intend to lodge the manuscript amendment. Section 15A was agreed to as a result of a stage 2 amendment to the bill at the Equalities, Human Rights and Civil Justice Committee. My colleague Pam Gosal and I abstained on the amendment, which was voted on on 22 November 2022. It is important to remember that date.

The rushed deadline for lodging stage 3 amendments to the bill was 12 pm on Tuesday 13 December 2022. Just after the deadline, the Court of Session published its ruling on the judicial review from For Women Scotland on whether holding a gender recognition certificate changes a person's sex for the purposes of the Equality Act 2010. Lady Haldane ruled:

"I conclude that in this context, which is the meaning of sex for the purposes of the 2010 Act, 'sex' is not limited to biological or birth sex, but includes those in possession of a GRC obtained in accordance with the 2004 Act".

That clearly has a substantial impact on how the Equality Act 2010 is to be interpreted for the purposes of those who hold a gender recognition certificate, which is what the Gender Recognition Reform (Scotland) Bill relates to. However, the Parliament has not been able to decide on section 15A since the Court of Session ruling, and no amendments could be lodged in time because the ruling was made public after the stage 3 amendment deadline.

Given the importance of the court ruling in interpreting the bill, I think that it is important that the Presiding Officer accepts my amendment, so that the Parliament is able to debate the substantive effect of the Court of Session ruling on how the Equality Act 2010 is to be interpreted in relation to the bill.

I seek to move the manuscript amendment, in my name, to leave out section 15A.

**The Deputy Presiding Officer:** Thank you, Ms Hamilton. As manuscript amendments are a matter for either the convener or the Presiding Officer, I will have to suspend this meeting of the Parliament for the time being.

14:53

*Meeting suspended.*

16:08

*On resuming—*

**The Presiding Officer (Alison Johnstone):** I have given very careful consideration to Ms Hamilton's request to lodge a manuscript amendment. As members may be aware, at this stage, a manuscript amendment may be moved only with my agreement. In deciding whether to allow an amendment, I must take into account the disadvantages to other members of the lack of notice.

The guidance on public bills says:

"Agreement should not normally be given to move a manuscript amendment which could equally well have been lodged before the deadline."

Although I accept that this amendment could not have been lodged before the deadline, a manuscript amendment could equally have been lodged at any time ahead of today's proceedings after the judgment was given last Tuesday. Seeking to lodge the amendment today gives no notice to members, and on that basis I do not intend to let it be taken.

I note that we now come to a group of amendments dealing with the Equality Act 2010. Not allowing this amendment to be moved does not prevent members from debating the issues that Ms Hamilton raises.

**Jeremy Balfour:** On a point of order, Presiding Officer. It is now 10 past 4—[Interruption.] I think that I have got the time right; I am not sure what is wrong. It is now 10 past 4 and 26 seconds. The Scottish Parliament's Business Bulletin, as revised by a motion at midnight this morning, states that portfolio question time was due to commence at 3.15 pm. That was a defined time; it was not the usual follow-on business as is the case in most bulletins. We are now past 3.15 pm and MSPs have not been offered a chance to ask questions of the cabinet secretary and ministers. We have not even been told whether we will get the chance to do so.

I remind the chamber that the Gender Recognition Reform (Scotland) Bill is not emergency legislation and that it should not supersede all other business. Ministers being held to account by elected representatives is the bread and butter of the Parliament, and we cannot let that be sidelined once again so that the bill can be rushed through before Christmas. I have a rural affairs question today, which I am looking forward to asking.

Presiding Officer, I seek your clarity with regard to the *Business Bulletin*. When will portfolio question time take place? If you do not know, will you perhaps ask business managers to meet urgently to discuss the matter? It is important for

members around the chamber and for their constituents that those questions are asked today.

**The Presiding Officer:** I thank Mr Balfour for his point of order. The *Business Bulletin* does, indeed, reflect the agreement of the cross-party Parliamentary Bureau. We will proceed with this business at the moment, but business managers will liaise in due course, and we will come back to members.

#### After section 11A

**The Presiding Officer:** We move to group 13, which is titled "Interaction with the Equality Act 2010, the concept of sex, and single-sex services". Amendment 54, in the name of the cabinet secretary, is grouped with amendments 111 to 113, 117 to 121, 61, 123, 72 to 74, 127 to 130, 133 and 92. I call the cabinet secretary to move amendment 54 and to speak to all amendments in the group.

**Shona Robison:** I will begin by addressing some of the points that Rachael Hamilton raised, because they are relevant to this group. First, the ruling made it absolutely clear that the Scottish Parliament cannot modify the Equality Act 2010. As I previously set out to Parliament, we welcome the outcome of the petition of For Women Scotland Ltd for judicial review, which is that the Scottish Government's statutory guidance on the Gender Representation on Public Boards (Scotland) Act 2018 has been held to be lawful, and the petition was dismissed. However, as the chamber is aware, those proceedings remain live, with the possibility of an appeal, so I will not comment in detail.

Our position has always been consistent with that of the Equality and Human Rights Commission on the matter. As I set out at stage 2, for the purposes of the Equality Act 2010, the definition of "sex" takes into account the legal effects of a GRC obtained in accordance with the Gender Recognition Act 2004. Nothing has changed with that ruling; it is the status quo.

**Rachael Hamilton:** Clearly, I was disappointed that my manuscript amendment was not accepted, but I understand the Presiding Officer's view.

A GRC now confers at least some of the protections that are afforded by the 2010 act. Given that I was not allowed to debate the implications of my manuscript amendment, can the cabinet secretary confirm what protections are, and are not, granted to those people with GRCs under the 2010 act?

**Shona Robison:** As I said at the beginning, the ruling has made absolutely clear that the Scottish Parliament cannot modify the 2010 act; therefore

there are no changes whatsoever to any of the protections under that act, which remain the same.

Lady Haldane was absolutely clear about this: the bill does not amend the legal effects of obtaining a gender recognition certificate, which are set out principally in section 9 of the 2004 act. Therefore, the judicial review ruling does not impact on the bill. I want to move on to the rest of the amendments in this group.

**Rachael Hamilton:** Cabinet secretary—

**Shona Robison:** I have answered your point.

16:15

**Michelle Thomson (Falkirk East) (SNP):** I thank the cabinet secretary for giving way. Roddy Dunlop KC makes the case that the matter does not grant or lose people rights, and I do not disagree with his eminent view. However, it clearly introduces considerable complexity in relation to existing rights, and the practical function and effect, particularly on women, has consistently been ignored. I am sure that that element of it will subsequently be legally tested. Does the cabinet secretary agree?

**Shona Robison:** The case has maintained the status quo, which has been the position since 2004—for 20 years—that the purpose and effect of a gender recognition certificate is that people are able to change their birth certificate in line with their acquired gender. That is the purpose and effect of a GRC. The bill changes none of that, and we could not change the Equality Act 2010 even if we wanted to. That is just not possible.

**Ash Regan:** Will the cabinet secretary take an intervention?

**Shona Robison:** I want to move on to the rest of the amendments, because there are a lot of amendments that I want to comment on.

Following discussions with members, I lodged amendment 54, which will place a duty on the Scottish ministers to publish guidance on the operation of the act. That was an ask from members that I am happy to make provision for. The amendment says that we will do that in consultation with human rights organisations. As I have also made clear to members, amendment 54 is within the legislative competence of the Parliament.

Before I speak to the other amendments in the group, I remind members that responsibility for the Equality Act 2010 is reserved to the UK Parliament, just as immigration and nationality, including asylum, are reserved, as we debated in relation to group 3. Therefore, to be clear, as I said earlier, any amendment agreed to today that is outwith competence puts the aims of the bill as a

whole at risk, and, although some people might oppose the bill, every member in the chamber has not just a responsibility but a duty to make competent law, and I know that every member takes their role as a legislator for our country seriously.

**Daniel Johnson (Edinburgh Southern) (Lab):** I am grateful to the cabinet secretary for giving way. She is quite correct in saying that, obviously, any piece of legislation that sought to alter the impact or the effect of reserved legislation would not be competent. However, this Parliament regularly legislates using definitions that are made in reserved law. For example, in 2016, when we altered the franchise to this Parliament, we made explicit reference to the Immigration Act 1971. Indeed, we have done that on a number of other occasions. We are not altering the definitions or the things that are specified in that law, but we use the definitions and clarify how this Parliament and our legislation seek to use them. That does not put our laws in breach of that legislation, it does not call them into question and it does not fall foul of the Scotland Act 1998. Therefore, if we can do it in those legislative circumstances, why can we not do it in this situation?

**Shona Robison:** I will come to that point in my remarks, if the member does not mind. The bill already provides the reassurance that members sought that the bill does not modify the Equality Act 2010, and that was done through a stage 2 amendment that we agreed with Pam Duncan-Glancy and which covers the Equality Act 2010 in its entirety.

**Rachael Hamilton:** Will the cabinet secretary take an intervention?

**Shona Robison:** No, not just now.

**Rachael Hamilton:** Please?

**Shona Robison:** To pick the Equality Act 2010 apart by stating further that the bill does not modify some provisions of that act when there is already patently provision in the bill that it does not modify the whole of the Equality Act 2010 causes confusion in the law. Provisions that do that now, on top of Ms Duncan-Glancy's amendment, are unnecessary and unhelpful.

In addition—this is really important—it is for the Equality and Human Rights Commission, as a reserved body, in terms of its statutory functions, to provide guidance on the effects of the Equality Act 2010, and it is for Scottish ministers or the registrar general to provide guidance on the effects or operation of the bill. For those reasons, I cannot support any amendments in this group apart from my own.

**Stephen Kerr:** Before we vote on any of the amendments in this group, I am anxious to know—

in very clear terms—whether the cabinet secretary will confirm that someone who is issued with a GRC would have access to single-sex spaces? Can we have a very clear answer on the implications?

**Shona Robison:** They would not if the organisation providing those services used the exceptions under the 2010 act. As I have said so many times in the chamber, they could be excluded—nothing changes there. If an organisation had a service that it wanted to restrict to being single sex, it could do that in the same way as it can do so now. The bill changes none of that whatsoever. I hope that that gives members the reassurance that they require.

There are a few amendments in the group on guidance. Amendment 111, in the name of Jackie Baillie, would place a duty on Scottish ministers to

“issue guidance on the impact of”

the act,

“in particular ... the provision of single-sex services”

and

“what would be considered a proportionate means of achieving a legitimate aim in the context”,

which refers to particular sections of the Equality Act 2010.

Amendment 120, in the name of Rachael Hamilton, and amendments 73 and 74, in the name of Sue Webber, are similar.

Amendment 117, in the name of Pauline McNeill, would place a duty on Scottish ministers to provide

“guidance on the effect of having a gender recognition certificate”,

and, in particular, to

“set out how obtaining a gender recognition certificate impacts on the rights in the Equality Act 2010.”

Amendment 129 in her name would place a duty on Scottish ministers to

“consult each Scottish public authority about ... the operation of the exceptions in ... Schedule 3 of the Equality Act 2010.”

Amendments 118 and 119, in the name of Claire Baker, would place a duty on Scottish ministers to issue guidance on the impact of the bill on section 22 of the Gender Recognition Act 2004 and schedule 9 of the Equality Act 2010.

The Scottish Government cannot provide legal advice to external bodies. Guidance on the test of a proportionate means of achieving a legitimate aim, as required in the Equality Act 2010, is for the Equality and Human Rights Commission. The Scottish Government will always promote and encourage observance of the 2010 act, but it is

properly for the EHRC, not the Scottish Government, to provide guidance on the effects of the 2010 act.

**Claire Baker (Mid Scotland and Fife) (Lab):** In a briefing in advance of stage 2, the EHRC said that the UK and Scottish Governments must provide and ensure clarity on the law for employers and service providers. That suggests that the EHRC thinks that there is a role for Governments in providing clarity on that.

**Shona Robison:** Yes, but the EHRC also knows that it is for it to lead on the operation of the Equality Act 2010. What I have set out relates to guidance on the operation of the bill, in relation to which there is, of course, a role for us as ministers.

To go further, and perhaps to address some of Claire Baker’s concerns, what we have said about the Equality Act 2010 is that, if the EHRC wants to revise the guidance in the light of this bill—should it pass and become an act—we will work with it to do that. However, we have to respect the EHRC as the lead organisation for matters that impact on the 2010 act. The EHRC already provides guidance for individuals, organisations and the public sector as well as a statutory code of practice, which assists service providers with understanding the relevant issues. That includes already-published guidance for service providers looking to establish and operate a separate or single-sex service.

**Pam Duncan-Glancy:** I understand the statutory responsibilities that the EHRC has over the Equality Act 2010. However, does the cabinet secretary accept that, for example, a recent letter from the Minister for Mental Wellbeing and Social Care, Kevin Stewart, to health boards contained recognition that protocols would need to be in place to support people—trans people and others—in the provision of services? On that basis, the cabinet secretary can surely agree that it is acceptable for the Scottish Government to direct devolved bodies on how to provide services and direct organisations on how to deliver services on the basis of any piece of legislation?

**Shona Robison:** As I have just said, it is absolutely for us to set out the guidance on the operation of the bill, and I have already acknowledged and accepted that we will do that. However, that is different from the operation of the 2010 act, which has the lead of the EHRC in statute. The EHRC is the statutory body, so we cannot lead on that, because the EHRC has to lead on the 2010 act. I have said that we will work with the commission on doing that, but it has to be the lead body. I cannot be any clearer than that.

I agree that it is important for there to be clear guidance to help people and organisations to

understand their rights and responsibilities, as set out in the 2010 act. That is why I have said that I will be happy to work with the EHRC, should its guidance require to be updated following the passing of the bill. We will highlight where additional guidance would be helpful, and I repeat that commitment now.

Amendment 112, in the name of Ash Regan, specifies that

“Nothing in this Act affects any provision to which section 9(3) of the 2004 Act applies.”

As we have set out on a number of occasions, the bill does not amend the effect of a GRC, as provided for principally in section 9 of the 2004 act. Therefore, I cannot support an amendment that says that the bill does not amend a section that it obviously does not amend.

I also do not support her amendment 113, which specifies that

“Nothing in this Act affects”

specific sections of the 2010 act.

In addition, I do not support the similar amendment 130, in the name of Jackie Baillie, which specifies that

“Nothing in this Act prevents the provision of a service only to persons of one sex where it is in accordance with Schedule 3 of the Equality Act 2010”,

“modifies the protected characteristic of gender reassignment”

or modifies the definitions of sex—man or woman—in the 2010 act.

Amendment 133, in the name of Jamie Greene, places a duty on the Scottish ministers to publish a report,

“no later than 3 years after this Act has come into force”,

in relation to

“a review of the impact of this Act on ... the Equality Act 2010”.

That is important. As I have said, the bill, as amended, already states that,

“For the avoidance of doubt,”

the bill does not, in any way, modify the 2010 act, in its entirety. To pick the 2010 act apart in that way causes confusion within the law, particularly when there is already a provision added to the bill at stage 2 stating that,

“For the avoidance of doubt,”

the bill does not modify the 2010 act.

**Liam Kerr:** Will the cabinet secretary take an intervention?

**Shona Robison:** Yes, I will.

**Liam Kerr:** I am genuinely grateful for that and I am genuinely struggling to understand, so I wonder whether the cabinet secretary could make it very clear for me. If, under the Haldane judgment, obtaining a GRC means that a man with a GRC is a woman, what is the legal basis—going back to Stephen Kerr’s intervention—for excluding that category of person from a single-sex space?

**Shona Robison:** Trans women can be excluded from a single-sex space. That is in the 2010 act as an exception, and nothing whatsoever in this bill changes that. As I said, the judgment is entirely in line with the position of the Equality and Human Rights Commission, which is, literally, the body that oversees the 2010 act. Our position is exactly the same as the commission’s position.

**Ash Regan:** Will the cabinet secretary take an intervention?

**Shona Robison:** I will do so very briefly.

**Ash Regan:** I thank the cabinet secretary for taking the intervention. I think that it is a very important point, which we need to be allowed to debate. As I understand it, the Government’s position, which I happen not to agree with, is that exemptions are still operable. What assessment has the Government done on the chilling effect on what could often be quite small single-sex service providers?

**Shona Robison:** I do not believe that there will be a chilling effect. In recognition of any concerns, I have said that we will set out guidance on the operation of the bill, but it is for the Equality and Human Rights Commission to set out the guidance to public bodies, to make sure that, when they are applying those exceptions, they do so on a proportionate basis and keep themselves on the right side of the law. That is very clear. I think that the guidance is very clear, but, if the EHRC thinks that it has to be reviewed, that is a matter for the commission and we will assist with that.

**Pauline McNeill:** Will the cabinet secretary take an intervention?

**Shona Robison:** I will make some progress first, if Ms McNeill does not mind. [*Interruption.*]

**The Presiding Officer:** I am sorry, cabinet secretary. It is fair to say that members have been very good, so far, in listening to one another. I would like us to continue with that.

16:30

**Shona Robison:** I do not support amendment 121, in the name of Rachael Hamilton, which would place a duty on the Scottish ministers to report on the impact of the bill on the provision of

single-sex services every year. That is a disproportionate reporting requirement.

I do not support amendment 61, in the name of Pam Gosal, which would place a duty on ministers to report on the impact of the bill on self-exclusion from services. Exceptions in the 2010 act enable single-sex services to exclude trans people or treat them less favourably where it is

“a proportionate means of achieving a legitimate aim.”

Those exceptions apply whether a person has a GRC or not, and the bill does not change that. There is no impact of the bill to measure, and any self-exclusion that occurs is more likely to be caused by misinformation and concerns.

Amendment 123, in the name of Pam Gosal, would place a duty on the Scottish ministers to report on the impact of the bill on the funding of single-sex services. It is not clear to me what the funding of such services has to do with a bill that is about applying for legal gender recognition, and I see no possible impact and therefore cannot support the amendment.

Amendment 128, in the name of Pauline McNeill—whom I will let in in a minute—would insert an avoidance-of-doubt provision that

“nothing in Act affects any requirement to collect data on sex”

as defined in section 11 of the 2010 act. I do not believe that the amendment adds value, for the reasons that I have explained in my comments on the other amendments in the group, and therefore I will not support it.

**Pauline McNeill:** In response to Ash Regan’s intervention, the cabinet secretary said that exemptions can be used, which is, of course, correct. Will the cabinet secretary offer her opinion on why rape crisis centres, for example, that have tried to use the exclusions have experienced a great deal of resistance? Many organisations that have tried to use the exemptions, which are lawful, do not seem to be able to use them. Does that give the cabinet secretary cause for concern? Does all of this boil down to, “Well, in any case, you can exclude anyone but, incidentally, you can’t ask someone’s trans status, as it might be a bit difficult”?

Surely the cabinet secretary must know that loads of organisations are at the end of their tether, because they are trying to use the exemptions but they are not able to.

**Shona Robison:** Some organisations have used the exemptions and others have chosen to be trans inclusive. It is for an organisation to decide its policy, as long as its policy is within the law, follows the guidance and is proportionate. We cannot dictate to each organisation what its policy

is. Organisations have to follow the guidance and keep themselves on the right side of the law.

I turn, importantly, to amendment 127, in the name of Jackie Baillie, which provides that

“Paragraph 28 of Schedule 3 of the Equality Act 2010”,

on exceptions from gender reassignment discrimination,

“continues to apply to activity or conduct carried out in Scotland”,

even when an individual holds a Scottish GRC.

Members asked me yesterday about the degree of risk of amendments. To be clear, amendment 127 would be top of the list of risks to the bill, for reasons that I will come on to. It is trying to clarify the effects of reserved legislation, and we cannot do that in a devolved bill.

Let me say a little bit more, because this is important. Whatever the intention of amendment 127—and I am sure that it is well intended—in legal form, the provision would legislate to continue the effect of reserved provisions of the 2010 act. We believe that the amendment is at serious risk of being outwith legislative competence. The amendment specifies circumstances where paragraph 28 of schedule 3 to the 2010 act, on gender reassignment discrimination, applies, and it states that that paragraph continues to have effect where a person holds a GRC. That is consistent with our understanding of the effect of the 2010 act, but the 2010 act makes no mention of GRCs.

Amendment 127 purports to clarify paragraph 28, which is reserved law, so there is a serious risk of the amendment’s being outwith competence.

Amendment 127 is different in its effect from the provision already in the bill—this might be Daniel Johnson’s point—which states plainly that the bill does not modify the 2010 act. Amendment 127, however, seeks to clarify what the 2010 act does.

I hope that members will remember that the disputed section of the Gender Representation on Public Boards (Scotland) Act 2018 was found in the first judicial review, on appeal, to have impinged on equal opportunities as “a reserved matter.”

**Daniel Johnson:** Again, I am grateful to the cabinet secretary for giving way. I gave the example that I did explicitly because it actually confers rights on individuals based on status defined in law. In very much the same way as this bill does, it borrows a definition in reserved law in terms of functions that are being legislated for. Again, I do not understand why this legislation falls foul in that respect but previous legislation did not.

**Shona Robison:** There has been previous legislation in the same bracket; I understand that at the time of the passage of the Land Reform (Scotland) Bill, for example, ministers had to write to members on the same basis.

Some members have noted that we were able to put in the

“For the avoidance of doubt”

provision at stage 2, and have asked what the difference is here. As I have just set out, the difference is that the provision that is already in the bill states plainly that the bill does not modify the Equality Act 2010, whereas—as I said earlier—amendment 127 seeks to clarify what the 2010 act does.

I re-emphasise a point that some members mentioned yesterday. If a provision of the bill as it is passed is subject to legal challenge, it is absolutely not the case that the rest of the bill can proceed meanwhile. The entire bill would be referred, and it would therefore be delayed and put at risk. I have to be clear with members about that.

I hope that those members who support the bill will consider that. I made the point yesterday as well. There will be some members in the chamber who do not support the bill, and it will not be of concern to them. However, I note for members who support the bill and do not want a delay that we should not be putting barriers in the way and putting the bill at serious legal risk.

I urge members to support my amendment 54 and not to support the other amendments in the group—in particular, amendment 127, for all the reasons that I have set out.

**The Presiding Officer:** I call Jackie Baillie to speak to amendment 111 and other amendments in the group.

**Jackie Baillie (Dumbarton) (Lab):** I apologise to members in advance for the length of my contribution, but there are substantial issues to consider.

I have lodged three amendments in relation to the protections that exist in the Equality Act 2010: amendments 130, 127 and 111. When Scottish Labour supported the bill at stage 1, we were clear that significant improvements were needed if it was to respond to concerns that had been expressed—in particular by many women’s groups and by individual women—and to have public confidence. At every stage, we have sought to work with others to deliver those changes, and we continue to do that this afternoon at stage 3.

At stage 2, Scottish Labour was successful in placing a reference to the 2010 act in the text of the bill, supported by the Scottish Government. However, the Government did not go far enough; it

rejected an amendment from Foysol Choudhury, and it has continued to reject amendments today.

We recognise that concerns remain, not least following the intervention of the UN special rapporteur on violence against women and girls, who said that amending the application process for a GRC makes upholding the protections for women and girls in the 2010 act very important, hence the amendments that are before members today.

Labour is proud to have passed the Equality Act 2010. We know that, as reserved legislation, it cannot be changed by this Parliament, but we believe that it is important that service providers and public bodies have clarity about their legal obligations under the 2010 act and the legislation that is before us. For that reason, in order to provide clarity and reassurance, I have lodged a number of amendments.

I will take amendment 130 first. The amendment references the exceptions in the 2010 act that allow for the provision of single-sex spaces and services and makes it clear that they continue to apply. It states plainly that “nothing” in this new legislation changes or modifies the exceptions that exist in the 2010 act under schedule 3 or modifies the definitions in the act for the protected characteristics of both sex and gender reassignment. It repeats exactly the language in the 2010 act—nothing more and nothing less—and its purpose is to emphasise the primacy of that act, ensuring that single-sex spaces are protected where it is necessary to do so.

I know that there have been concerns that providers are not clear on the legal position with regard to the use of those exceptions, or that the exceptions have been used appropriately. Amendment 130 therefore clarifies that, despite any changes brought about by the bill, service providers can continue to offer single-sex services in accordance with the legal test in paragraph 28 of schedule 3 to the 2010 act, and that, by doing so, that test is met. Providers can also exclude trans people from those services in certain circumstances.

Subsection 2 of amendment 130 also states that the bill will do nothing to change the definition of gender reassignment in the 2010 act, which does not require a GRC. The effect of that subsection is to emphasise that it continues to be a defence to the charge of gender reassignment discrimination that the person was excluded from a single-sex service where it was done in accordance with the test set out in the 2010 act.

My understanding is that Lady Haldane made clear in her judgment that sex and gender reassignment are distinct and separate protected characteristics, even if not mutually exclusive.

Therefore, should a trans woman be excluded from a single-sex service on the basis of her gender reassignment, the exception in paragraph 28 would apply, to allow for that to be permissible. I see that the cabinet secretary is nodding.

**Stephen Kerr:** At the weekend, Lord McConnell wrote:

“There are really serious concerns about safe spaces for women, especially those facing and dealing with the trauma of abuse, violence, and rape.”

Does Jackie Baillie agree with that? The issue was highlighted earlier in the debate. Does she also agree that the chilling effect of what happens when any organisation attempts to apply those exceptions is very real?

**Jackie Baillie:** That is exactly why we are bringing forward these amendments today, and I hope that Mr Kerr and his party will support them, because amendment 130 is intended to put beyond doubt that the situation that I have outlined continues to be the case in Scotland.

I am aware that the Scottish Government’s rationale for opposing amendments that pull out specific sections of the 2010 act is that that somehow weakens the bill. I genuinely do not get that. I do not believe that the Government has convincingly set out how changing the procedure for applying for a GRC is weakened simply by noting that existing reserved legislation remains unchanged. Amendment 130 and my other amendments are carefully worded so that they do not interpret the 2010 act; they merely reference the relevant sections literally word for word.

**Shona Robison:** At stage 2, we agreed to an amendment—jointly with Pam Duncan-Glancy—to put beyond doubt the fact that nothing in the 2010 act is changed by the bill. Does Jackie Baillie acknowledge that picking out parts of the 2010 act beyond that catch-all statement will lead not only to confusion but to legal misunderstandings and misinterpretation, which could be unhelpful in terms of the bill?

**Jackie Baillie:** I think that amendment 130 has exactly the opposite effect. It is about spelling out clearly an area of concern that has been raised with members across the Parliament—that is why it is so important.

**Tess White:** Will the member take an intervention?

**Jackie Baillie:** I would like to make some progress.

I turn to amendment 127, which seems to have caused much controversy. It makes clear that the exception in the 2010 act that allows for the exclusion of trans people from single-sex spaces continues to apply as before, even if someone

obtains a GRC under the new application process that is set out in the bill. The cabinet secretary actually stated exactly the same thing last week in the chamber, almost word for word, when responding to an urgent question.

My intention in lodging amendment 127 is to give clarity and reassurance to service providers that they can continue to make use of that exception where it is appropriate to do so and where the necessary legal tests, as set out in the 2010 act, are met.

The Scottish Government has suggested that the amendment may be trying to interpret the 2010 act, but, again, it is carefully drafted so that it references exactly the exception in that act; it does not add to or take away from it.

**Ruth Maguire:** The member mentioned the importance of service providers knowing the law. Does she agree that it is also important that funders know what service providers are and are not allowed to provide?

16:45

**Jackie Baillie:** I absolutely agree. It is not only service providers that should have an awareness of what all of this means; funders and the general public should, too. I welcome that intervention.

The Scottish Government said that the bill is put at risk if members accept amendment 127. I genuinely do not find that argument persuasive. I do not want to do anything that puts the bill at risk, although we know that the Government has experience of that, when it pushed through amendments—which it was warned about—to the fiasco of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, leading to a Supreme Court referral.

We know that the other day the cabinet secretary met the UK Minister for Women and Equalities to discuss the bill. I am not sure of the content of their conversation, but it would be helpful to the chamber if the cabinet secretary could confirm whether there was a discussion that centred on, or even touched on, the amendments that she raised in her letter. If agreeing to amendment 127 is as serious as has been described, surely—surely—it would have been discussed.

**Rachael Hamilton:** I am trying to work out Jackie Baillie’s argument.

Labour’s original stage 2 amendment—it was amendment 37, in the name of Pam Duncan-Glancy—said:

“For the avoidance of doubt, nothing in this Act modifies the Equality Act 2010.”

Bear with me. How can that solve the issues that relate to the interaction between the bill and the 2010 act? I hope that my understanding of her argument is right. The bill now simply says that things will stay the same. However, they will not, because of Lady Haldane's court ruling.

**Jackie Baillie:** Our additional amendments absolutely recognise the court ruling, but they also lean into what is already in the 2010 act. If we wish to protect single-sex spaces and to exclude those provisions already exist—Lady Haldane's judgment does not change that at all. That is why amendment 130 is so important.

I will try to conclude my point, because I have a lot more to say. With the greatest respect, I genuinely do not accept that amendment 127 would put the bill at risk. It is not adding to or interpreting the 2010 act; it merely states:

"Paragraph 28 of Schedule 3 of the Equality Act 2010 continues to apply to activity or conduct carried out in Scotland, even in circumstances where an individual holds—

(a) a gender recognition certificate obtained under section 8A(1), 8F(1), 8J(1) or 8K(1) of the Gender Recognition Act 2004,

(b) a confirmatory gender recognition certificate obtained under section 8O(1) of that Act",

by which I mean a Scottish GRC under the new application process.

The salient phrase in the amendment is "continues to apply". To say that it does more is disingenuous—the evidence for that is that the same argument is not applied to amendments 130 and 111. I know that the Scottish Government does not like amendments 130 and 111, but it has not written to me to say that those amendments would put the bill at risk.

Presiding Officer, you know that I am a reasonable person. Amendments 130 and 111 do not appear to cause the Government the same problems as they were not mentioned in its letter, and I would consider withdrawing amendment 127 if the Government were willing to accept amendments 130 and 111. I am willing to give way to the cabinet secretary if she wants to indicate her support for amendments 130 and 111.

**Shona Robison:** I cannot do that, for all the reasons that I have already set out. For the avoidance of doubt, saying that nothing changes in the 2010 act is clear, but to start unpicking any piece of legislation, selecting parts of it and putting them into another piece of legislation is not clear or helpful.

I can say that the member is right in so far as amendment 127 is high up on the list of risks to the bill, for all the reasons that I have stated and made clear. It is not the case that amendment 127

only reflects the wording of the 2010 act; the 2010 act does not refer to a GRC, so Jackie Baillie is not correct on that.

I hope that Jackie Baillie decides not to move amendment 127 for the reasons that I have stated.

**Jackie Baillie:** That was quite a long intervention, but my assessment of what the cabinet secretary said is that she has a preference for amendment 130, so I hope that members in the chamber will listen to her on that and support the amendment.

Finally, amendment 111 requires the Scottish Government to produce guidance on the operation of the legislation for devolved service providers and public bodies. The wording of the amendment matches closely the amendments on guidance that the Government itself lodged after my discussion with it. The difference is that my amendment 111 makes clear that the guidance should cover the provision of single-sex spaces and the circumstances in which there can be exclusions—again, that is lifted from the Equality Act 2010. If the cabinet secretary wants to give me an assurance on the record that her amendment would cover that, I would absolutely reflect on that, but I did not hear that in her opening statement.

Throughout the passage of the Gender Recognition Reform (Scotland) Bill, we have repeatedly warned the Scottish Government of the dangers of allowing a policy vacuum to develop, because it will lead to uncertainty for service users and service providers in Scotland. Those warnings have largely been ignored. Many different organisations are attempting to navigate a path through the interaction of the two pieces of legislation, trying to respect everyone's rights and protections. The silence from the Government is not appropriate, and many groups have spoken to us about the dangers of differing interpretations of the legislation.

Amendment 111 makes it clear that it is the Scottish Government's responsibility to provide clarity by setting out clear guidelines for the operation of the bill with regard to the 2004 act and the 2010 act. We believe that that will make service providers' responsibilities clearer and easier to implement.

The Scottish Government suggested previously—it has done so again today—that it is not within its remit to produce that guidance; instead, it says that that is the job of others, and the Government will work with them. That is great, but I reject the assertion that the Government does not have any remit to do that work. The drafting of the amendment is such that the guidance does not need to be statutory. The Government has already provided guidance to schools and Scottish health boards—in fact,

Scottish health boards have themselves issued a variety of pieces of guidance covering some of these issues. If that is possible, it is completely within the Scottish Government's remit to publish guidance for devolved bodies; in fact, I would argue that that would be preferable.

**Graham Simpson:** I have listened carefully to Jackie Baillie, as I always do, and it sounds as though her sensible-sounding amendments in this group are pretty fundamental to Labour's case. If the amendments—and amendment 130 in particular—are not agreed to, will that mean that Labour will not support the bill?

**Jackie Baillie:** I absolutely welcome that intervention from Graham Simpson. I want the amendments to be agreed to, and I hope that everybody across the chamber listens to the reasonable, proportionate arguments that are being made and agrees to them. Graham Simpson can wait until the stage 3 debate to find out what we do as a consequence of what happens.

I am confident that the amendments are competent. They will help to highlight that, although the bill simplifies the process of obtaining a GRC, which is absolutely welcome, the rights of women, girls and trans people will continue to be protected by equality legislation, and public authorities in Scotland will finally have clarity on the actions that they should take to ensure that everyone's rights and obligations are upheld.

In bringing my remarks to a close, let me be clear about three things. Amendment 127 and amendments 130 and 111 do not reinterpret the Equality Act 2010; they state that it continues to apply in Scotland. That is a fact. The Scottish Government does not seem to have the same concerns about amendments 130 and 111, so I would consider withdrawing amendment 127 if the Government could find its way to supporting the other two amendments and to making that clear. Unfortunately, it has not done so.

Therefore, I would encourage members to think about the amendments, because they directly address the concerns of women and women's organisations while still protecting the rights of trans people seeking a gender recognition certificate. They deliver, word for word, the provisions of the 2010 act. They seek the practical provision of guidance where it would be a genuine dereliction of duty to leave a vacuum. They respond to the concerns of the UN special rapporteur on violence against women and children. I specifically asked whether she would be reassured by the amendments, and she said yes.

As parliamentarians, we have a responsibility to ensure that we pass the best possible legislation. If we are serious about protecting single-sex spaces while protecting the bill's integrity,

supporting my amendments will provide members with the opportunity to do that.

**The Presiding Officer:** I call Ash Regan to speak to amendment 112 and the other amendments in the group.

**Ash Regan:** For the chamber's information, I note that I do not intend to move amendment 112, but I will move amendment 113.

One of the roles of a Government is to protect its people. As we know, the current GRA regime was put in place to ensure that there was legal recognition for trans people, and they are protected under the Equality Act 2010's provision on gender reassignment. The existing regime is fully compliant with human rights law. A recent High Court judicial review in Northern Ireland ruled that the GRA regime strikes a fair balance between the needs of the applicant and those of the community.

In my view, the Gender Recognition Reform (Scotland) Bill does not strike that balance and does not protect the rights of everyone. Instead, it introduces a hierarchy of rights in which women's rights are demoted. I say that not to be provocative or unnecessarily controversial, but because that is the only conclusion that can be drawn from a review of the interactions between the existing legislation and the proposed legislation. That has been demonstrated by the lengthy debate that we have had already about that point.

In my view, Lady Haldane's ruling in the Court of Session last week has now put it beyond doubt that self-identification grants new rights, because it would grant a GRC to almost anyone who wants one. That is not just an administrative change or a change in process that has no real-world effect.

Currently, around 600 people in Scotland hold a GRC, which is quite a small number. The Government expects that number to increase tenfold to 6,000. That means that somewhere in the region of 5,000 or more people—although we are not entirely sure about the number—who are not currently eligible for a GRC will be granted the right to apply for one and the rights that are conferred by it. That is the most important point. Those people may well be trans; however, my strong contention is that not all of them will be.

**Maggie Chapman (North East Scotland) (Green):** When Ash Regan says that more than 5,000 people are not currently eligible for a GRC, does she accept that there will be people in that group who are eligible for one but have chosen not to go through the process because it is demeaning and humiliating? *[Interruption.]*

**The Presiding Officer:** I appreciate that there is great interest in the bill and that people observing

from the public gallery are very interested in the proceedings. However, we ask that members not be applauded from the gallery.

**Ash Regan:** I accept that point. Probably, there will be a small number of people who have chosen not to apply for a GRC for whatever reason. However, the general contention is fair: the bill would open the process to a vast number of people who would not currently be eligible for a GRC under the normal scheme, which has a number of safeguards.

I take issue with the point that Maggie Chapman has made that all trans people think that the current process is intrusive or degrading in some way. Although I am sure that there are some who feel like that, that is not how some trans people have described it to me. A GRC holder has said to me that she was completely happy with the process and felt that the length of time that it took was entirely appropriate, considering the profundity of the change.

If we are saying that we think that some of the people who are applying for a GRC might not be trans, we are not going to be able to tell whether they are or not. We have already had a debate about how we would be able to tell whether there were fraudulent applications, which would create a situation in which members of a dominant group in society can self-identify into an oppressed group. That is absolutely unprecedented. My amendments 112 and 113 will not resolve that problem and I do not think that they will put the situation beyond legal doubt. I tried to lodge a number of other amendments but was advised by Parliament that amendments that would alter the effect of a GRC were inadmissible, which we have already debated.

However, because the bill has expanded the group of people who could access a GRC—we are all admitting that the process could be open to abuse—in not allowing the Parliament to make changes to the effect of those certificates, we are now being asked to legislate in a way that cannot possibly lead to good law.

17:00

Therefore, it is my strong belief that many of the amendments that we are discussing today will not materially alter the issues that we are all facing. I also contend, despite the information that has been presented at committee, that the state's obligation to protect vulnerable rights holders was not given enough consideration. That contention has been backed up by Reem Alsalem, the UN special rapporteur on violence against women and girls, its causes and consequences.

It is claimed that the impact on women and girls was assessed and that there was no impact. I

strongly disagree with that. I have searched, and I cannot find the analysis that addresses and evaluates the impact in the context of women and girls as vulnerable rights holders. That is consistent with other jurisdictions, where the data on the impact on women is not being collected. In Ireland, when the self-ID law was being reviewed, the impact on women was considered to be out of scope. If we do not collect the data, we will not be able to assess the impact. On that basis alone, I believe that we should not proceed.

There are many examples around the world, including in Scotland, of violent offenders and sex offenders in women's prisons. There are examples of flashing and voyeurism in women's single-sex spaces, and of women self-excluding from services in places where self-identification for women's single-sex spaces has been introduced. I assert that, for those who are looking, the impact is there to see.

Women's single-sex spaces are important. The issue is whether people are male and not whether they are trans. Male people as a group are a risk to women. I see that the Greens are sighing at that reference, but male people as a group are a risk to women—I think that we all accept that. The ability to exclude people of the opposite sex on the ground of sex will now be impossible if they hold a GRC. Inevitably, making use of the exemptions will be much more complicated and will be much more off-putting to organisations, many of which are quite small or are charities.

The bill might not spell it out, but I believe that we should not delude ourselves: it comprehensively undermines the single-sex exemptions. We are being conditioned to accept male-bodied people in women's single-sex spaces. Why? Who does that benefit? I say to my fellow parliamentarians that it boils down to this question: do you think that women will be more or less safe as a result of the bill? If members have any concerns at all that the bill will make women and girls less safe, they cannot vote for it. *[Interruption.]*

**The Presiding Officer:** We will suspend for a moment.

17:03

*Meeting suspended.*

17:03

*On resuming—*

**Ash Regan:** The public expects us, as parliamentarians, to engage critically with the arguments. The public expects us to balance different viewpoints and rights, and it expects us to ask the hard questions and to understand what we

are voting for. It is a huge responsibility and it cannot be delegated.

The people of Scotland are watching. We often say that we use legislation to “send a message”, and I believe that that is true; I believe that that is sometimes what we are doing. However, I am very sad to say that the message that is being sent out to women and girls in Scotland today is, “You don’t matter.”

I will vote as if women do matter, and I will vote against the bill. [*Applause.*]

**The Presiding Officer:** Before I call Pauline McNeill to speak, I am minded to accept a motion without notice to propose that, under rule 9.8.5A, the first time limit be moved by up to two hours. I invite the Minister for Parliamentary Business to move the motion.

*Motion moved,*

That, under rule 9.8.5A, the first time limit be moved by up to two hours.—[*George Adam*]

*Motion agreed to.*

**The Presiding Officer:** I call Pauline McNeill to speak to amendment 117 and other amendments in the group.

**Pauline McNeill:** I will speak to amendments 117, 128 and 129, in my name, and I support the excellent amendments in the name of Jackie Baillie and other amendments in the group. I will try not to repeat what has been said—there is quite a bit of overlap in the group, which is probably one of the most important in relation to the bill.

I will begin by tackling the Scottish Government’s stated position that all that it is doing is reforming the process part of the Gender Recognition Act 2004. I do not believe that to be the case. As a result of having taken that position, the Scottish Government has consistently argued that there is no requirement to issue guidance or to clarify the effect of holding a gender recognition certificate under the proposed reforms to the Equality Act 2010.

Up to this point, the Scottish Government has insisted—members have heard this again today—that it is the responsibility of the Equality and Human Rights Commission to issue guidance on the effect of having a GRC. The problem with that is, as Claire Baker has said, that the EHRC has repeated its view that the Government has amended the bill to such an extent that clarity is needed on the operation of the Equality Act 2010. In my view, that is based on the bill that we are looking at being quite different.

Just last week, the EHRC made the same point. It said:

“The law concerning matters of sex and gender can be complex, and clarity is essential for the public bodies, employers, service providers and people across the country who rely on it.”

Reem Alsalem, who gave evidence to the Equality, Human Rights and Civil Justice Committee, made the same point. In relation to prisons, she told the cabinet secretary that the guidance is not good enough. What more convincing does the Government need, to have got to this stage and argued a position, but has now conceded that position and will talk—

**Shona Robison:** I am not sure whether Pauline McNeill is aware that the Scottish Prison Service is already reviewing its guidance. The SPS has for many years been managing transgender prisoners, some of whom are placed in the women’s estate and some in the men’s estate, according to risk. The SPS is reviewing its guidance, to make sure that it is fit for purpose.

**Pauline McNeill:** I welcome the Scottish Prison Service’s review. It has consulted more widely, which I am pleased to see. However, I am not comfortable with the notion that that guidance is out for consultation when we as a Parliament are still being criticised for not having the guidance in the first place. I am uncomfortable with looking at the provisions in the bill while that is not in place. That is the central issue to be debated under this group of amendments.

Jackie Baillie has addressed the confusion, and Ruth Maguire asked a question about funders, for example. There is massive confusion, which I will address in some detail.

Under the current proposed system, it now appears to be quite impossible for organisations to legally distinguish between those who are born female and holders of a female GRC. The Government successfully argued the matter in court. That judgment may or may not be overturned in court. However, that has added to the confusion, particularly in relation to the phrase “legal sex”. That will undoubtedly lead to confusion among organisations that are left with the challenge of trying to interpret what that law means.

In its stage 2 briefing, the EHRC noted that the proposed reform will have

“significant implications for the operation of the Equality Act in Scotland”,

to the extent that

“The expansion to a larger group will have meaningful consequences in relation to the operation of those provisions”.

I do not think that members should dismiss that lightly—whatever they think of the reform overall, it will apply to a larger group of people. Let us be

clear that the EHRC, which is the guardian of the 2010 act, is saying that that expansion will make a significant difference and that it

“will have meaningful consequences in relation to ... education in schools, sex discrimination (including equal pay between women and men), gender pay gap reporting, and measures to address disadvantages experienced by women.”

My contention is that the bill does not simply reform the 2004 act—of which I was a vocal supporter. I am still a vocal supporter of reform. I believe that the removal of huge elements of the process and the arrival at the framework, if you like, of a self-ID model will lead to some aspects of operation of the Equality Act 2010 needing to be considered.

**Tess White:** Does the member agree with Johann Lamont, who said that the proposed safeguards “are utterly risible”?

**Pauline McNeill:** To be fair, I think that what the Parliament has been trying to do in the past day or so is debate safeguards, some of which we have achieved; so, yes, I agree with Johann Lamont. However, I was not really talking about safeguards per se.

This is a really important point—for me, certainly. My contention is that the bill does not simply reform one part of the GRA; it changes the whole nature of it. That is why we, as legislators, have to be absolutely clear, when we pass the bill tonight—or tomorrow, or whenever it will be—how it interacts with the Equality Act 2010.

**Rachael Hamilton:** Will the member take an intervention?

**Pauline McNeill:** Just give me a minute to get my train of thought back, please.

I believe that the Scottish Government has instead stripped out those elements, as I have said, as well as removing all the requirements from the process of acquiring a gender, as I spoke about in previous groups of amendments. That means that clarity is required, and that is why I believe that the Scottish Government must publish detailed guidance on the effect of having a GRC.

I want to speak more about what legal challenges there might be to Lady Haldane’s judgment and what that might mean. Given what I have just described, which is a vastly different bill—because it is not just a tinkering with the 2004 act—the Government has an obligation now to indicate what the effect of having a gender recognition certificate is.

**Rachael Hamilton:** I thank Pauline McNeill for allowing me in. I am really interested in the arguments that you are making. You and I have discussed this issue—

**The Deputy Presiding Officer:** Through the chair, please, Ms Hamilton.

**Rachael Hamilton:** Sorry, Presiding Officer. I just want to ask Pauline McNeill whether she believes that Lady Haldane’s court ruling has blown apart the Scottish National Party’s claim that obtaining a GRC does not grant access to the rights and protections of women. Because of the argument that the SNP made in court, a GRC will now confer access to the rights and protections of women. The SNP has blown apart its own argument that a GRC does not confer rights and protections to women.

**Pauline McNeill:** I am not going to second-guess the judgment and what might happen. I will say the following in response, which I was going to say anyway. The phrase that we have heard is that nothing in the bill changes anything in the Equality Act 2010. In a sense, that really depends on your perspective. Personally, I have always assumed that, where the Equality Act 2010 refers to sex, it means biological sex, although it does not say so, but some people think that it is legal sex. Lady Haldane seems to be saying that it is legal sex, but up to this point I thought that it was biological sex.

My point is that there is a great deal of confusion about what the judgment means. It is the job of the Government, as the movers of the legislation, to take into consideration the judgment and to tell providers and the general public what the effect of having a GRC is. I cannot answer what the effect is, because I am a wee bit confused myself, to be honest.

Let me deal with the question of having a GRC or not having a GRC. We have heard the argument that you can have one but it does not really make any difference whether you have one or not, because you can be excluded under the exemptions. There is a significant level of confusion about that, and it takes time to get your head around where having a GRC really matters.

In March of this year, the cabinet secretary said:

“This Bill does not introduce any new rights for trans people. It is about simplifying and improving the process for a trans person to gain legal recognition”.

I agree that it makes the process simple; what I am not clear about is whether it gives any new rights.

17:15

Many commentators are already saying that the Haldane judgment in the For Women Scotland case is likely to

“destabilise existing categories and frameworks for the purposes of the reserved matter of equal opportunities”.

In particular, I refer to an article by Michael Foran for the UK Constitutional Law Association. I realise that he is just one academic, but the issue is being discussed—obviously, because the judgment was passed only on 13 December. Here is the important part for the Government to consider: Michael Foran and others are now of the opinion that

“the possession of a GRC clearly does matter for the assessment of whether exclusion is objectively justified.”

Jackie Baillie made the argument very well. The law requires services to judge whether it is proportionate and legitimate to exclude anyone, and rightly so. They have to say why they think that that is proportionate. Some commentators are saying that, given the judgment that we have just had, we do not know whether the possession of a GRC will make it more difficult for services to make an objective judgment.

I am only posing the question; I am not saying that it is—

**Jeremy Balfour:** Will the member take an intervention?

**Pauline McNeill:** Give me a second, because I want to make this point thoroughly.

I am not saying that it will be more difficult, but the fact is that people are already raising questions about the judgment in that regard. The Government has to answer that question, because it is the one that is saying, “There are no problems here—the bill will be totally in line with the Equality Act 2010, and you can use the exemptions.” However, some people are now saying that the fact that someone has a GRC might not be seen as an objective reason to exclude them.

**Jeremy Balfour:** We have had the judgment for just over a week, and most of us have not read the full text, let alone understood it. Academics are still working through its implications and, no doubt, lawyers are looking at appeal points as well. There is real uncertainty about what the interpretation will mean going forward. Does the member agree that the best way forward is simply to pause the process until we get legal certainty, so that we are not all trying to second-guess what will happen, given that most of us are not practising day-to-day lawyers?

**Pauline McNeill:** It is a fair point that none of us is a practising day-to-day lawyer, but we are trying to achieve our best understanding of the judgment. I am saying what my understanding is, but I would like guidance from the Government. It has proposed the legislation, and I am trying to get guidance now rather than wait for that. That is why I have lodged my amendments in the group.

I want to deal with the exceptions in the Equality Act 2010, which Jackie Baillie addressed, because

they are fundamentally important to the bill. Amendment 129 would require the Scottish Government to

“consult each Scottish public authority about the implications of this Act for the development or modification of the authority’s policy on the operation of the exceptions”.

Just a year ago, in December 2021, the House of Commons Women and Equalities Committee report on the Gender Recognition Act 2004 stated:

“Concerns raised ... about the interplay between the GRA and Equality Act fall into three broad categories:

- A lack of confidence or understanding amongst service providers about how to apply exceptions;
- The need for better guidance to assist service providers with exceptions; and
- How a system of self-declaration might affect the provision of single-sex services”.

A year on from that, I do not think that those questions have been answered.

Fundamentally—this is the most important point that I want to make to the cabinet secretary—if service providers do not feel that they have confidence to use the law, what is the point of the law? The cabinet secretary must provide those organisations with that confidence or she cannot continue to rely on the argument that organisations should just make use of that exception.

I will give some examples of that point. The cabinet secretary is aware that I have been trying for ages to get a copy of the letter that Pam Duncan-Glancy referred to earlier, just so that I could see what was in it. Previously, what I said on the record about that was based on a report about it in *The Times*, but I have now read the letter for myself and I concede that it is quite different. However, what concerns me about Kevin Stewart’s letter—this illustrates my point—is that he wrote to health boards in October of this year, noting that he had been

“asked questions about the processes and policies Scottish hospitals use when managing inpatient admissions of transgender patients to NHS inpatient services”,

and that

“some Boards ... have clarified that there is currently no specific protocol for management of this patient group.”

However, there is nothing in the letter about the law or the exemptions. What is the point in writing to health boards without telling them what they are allowed to do but saying that the onus is on them, when it should be on the Government? Surely the Government must at least accept that point. To be honest, I think that that is atrocious. The Government must live up to its responsibilities.

That is why I ask the Government to support my amendment and to talk to the organisations on the

ground that have to implement public policy. The aspect of the bill that is most lacking relates to how the exemptions can be applied in the public policy sphere.

**Shona Robison:** Pauline McNeill will be aware that the EHRC recently issued revised guidance. It did that, in part, to take into account some of the issues that she is talking about. I am not sure what different guidance we could provide in those circumstances. I think that the revised guidance is the right guidance. Even if we could cut across that—which we cannot, because the matter is reserved—that would just cause confusion. I do not think that there is anything fundamentally wrong with the revised guidance that the EHRC has issued.

**Pauline McNeill:** I wonder whether the cabinet secretary will address my central point. Why do ministers not write to health boards to tell them what the guidance is? Why are ministers putting the onus on health boards to tell them? The problem is that health boards do not have the confidence to use the exemptions.

I will give another example of that. In NHS Ayrshire and Arran's policy on trans users, there appears to be no mention of the exemptions framework. Can members see the trend here? No one in the public sector is mentioning the exemptions, and I do not understand why the Government is not more concerned about that. It is in the interests of all users and patients, including trans patients, and of everyone who believes in the policy and the bill to sort this out.

The example that I have given is the worst one, because it shows a total misreading of the law—it is not even the law. On multiple occasions, NHS Ayrshire and Arran's policy refers to the fact that certain scenarios or practices

“may be in breach of legislation”,

but it does not name the legislation. At appendix 4, the policy states that placing a trans patient in a single-occupancy room to “avoid potential difficulties” is “discriminatory”. It is discriminatory only if staff have not justified it by being proportionate and legitimate. The policy says that the situation is comparable with placing a

“black, disabled, elderly or lesbian, gay or bi-sexual patient”

in a single-occupancy room. The policy further states that female patients who raise concerns about trans women being put on female-only hospital wards are comparable with racists, and they have been told that they

“may have to be removed”.

I am not being too hard on health boards, because they probably think that they are doing the right thing, but this is a public policy disaster,

and I am annoyed that we have reached stage 3 before the Government has acknowledged any of this.

**Liam Kerr:** I am enjoying the member's contribution. She is articulating my concerns very well. However, that leads me to wonder whether—if the amendments that she seeks are not agreed to and if there is not the clarification that she has asked for from the cabinet secretary, so the ambiguity and the concerns that she has articulated remain—she nevertheless intends to vote for the bill. If so, can she help me to understand why?

**Pauline McNeill:** Like any good legislator, I have come here today to press the cabinet secretary for some answers. I sat through the whole of the stage 2 proceedings. My contribution to the debate is genuine. Members will find out what I will do when the time comes. At the moment, I am trying to test the Government on these important policy issues, because I want to improve the situation.

Jackie Baillie has covered the issue of single-sex services, but I reiterate that some services such as rape crisis centres have clearly found the situation very difficult in some instances. That is not good enough. It is not good enough that rape crisis centres should feel the threat of being called transphobic for using the exemptions when they can and clearly showing that their use is proportionate and legitimate—the Government must stand up for the services that choose to do so.

Finally, I want to briefly talk about amendment 128, which is on sex and gender data. We need better data. The UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity—forgive me, I cannot remember his name—made the point well that we need more data on the trans population in Scotland to ensure that we have better policies for trans people.

However, we do need to collect data on the basis of biological sex. Reem Alsalem has said that she is

“afraid that the collection of sex data has recently been deprioritised”

and that it has led

“to the conflation of data results.”—[*Equalities, Human Rights and Civil Justice Committee*, 19 December 2022; c 21.]

We have seen the introduction of recording policies that conflate sex and gender identity in a single category. Although I recognise that the chief statistician published a report on data collection in respect of sex, gender identity and trans status in September 2021, he proposed voluntary questions

around the capture of sex and gender data, and it is clear that many organisations are not tracking such information in relation to service users. Statistical evidence has been compromised by a lack of separate data on sex and gender identity, which means that information cannot be easily tracked. Police and other services need to collect data on sex at birth and self-declared gender identity separately in order for services to undertake rigorous risk and impact assessments when considering “proportionate and legitimate” concerns.

I apologise that this is a long contribution, Presiding Officer—one of the reasons why I wanted this amendment moved into another grouping is so that I could address it.

I am clear in my mind that, if we want the legislation to work, it has to be quite different—you have to resolve these issues without going to the heart of competence. You have to give confidence to public service providers. Otherwise—if you cannot tell your public sector providers what it actually means—the phrase

“proportionate means of achieving a legitimate aim”

is absolutely meaningless in law, as Jackie Baillie has said.

**Douglas Lumsden (North East Scotland) (Con):** On a point of order, Presiding Officer. While the debate has been taking place, I have noticed that members at home are trying to make interventions, but speakers are not able to see those interventions while they are speaking. Are members meant to be told that there are interventions, or are they meant to notice them on the screen while they are speaking?

**The Deputy Presiding Officer:** I thank Douglas Lumsden for that point of order. I was not aware of that issue; I will ask for it to be looked into. It should be the case that members who are participating remotely are able to make interventions clear to the members who are speaking in the chamber.

I call Claire Baker to speak to amendment 118 and other amendments in the group.

**Claire Baker:** Amendments 118 and 119 focus on the need for guidance on the operation of occupational exceptions, which consider section 22 of the Gender Recognition Act 2004 and schedule 9 to the Equality Act 2010.

Section 22 of the 2004 act makes a disclosure of protected information related to an individual’s trans status a criminal offence unless it is to prevent a crime, and schedule 9 to the Equality Act 2010 allows occupational exceptions based on both gender reassignment and sex when it is

“a proportionate means of achieving a legitimate aim”.

At stage 2, I secured an amendment, which is being incorporated into amendment 90 today, which would require the Government to consider specifying

“further exceptions to the offences under”

section 22 of the 2004 act in devolved areas, and if Scottish ministers decided not to do so, they would have to “specify why not”. Amendments 118 and 119 complement that requirement, as they address the issue of guidance.

I had intended to lodge amendments that would have given the opportunity to debate the appropriateness of section 22 of the 2004 act—whether the offence should be civil instead of criminal, and whether malicious intent should be identified, for example. Those amendments were ruled to be outwith scope, which is why I find the debate around the 2010 act challenging.

The Government is correct in saying that the bill will not add or take away any rights for trans people. However, it does not recognise or think that it is relevant that the significant changes to the process that are being proposed change the context in which the rights are granted. The rights that are contained in the 2004 act, which are upheld in the 2010 act by the EHRC and the ruling of Lady Haldane, reflect a social contract between the individual and society. It has been described as a key to a lock.

17:30

I appreciate that the bill will move the process in another direction, with it being about the individual making the decision alone. Although there is an argument that making changes to the process will impact on or concern no one else, the rights that were afforded by the 2004 act will be extended to, potentially, a very different cohort of people, because the process will be made simpler and easier, demedicalised and less bureaucratic. In that context, we need clarity over the operation of the exemptions and exceptions in the equality act.

The equality act facilitates the delivery of single-sex services when it is proportionate and legitimate, but the current lack of clarity is leading to confusion over how the law is interpreted. The confusion is there for providers of such facilities and for users, who might not be aware of what they can or cannot expect or what they are entitled to expect under existing equality legislation.

In the 2019 consultation on the draft Gender Recognition Reform (Scotland) Bill, the Scottish Government highlighted a situation that requires clarity. The consultation said:

“some people in an organisation (eg people in its HR department) may know about a person’s trans history but

those actually taking the decisions on staff deployment (eg line managers) may not.”

The consultation goes on to say:

“when there is a legitimate case to use the general occupational ... exemption ... it would be appropriate for information about a person’s trans history to be shared in a strictly limited, proportionate and legitimate way.”

However, it is not clear how that statement can be made in relation to section 22 of the 2004 act, which makes it a criminal offence to share protected information. That has led to confusion among employers and in public bodies. For example, in response to a freedom of information request, a Scottish health board said:

“Unless the practitioner consented, to exclude them from carrying out female-only care would be a breach of section 22 of the Gender Recognition Act 2004, and a criminal offence. There are also restrictions under the Equality Act 2010 around requiring staff to disclose their gender identity and staff selection on this basis.”

That is not accurate. A health board can exclude on the basis of gender assignment, regardless of whether someone holds a GRC; it can exclude someone from delivering female-only care under the 2010 act. The lack of clarity around the effect of section 22 is having a chilling effect. It suggests that public bodies believe that section 22 prohibits information to the extent that it prevents them delivering female-only care, although the 2019 Government consultation said that information can be shared.

It is incumbent on the Government to provide guidance on occupational exceptions to service providers, and that guidance must clearly set out the interaction between the bill, section 22 of the 2004 act and schedule 9 to the equality act. Although the EHRC has issued guidance on occupational requirement and exceptions, the interpretation of that guidance by public bodies across Scotland continues to lead to confusion.

I do not believe that it is outwith the boundaries of the Scottish Government’s powers to provide clarity on those issues. As I said earlier, in its briefing for stage 2 of the bill, the EHRC said in relation to the UK and Scottish Governments:

“They must ... ensure clarity for employer and service providers on the law.”

The Scottish Government should recognise its responsibility to provide guidance that employers could use on the occasions that they wish to exercise an occupational exception, which they are able to do with the support of the 2010 act when it is proportionate for a legitimate aim. Such guidance would also provide clarity for service users, as it would emphasise the EHRC guidance and make clear the circumstances in which they could expect an occupational exception to be considered. That would provide much-needed clarity for the provision of single-sex services.

I ask members to support amendment 118, as it would require the guidance to be subject to parliamentary approval. This is a complex area that would benefit from parliamentary scrutiny, and amendment 118 would provide for that.

We have a number of amendments on guidance before us today, most of which I understand the Government will not support. I have two further points on the issue. If the Government’s guidance, which will be provided through amendment 54, will not cover the areas that MSPs are raising, will the cabinet secretary clarify which areas will be covered by the guidance?

Secondly, I was struck by the evidence that the UN special rapporteur on violence against women and girls gave to the Equalities, Human Rights and Civil Justice Committee on Monday. I want to highlight her views on the shortcomings of guidance, because she said:

“It would be helpful to issue guidance, but, frankly, on its own, that is not enough. That would be a bandage solution to wider and more systematic flaws with the process and the draft legislation as it stands. I suggest again that we go back and address all these different pieces, because they are all linked to each other, and that we do not suggest that there will be a magical solution to some of these issues as a result of non-binding guidance.

Some things must be clarified and spelled out in law. That is what women’s organisations and many victims expect.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 19 December 2022; c 27.]

My amendments ask for guidance. However, although I think they would improve the bill’s implementation and I urge members to support them, I am concerned that guidance itself will not resolve the challenging issues that I and others have raised this afternoon.

**Rachael Hamilton:** My amendments in this group seek to place two requirements on ministers that I believe offer them an opportunity to clarify the interaction between this bill and protections for single-sex spaces and to provide reassurance to providers and users of such spaces. Amendment 120 requires ministers to provide and publish guidance on how the bill will affect single-sex services, while amendment 121 requires ministers to prepare and publish a report on the legislation’s impact on the provision of such services. Both amendments aim to provide clarity on the operation of single-sex exemptions in the 2010 act for providers of single-sex spaces in relation to the bill.

Many members have quoted the UN special rapporteur on violence against women and girls, Reem Alsalem. In her evidence to the Equalities, Human Rights and Civil Justice Committee on these matters, she said that women could self-exclude from female-only spaces as a result of the bill. So far, women have received absolutely no

reassurance from the cabinet secretary that their rights will be protected in the bill. The debate on this issue has, I believe, been repeatedly shut down and brushed aside.

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** We have had two days.

**Rachael Hamilton:** I am sorry—does the member want to make an intervention?

**Keith Brown:** No. Carry on.

**Rachael Hamilton:** Oh, right—thank you.

**Russell Findlay (West Scotland) (Con):** He is just muttering to himself.

**Rachael Hamilton:** Ms Alsalem said—*[Interruption.]* I am sorry—does the member want to make an intervention?

**The Deputy Presiding Officer:** Could the front benches desist from speaking across the chamber? Ms Hamilton, could I ask you to resume your seat, please? I invite Mr Brown and Mr Findlay to desist from speaking across the chamber while Ms Hamilton is speaking. We have conducted this debate so far in a courteous and respectful manner, and I expect the chamber to continue in that fashion.

With that, I invite Ms Hamilton to resume her remarks.

**Rachael Hamilton:** Thank you, Presiding Officer.

Ms Alsalem has said that the Scottish Government's proposals

"would ... open the door for violent males who identify as men to abuse the process of acquiring a"

GRC

"and the rights ... associated with it"

and that the Scottish Government

"does not provide for any safeguarding measures to ensure that the procedure is not, as far as can be reasonably assured, abused by sexual predators and other perpetrators of violence. These include access to both single sex spaces and gender-based spaces."

Today, the Scottish Government has failed to provide clarity and reassurance to many of us who are asking these questions and to users of single-sex spaces, despite the many opportunities that have been presented, and it has rejected out of hand a number of colleagues who have continued to push this concern. They are representing not themselves, but people outwith this building and chamber who are very concerned about this. I would also highlight evidence taken by the committee from the EHRC, MurrayBlackburnMackenzie and many members of the public, expressing the similar view that the issue must be addressed in the bill.

I commend Ash Regan, Jackie Baillie, Pauline McNeill and Claire Baker for their contributions; we will be supporting all the amendments that they have lodged. I am not going to repeat many of the clear arguments that they have articulated very well.

Instead, I ask that, in her closing remarks, the cabinet secretary addresses some of the issues that have not been addressed today such as the impact of Lady Haldane's ruling. Can she tell me how protections on the basis of sex are impacted by it? For example, can a woman raise a sex discrimination case if their comparator is a male with a female GRC? Moreover, what will be the impact on the positive measures supported by all of us across the chamber with regard to gender balance on public boards? Does the Haldane ruling mean that gender balance on a public board could be 50 per cent men and 50 per cent trans women, effectively extinguishing hard-fought protections for women?

**The Deputy Presiding Officer:** Before we move to the next speaker, I will respond more fully to Mr Lumsden's earlier point of order, which I thank him for raising. I have asked officials to check. They have confirmed, as have broadcasting staff, that the remote system is working as appropriate. However, it relies on members noticing attempted interventions appearing on screen. This may therefore be a useful reminder that members who are participating remotely may wish to intervene. It would be helpful if members could be aware of that.

I call Pam Gosal to speak to amendment 61 and other amendments in the group.

**Pam Gosal (West Scotland) (Con):** First, like other members, I thank all the organisations that sent briefings to inform the debate. I also thank those who have sent the hundreds of emails, letters and cards that I have received—as, I am sure, everyone has. Finally, before I speak to my amendments, I thank the parliamentary staff for staying on last night. Looking at the time, I think that I might be thanking them ahead of time, because it looks as though we will be here for another late night.

From day 1, I have made it clear that my goal here is to seek balance. Good legislation can never come from betraying the rights of one group for the convenience of another. In other words, although I truly believe that improvements to the gender recognition process would be beneficial for trans individuals, they should not come at the expense of women and girls, vulnerable individuals or children who require the protection of the law.

During stage 2, my colleagues and I tried to lodge amendments that provided some form of safeguarding against bad-faith actors, which was not included in the SNP Government's flawed legislation. We have even tried to postpone the legislation, given the evidence that came to light following the recent ruling by the Court of Session. Further damning evidence was outlined in a letter from the United Nations special rapporteur on violence against women and girls, and, most recently, polling has suggested that two thirds of the Scottish electorate oppose the bill's key principles. However, the Scottish Government is charging ahead and is not listening to the many voices pleading for the bill to be postponed.

**John Mason (Glasgow Shettleston) (SNP):** The member's remarks have so far been quite general. Does she think that self-exclusion might particularly impact ethnic minority women and people from religious minorities?

**Pam Gosal:** It will absolutely affect those people. Indeed, some of my amendments talk about that, and I have mentioned the issue many times in committee and in this chamber. We must have balanced rights for everyone. I come from a minority ethnic background; I will talk about that and about letters that I have received, and I hope that the member will be eager to listen later.

I stand here today, hoping that the Parliament will support my amendments, which seek to offer women a minimal level of reassurance that the Parliament is committed to upholding their rights. The process has come down to lodging minor amendments in the hope that there will be at least some form of reassurance for women and some comfort that their rights under the Equality Act 2010 are not being completely eroded.

At stage 2, I lodged amendments that would have required Scottish ministers to publish information on the bill's impact on single-sex spaces and services. To no one's surprise, those amendments were voted down. Today, at stage 3, I ask the Parliament to support my amendments 61 and 123.

Amendment 61 would place a requirement on ministers to

"prepare and publish a report on the impact of this Act on self-exclusion from activities or services"

and to do so

"no later than one year after section 2 comes into force".

I also ask for that report to include information on self-exclusion by both women and men and in different activities and services.

17:45

Amendment 123 would place a requirement on ministers to

"prepare and publish a report on the impact of this Act on funding of single-sex services"

and to consider

"what steps, if any,"

the Scottish Government considers

"necessary to ensure appropriate funding is available to single-sex services."

For years, the Parliament has made genuine progress in its attempts to ensure that victims feel heard, that they have a safe space and that they have a support network. However, the bill risks doing the opposite; it risks marginalising women who are already marginalised and retraumatising victims. Vulnerable women—in particular, the victims of domestic violence—may forgo seeking refuge in domestic abuse shelters in which they might encounter biological males. Amendment 61, therefore, calls for data to be collected to obtain a figure for the number of women who exclude themselves from such activities.

The issue is highlighted by the fact that single-sex victim support services are so few and far between that Beira's Place, which opened its doors last week, is set to be the sole single-sex support service for victims of sexual violence in Scotland's capital. That raises the question: why does it take feminists such as JK Rowling to step in and provide a solution to a problem that has been identified, while the SNP Government sits on its hands and denies that such problems exist?

On Monday, at the Equalities, Human Rights and Civil Justice Committee, I asked Reem Alsalem, the United Nations special rapporteur, whether, given that the ring fencing of funding was outwith the scope of the bill, the next best option was to place a requirement on ministers to review the impact of the bill on funding for single-sex services. Ms Alsalem agreed that placing such a requirement on ministers would be justified.

In addition, I refer members to Ms Alsalem's letter, in which she writes:

"In the case of Scotland, it has been difficult to determine the exact scale of self-exclusion, given that hard and comprehensive data is lacking for several compelling reasons ... General Recommendation No. 28 makes it clear that in complying with their obligations to eliminate discrimination against women under article 2"

of the United Nations Convention on the Elimination of all forms of Discrimination Against Women,

"State parties should 'provide for mechanisms that collect relevant sex-disaggregated data, enable effective monitoring, facilitate continuing evaluation and allow for the revision or supplementation of existing measures and the

identification of any new measures that may be appropriate.”

It is vital that service providers in Scotland are enabled to provide single-sex services. Reem Alsalem believes that

“funding must be ringfenced for a certain proportion”

of services

“to be single sex, balancing the needs of the different demographics without placing them in conflict”,

but I was told that ring fencing a certain proportion of single-sex and gender-based services was outwith the scope of the bill. However, Ms Alsalem also made it clear that it is not our job to question why some women want to access women-only spaces, saying:

“It is our job, as states and as organisations, to reduce the barriers to access ... That is ... what is required in taking an intersectional approach”.—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 19 December 2022; c 26-7.]

I therefore propose that, at the very least, the Scottish Government monitor and review the legislation’s impact on self-exclusion and funding for single-sex services. I urge members to back my amendments 61 and 123.

I support other amendments in the group, including amendments 111, 120, 121, 72, 73, 127, 130 and 92, which seek guidance on the protection of single-sex spaces and services. I also support amendments 117, 128 and 133, which seek guidance on how GRCs impact the Equality Act 2010.

I will support amendment 112, which seeks to ensure that the bill does not affect the provisions in the Gender Recognition Act 2004, and I also support amendments 118 and 119, which require ministers to issue guidance on the disclosure of protected information related to GRCs for the purpose of occupational requirements. I also lend my support to amendments 129 and 136, which seek to ensure that interest groups, such as public authorities and women and girls, are consulted.

However, I will vote against the cabinet secretary’s amendment 54, which will require ministers to consult and provide guidance on the legislation to bodies that they deem to be promoting equality and human rights. Ultimately, it is clear from the consultation on the bill alone that many groups still feel unheard, and I do not have complete faith that the Scottish Government will consult on a fair basis.

**The Deputy Presiding Officer:** Thank you, Ms Gosal.

I understand that my earlier response to Mr Lumsden’s point of order was not entirely audible in other parts of the chamber. It was not picked up

by the microphone. I clarify that the system for remote interventions is working, but it does require members to keep half an eye on the screen. I hope that that reassurance is helpful.

It is entirely appropriate and timely that the next speaker is Sue Webber, who joins us online. I invite her to speak to amendment 72 and other amendments in the group.

**Sue Webber (Lothian) (Con):** [*Inaudible.*]

**The Deputy Presiding Officer:** Hold on a second, Ms Webber. The audio does not appear to be working. We will investigate that and try to get you up and running as soon as possible.

**Sue Webber:** Is that better?

**The Deputy Presiding Officer:** That is much better, Ms Webber.

**Sue Webber:** I fixed it myself. There you go. Thank you for bearing with me, Presiding Officer, and for your comments about interventions. I was trying to get in previously.

My four amendments in the group seek to compel Scottish ministers to provide clarity to women and girls about when services can be single sex and when they cannot. They are pretty much about the practical operations of the bill. Amendments 72, 73 and 74 seek for that clarity to be provided through guidance issued by the Scottish Government, while amendment 92 seeks for it to be enshrined through secondary legislation.

I will start with the amendments that seek guidance. Amendment 72 sets out a duty on the Scottish ministers to provide guidance in relation to service providers being able to offer their services exclusively to those who were female at birth, irrespective of whether the person has a gender recognition certificate.

As we have all heard today, the recent Court of Session ruling confirms that, under the Gender Recognition Act 2004, an individual who obtains a gender recognition certificate has their sex changed for all purposes, including under the Equality Act 2010. However, we have heard consistently, and we continue to hear today, that the Scottish Government appears to maintain that that does not apply to the provision of certain single-sex spaces. If that is the case, it would be very useful for the Scottish Government to highlight in which circumstances it is still lawful to provide a space or service exclusively to those who were born female.

For example, is that lawful for a domestic abuse charity or where somebody requests that a caring service be provided exclusively by someone who was born female? I have received correspondence from a severely disabled female who relies on

extremely intimate personal care. She would like to ensure that her carer was born female. We need to understand how that can transpire so that she can maintain her dignity. After all, she is entitled to that.

The bill retains the purpose of the Gender Recognition Act 2004, so the effect of obtaining a gender recognition certificate is the same in law. The public deserve clarity over when it is lawful to either provide or request services exclusively for women who were female at birth. Pauline McNeill spoke about the confidence that the public need and the confusion that exists currently. That is why I have a further amendment—amendment 73—that specifically compels Scottish ministers to provide guidance on how the bill will interact with the exceptions that are outlined in schedule 3 to the Equality Act 2010.

It is of no use for SNP ministers to say that the bill will have no impact on the exemptions in the Equality Act 2010 when stakeholders have been clear that they are unsure how those exemptions apply to their specific organisation. When the cabinet secretary responds, perhaps she could name examples of where it would be proportionate to discriminate against people with a GRC for the purpose of providing a single-sex service. The current providers do not have that information.

After all, as can be seen from the fact that some of us are sitting here in a state of confusion, legislation is never written in language that most people or organisations can interpret without lawyers and can therefore share with their services users or, indeed, customers. It should be in language that explains, in plain English, what it means to them specifically and, importantly, in practice.

The cabinet secretary has insisted that the guidance is clear, but I suggest that it is the very opposite, given the recent interventions that make it clear that that is not the case. Whether they be in the public, private or third sector, organisations need clear guidance, which they can trust to be lawful, telling them whether they can still provide single-sex spaces or services. That is what my amendment 74 aims to achieve.

The guidance should be as comprehensive as possible, covering the many different organisations that will have to confront the problem of whether they are legally allowed to exclude people with a gender recognition certificate from accessing female-only services. Any ambiguity must be removed. Pauline McNeill spoke about ambiguity in, I think, NHS Ayrshire and Arran's policy. I apologise if I have got the health board wrong—I was kicked out of my connection for a moment.

My final amendment—amendment 92—offers the Scottish Government an alternative path to achieving the goal that I seek, although it is not contradictory to my earlier amendments and all can be passed. Instead of a requirement to produce guidance, amendment 92 would, as part of the regulations commencing section 2 of the bill, require those regulations to set out the service providers and users who are lawfully able to provide or request services for users who were female at birth only.

We are here to make good law. As part of that, we have to provide certainty to the public about the legal implications of all legislation that passes through this place. I reiterate that ambiguity must be removed. I do not believe that such certainty has been provided by SNP ministers during the passage of the bill. Last week's Court of Session ruling makes it even more difficult for members of the public to discern whether single-sex spaces must include people with a gender recognition certificate or otherwise.

Despite my many other objections to the bill, I hope that we can all agree on the need for legislation that is clear and in plain English, and that members will therefore support my amendments.

**Jamie Greene:** I thank members for their contributions thus far. The debate has been thought provoking and, for the most part, courteous. Incumbent on all of us is a duty to lead by example on a subject such as this one—contentious though it might be. It is entirely possible to completely disagree with someone but absolutely respect the passion with which their speech is made. Such respect has been afforded to me in my contributions, and I owe it to other members.

I will not rehash the arguments that have already been made on them, but, as was the case for other amendments in this group, my amendment 133 touches on the issue of the bill and any perceived interaction with the Equality Act 2010. The basis for that is to address many people's concerns that the legislation might infringe or have an impact on the 2010 act. Of course, not everyone agrees with that premise. Many organisations have written to us to say that they do not believe that the bill impinges on the 2010 act or that it will affect people's access to single-sex spaces.

18:00

I was particularly struck by the contributions from organisations such as Scottish Women's Aid—an organisation that I have a lot of respect for—which have been trans inclusive for a long time, irrespective of whether those who come for

help hold a GRC. It is because of the type of work that they do that I respect their opinion. Who am I to question it?

Moreover, we received communication from the Equality and Human Rights Commission, which was also particularly clear in its view that nothing in the bill affects the Equality Act 2010. I presume that that underpins the amendment that was passed at stage 2.

However—there is always a “however” in this debate—there are many people who believe that the bill does affect the 2010 act. My proposed reporting requirement on that simply asks the Government to vindicate that position—the position, the position of many organisations and indeed my own position. If the bill does not affect the 2010 act, let the report show that, because we can then come back to Parliament in three years’ time and say that we were right. That is the point of it.

This is where I think that there is an issue: there is clearly a deficiency of clarity. We have heard evidence from a number of stakeholders, and we have heard evidence today and in the past about a number of scenarios that we are right to discuss, such as what happens in GP surgeries, in the provision of care, in public bodies, in sports organisations, in youth groups and in religious places. Those are well-intended points that have been respectfully made by members throughout the debate. Today, we heard them from Pam Duncan-Glancy, Rachael Hamilton, Claire Baker, Pam Gosal and Pauline McNeill, who is not here at the moment. I respect what they had to say, because there is a perception that any changes that we make as a result of the bill might have a knock-on effect.

I know what the cabinet secretary will say, and I probably agree—that none of this is new. People already hold GRCs. It is already possible to exclude people from certain spaces under existing legislation, and that has been possible for a very long time. Indeed, many people are excluded from those places. I believe that the bill does not change that. Others disagree. Here is the “but”—it is an important “but”. Despite my support for the changes that the bill proposes—let me assure the chamber that that support has not come easily—it remains clear that there is ambiguity and that concerns remain.

We have a job to do: we have to listen respectfully to those concerns. We must ask ourselves: is it a reality that there are organisations in our constituencies—people who we have heard from—who are afraid of breaking the law by being exclusive? Do they fully understand the guidance? The cabinet secretary said that that guidance is wholesome, fulsome, robust and quite clear, but from what I have heard

in the chamber today it clearly is not. There are clearly people who are nervous and unsure about the guidance. Are they clear, certain and comfortable about using the existing laws? Are they comfortable that, by being exclusionary, they are not breaking the law? Pauline McNeill spoke to that point at great length. The question for us is how we fix that.

As members can see, my amendment takes no side in the debate about whether the bill interacts with the 2010 legislation, but I struggle with the opposition to my amendment that is based on the idea that, somehow, a reporting requirement will unpick the 2010 act. I simply ask in what way will reporting unpick the 2010 act? I genuinely do not know the answer to that. I am genuinely trying to be helpful, as I have tried to be with regard to many other groups of amendments, and I hope that members concur.

Jackie Baillie made some excellent points in her contribution on amendment 111. She believes that robust, clear and well-signposted guidance might put to bed some of the ambiguity and concern. Sue Webber just referred to plain English guidance. She is right to talk about a policy vacuum that we have allowed to exist and get worse over many years. She is right to talk about interpretations of existing legislation or variations of interpretation across different bodies. We have let that happen. Although, in my view, the bill does not change any of those rights, any of those exclusions or any of those interactions, it is clear that some people think that it does.

By having this debate and by revisiting the 2004 act, it is inevitable that those old arguments will be brought back to the fore. I do not think that we should be afraid to tackle them. We have to consider whether there are small organisations out there who are struggling to interpret either existing legislation or what this new legislation might mean for them. I think that the answer to that is that, yes, there are.

There are organisations out there that really want to do the right thing for trans people who present to them; I firmly believe that. They also want to do right for existing service users, which is to be respected. I cannot be accused in any way of wanting to unravel the bill through any of the amendments that we are looking at. I really cannot see how anyone who has listened to the debate over the past few days could accuse me of wanting to unravel the bill—far from it. That could not be further from the truth.

However, there must be a middle ground through this, whether that be through guidance, reporting, or some of the amendments lodged in this group—which, on the face of it, seem quite sensible, unambiguous, helpful, and useful. We have a duty to consider each amendment and its

merits as presented to us today. I have listened to the arguments, which have been very well made.

**Daniel Johnson:** I first commend Jamie Greene on his tone and the way in which he has engaged with the debate, full stop.

Critically, for those of us who advocate for this change and believe that it is important, clarity is really important. “Clarity” is a word that has been used time and again. Those who seek to benefit from these rights need clarity about how and when they can do that. Those who seek the continued protections of the Equality Act 2010 also need clarity. Regardless of whether they are on the side of advocating for this or of caution around it, is clarity not what everyone should ultimately be seeking to promote and to ensure is in the bill?

**Jamie Greene:** I do not disagree with a word that Mr Johnson has said. However, although clarity is an easy thing to request, it is not always an easy thing to achieve. That is part of the problem that we have. How much of this do we have to put in the bill? How much will appear in secondary legislation? How much will appear in guidance?

I do not think that it is enough to say, “It’s not our responsibility, as Government, to produce this guidance; these are independent pieces of advice that public bodies will deliver for their own service users.” That is taking a step too far back. Government has a duty to help to offer that clarity and guidance where it can—and more could be done. I would very much welcome it if the cabinet secretary were to commit to some of that improvement in her summing up. I do not think it is unreasonable to ask for that.

The question that we are facing is whether we put some of this in the bill. I will not pretend that I have not been nervous about referring to other pieces of legislation, reserved or otherwise. Mr Johnson made very valid points about other pieces of legislation that refer to reserved legislation and reserved matters, which have not been unpicked in any way. However, some bills have been unpicked.

As I said, it is no great secret that nothing in the amendments that I want to pass today should result in the unpicking of the legislation; I want to see the improvements that the bill seeks. However, it is important that we find the much-needed compromise that I spoke about right at the beginning of today’s proceedings—and, indeed, yesterday’s. All that I will do is implore all members, and the Government, to seek that compromise where it is possible and not to resist for resisting’s sake.

**Daniel Johnson:** I thank the members who have spoken so far. It has been a very thoughtful section of debate.

We are, ultimately, talking about matters of people’s identities and how they live their lives. When it comes to those matters, nuance and context are important. I made those points at stage 2 when I had lodged amendments regarding guidance, for very similar reasons to the ones that Jackie Baillie has given this afternoon for lodging her amendments. It is really important that we understand individuals’ perspectives and ensure that they have the help and support that they need, and that we understand the complexity and sometimes even contradictory nature of those rights and perspectives.

The Equality Act 2010 delivers that. It takes something very complicated and delivers that nuance and balance. It does so not by trumping one set of considerations over another but in a respectful and reflective way.

The issue that we are contemplating this afternoon is the fact that the practical effects of the 2010 act and the legal structures and mechanisms sometimes do not necessarily accord, particularly with regard to single-sex exemptions.

I highlight what Jamie Greene just said. My understanding is that the legal mechanics are not altered either by the bill or by Lady Haldane’s judgment. However, perhaps the issue here is that the distinctions that people think exist in the 2010 act do not exist quite in the way that they think they do. Although it is possible to distinguish between people who were born with a particular gender at birth, actually, the way in which single-sex provision is delivered under the 2010 act is by making exemptions on the basis that a person is transgender, not on the basis of their underlying biology or physiology. That has the same legal effect in practice, and that is how the 2010 act—with which we are all so familiar and which has been so successful in the 12 years since it was implemented—works.

In passing the bill, we will raise questions about scale and context, as Pauline McNeill and Claire Baker rightly pointed out. Ultimately, as we heard in the interventions from Michelle Thomson and Ash Regan, this is about people’s confidence to draw down the rights that they enjoy and to continue to do so, and it is about the people whom we entrust to oversee systems in the public sector and elsewhere implementing those rights. Those things are important, because the context has changed in two fundamental ways. First, the scale and scope of the people who can enjoy transgender certification will be expanded, so people will be having to make such decisions more often. Secondly, we are entrenching within law the principle of self-identification. Therefore, we have a much more complex set of circumstances in which someone might seek to uphold their rights.

The matter is complex, and we are adding to the complexity. For those who are arguing and advocating for the bill, that is not a problem. In fact, we should celebrate that, because the issue is nuanced and complicated. We should reflect that nuance and complexity, but we must also support those people who seek to uphold and implement the law, because the circumstances are more complicated.

Ultimately, what is really at issue here is that, when we seek to implement safe spaces, some of the detail and nuance is critically important. That nuance is around a person's anatomy, biology or physiology—however we want to describe it. I think that those contexts are very narrow indeed but, when they come into play, those details are incredibly important. Therefore, it is vital that we have the clarity that we have just been discussing, so that people can make those determinations.

The very fact that we are discussing the matter—and that there has been such a loud public debate and so much controversy—has had the chilling effect that we have discussed. People lack confidence in how and when to apply the principles. That is why we must give people confidence about what has changed and what has not changed in how they apply those principles.

Ultimately, that is a primary responsibility of Government. The Government has a responsibility to ensure that public bodies uphold the law—not just within the scope of the law that we have competence to legislate on in this place but within the scope of law as a whole, be that Scottish, UK or international law. The fact that the law refers to a piece of legislation does not mean that we are seeking to legislate on it. The fact that the law relies on a definition being made elsewhere does not mean that we are seeking to exert competence elsewhere. The fact that we are conferring rights on people who are defined or administered by laws that are set elsewhere does not mean that we are seeking to change those laws.

That is important, because it is clear that we have done that in the past. We have given the right to vote to people who have particular immigration statuses, and we have given rights to other people on the basis of what has been defined in other bits of law, and those pieces of legislation have not been unpicked. It is legitimate for us to do that and to rely on those definitions, and it is legitimate for us to seek to be clear about how public bodies uphold UK or Scottish law. Indeed, I would say that it is a duty of Government to do so. Amendment 111, in the name of Jackie Baillie, and amendment 113, in the name of Ash Regan, are important, because they provide that clarity. We need them, over and above the EHRC guidance, because context is important.

18:15

Although the EHRC guidance is useful, it does not explain how the bill will work in schools, prisons or hospitals, and we are all surely aware that those contexts have their own particular considerations, understandings and sensitivities. That is why the Government, in its duty to help public bodies to uphold and comply with the law, must produce guidance on how the bill will interact with the 2010 act.

That is fundamental because, ultimately, if we do not provide that clarity, we will be doing a great injustice to the principles that the bill seeks to promote. It will make it harder for people to enjoy their rights, whether they are transgender people or people who are seeking to enjoy the rights of single-sex exemptions. If nothing has changed, let us make that clear. We need the guidance and we need the amendments.

**Jeremy Balfour:** I agree with Pauline McNeill. The amendments that we have been debating in this group are perhaps among the most important amendments that we will debate over the next couple of days.

With your permission, Presiding Officer, I would like to start by quoting a constituent who has been watching the debate at home on television. She has asked a specific question of the cabinet secretary. Her email says:

“As charge nurse on day shift (short staffed, as usual), I am sent a clinical support worker ... (not a registered nurse) from the staff bank, who I have not met before and is obviously male. A female patient on the ward has stated that she only wants female staff to provide intimate care to her. The CSW from the staff bank intends to accompany another, female”

and give that individual a bed bath. My constituent continues:

“I reiterate that patient has requested female only care.”

My constituent says that she does not know what to do as a staff nurse. Does she protect her patient or protect the NHS from being sued? Could the cabinet secretary please clarify the situation?

That is why I stand to speak to some of the amendments in the group. We have heard from members that there is clarity, but here is an individual, serving our society here in Lothian, who does not know what to do.

I am not sure that I fully agree with Mr Johnson that there is clarity on the law. We have heard from Pauline McNeill, Jackie Baillie and others that there is not clarity on the law.

**Daniel Johnson:** My point is that, fundamentally, the mechanics of the law have changed, but the nature of the debate requires greater clarity, because we have reduced that clarity. I am actually agreeing with the member.

**Jeremy Balfour:** I apologise to Mr Johnson.

If we had been debating these amendments six, seven or eight days ago, there would have still been a lack of clarity, but the decision by the Court of Session has led to greater insecurity around what we mean by the definitions. No lawyer worth their salt is going to jump to a legal judgment within seven days of viewing that. There needs to be time for reflection, time to work out what her ladyship was saying, and time to work out how the judgment will actually work in practice and how it relates to other areas of the law.

**Shona Robison:** I am intervening in case I forget to come back to the important point that Jeremy Balfour raised. First, I would point the constituent to whom he was referring to the guidance produced by the EHRC that is specific to employers. That is important, because the genuine occupational requirement exception under the 2010 act provides that a person must not be a trans person where there is a requirement due

“to the nature or context of the work”,

if proportionate. That exception could be used in the health service—for example, when intimate health and personal care is provided.

Lady Haldane’s judgment changes none of that. That is the position under the Equality Act 2010; it was the position two weeks ago and last week, and it is the position today. None of that changes, and I hope that the member can reassure his constituent on that matter.

**Jeremy Balfour:** I think that the cabinet secretary misses the point. What does the staff nurse do to get the patient washed and dressed if that is the only choice that they have at the time?

I am not going to get into a debate about current staff shortages in our NHS, but we all know that there is a limited number of staff in each ward. That answer does not give guidance on what the charge nurse does there and then, on that shift. It is clear that any advice has not been handed down from NHS Lothian to the people who are in charge of the wards to enable them to decide. With respect, I do not think that that response clarifies the matter.

As I was saying, I think that we need a moment to pause. Surely our primary purpose in the Parliament is to make good law and to make law that actually helps everybody in Scotland. Until there is clarity around the Haldane judgment from others who have a better legal understanding than I do, I think that there is an opportunity for us to pause.

I turn briefly to specific amendments. As we have heard, amendment 54, in the name of the cabinet secretary, requires the Scottish Government to produce

“guidance about the operation of”

the Gender Recognition Reform (Scotland) Bill. It states that, in preparing that guidance, the Scottish ministers will

“consult ... statutory bodies concerned with promoting equality or human rights”.

That sounds all well and good, but I will not be supporting the amendment. As I recall, the Scottish Government’s track record of consulting bodies that are concerned with human rights has been consistently one-sided, as we have seen throughout the progress of the bill.

Women’s rights organisations have told us that they have felt ignored throughout the process, and we have seen people such as the UN special rapporteur on violence against women and girls have their voice ignored in favour of another, male UN rapporteur to whom the Scottish Government prefers to listen.

I will not support a Scottish Government amendment that will allow it to dictate, for the purpose of producing guidance, who it deems to be promoting equality and human rights. As I said, I will vote against amendment 54.

Amendment 111, in Jackie Baillie’s name, would require the Scottish ministers to produce

“guidance on the ... operation of this Act for ... the provision of single-sex services”.

The amendment mentions specific settings such as

“schools, healthcare facilities and prisons.”

I am happy to support that amendment, because those public service providers need clarity—as I said a moment ago—on how the bill will impact them and whether certain services can be provided only to those who are born women and girls. Again, there is a lack of clarity around those issues as a result of the decision in the Court of Session last week.

I understand that amendment 112 will not be moved by Ash Regan. I think that it is a good amendment, and I would have supported it had she decided to move it.

Amendment 113, which is also in Ash Regan’s name, would further clarify that

“Nothing in this”

bill

“affects ... the definition of ‘sex’ in ... the Equality Act 2010”.

Although it is important that that is stated, I note again that, as a result of the recent Court of Session ruling, those who have a gender recognition certificate are included in consideration of the definition of “sex”. The Scottish Government has failed to address that point with regard to

single-sex space provision. Nonetheless, it is important to put it in the text of the bill that the definition under the Equality Act 2010 is not altered, in order to avoid confusion for the public.

Amendment 117, in Pauline McNeill's name, is another amendment that requires the production of guidance, this time in relation to the

"effect of having a gender recognition certificate."

Again, the public deserve certainty on that point. Because the Scottish Government is expanding the number of people who can apply for a gender recognition certificate, it is inevitable that organisations will interact with people who have obtained certificates, so specificity is essential. Amendment 129 would also require the Scottish ministers to consult public authorities on the "implications" of that. We have heard different comments from the Scottish Government, but it consults public bodies and organisations all the time, and I still have not found clarity on why it will not do so on this occasion.

Amendment 128, also in Pauline McNeill's name, would put it beyond doubt that nothing in the bill affects any requirement to collect data on sex. It, too, is a sensible amendment, and I will support it.

Amendments 118 and 119, in Claire Baker's name, would require the Scottish ministers to produce guidance on occupational exceptions to the offence of disclosing information about a person's gender recognition status for the purpose of any occupational requirement. Amendment 118 is slightly stronger in that the guidance would require the Scottish Parliament's approval, but both are good amendments that will be needed, given that people in new occupations will be forced to interact with holders of a GRC. It should not be an offence for people in such occupations to disclose someone's gender recognition certificate status if that is part of their job.

Amendment 127, in Jackie Baillie's name, is one of the amendments that the Scottish Government has requested be not moved, as the Government claims that the amendment would change the effect of the Equality Act 2010, which is of course reserved. I am absolutely clear that no amendment should be supported if it were to intrude on reserved matters, but it is far from clear that the Scottish Government's interpretation of amendment 127 is correct. After all, the amendment seems only to restate what is already set out and stated in law. I hope that Jackie Baillie will move her amendment. As I understand it, it would insert in the bill paragraph 28 of schedule 3 to the 2010 act, which allows for discrimination against those who have undergone gender reassignment surgery when providing a single-sex

service, even if such individuals hold a gender recognition certificate.

The cabinet secretary often says—and has done this afternoon—that the bill will have no effect on the ability of single-sex service providers to provide their services exclusively to those born as women, but she now claims that making that clear in the bill would put it at risk of a legal challenge. The question therefore is, which is it? Her positions are seemingly contradictory. I will support amendment 127 unless the cabinet secretary can provide compelling evidence that it would be an incompetent amendment, which I highly doubt she will be able to do.

Finally, Jackie Baillie's amendment 130 would secure protections for single-sex services by stating that providing a service only to persons of one sex is lawful if it is in accordance with schedule 3 to the 2010 act. I am happy to support the amendment on the basis of protecting single-sex services, because it takes us further down the right road, even if I do not think that it will provide adequate protection.

As I said at the beginning of my remarks, when I quoted a constituent of mine who has been watching the debate today, there is a lack of clarity. I believe that, if the bill becomes law without these amendments being accepted, there will be a lack of clarity about how the legislation will work in practice. Bad law is bad for Scotland, bad for our citizens and bad for the reputation of this Parliament.

I ask members to support the amendments that I will be supporting.

**Maggie Chapman:** At stage 2, the bill was amended by Pam Duncan-Glancy to include an avoidance of doubt provision that set out clearly that the bill does not modify the Equality Act 2010. Indeed, because the 2010 act is UK Government legislation, the bill cannot modify it.

To those who have argued that it is only since last week, following Lady Haldane's ruling, that we have known what the 2010 act means by "sex", I say that those who are familiar with transgender law know that, in May 2021—19 months ago—in their book, "A Practical Guide to Transgender Law", Nicola Newbegin and Robin White gave exactly the same meaning when they defined it. Therefore, last week's judgment should not have come as a surprise to anyone.

Further, the cabinet secretary has committed to publishing guidance—which many people seem concerned about—on the operation of the legislation, as her amendment outlines.

The only other point that I want to make in relation to this group is that if members support the principles of the bill and want to see them

enacted, they should not vote for any amendment that risks its legislative competence. It is one thing to have challenges made to a piece of legislation and not upheld—we accept that that will happen. It is quite another to have any one of those challenges upheld. Trans people—because the bill is for them—should not have to wait longer than the six years that they have already waited to see the bill enacted because of months or even years of legal wrangling or further delays.

18:30

**Carol Mochan (South Scotland) (Lab):** When I originally thought about speaking on this group, I wanted to speak only to my colleague Pauline McNeill's amendment. However, having listened very carefully to the debate, I cannot not speak about some of the points raised in some of the very considered speeches that have been made. I obviously cannot mention everyone, but I appreciate the effort that people have put into speaking on this group.

In particular, I want to speak about my colleague Jackie Baillie's contribution, during which she spoke about legislators needing to ensure that the public have confidence in what we have done and clarity on the legal obligations in the Equality Act 2010, particularly for public bodies, in relation to both women and transgender people—other members mentioned that, too.

Originally, I wanted to say that although we have talked a great deal about obtaining a GRC, in amendment 117, Pauline McNeill—like others, of course—quite rightly highlights the extent to which a GRC affects rights obtained under the 2010 act. That has been the crux of much of the opposition to the bill as it has gone through. Many people have asked and are worrying about what will become of the rights and freedoms of women, especially in settings of refuge and treatment.

The Equality Act 2010 made clear that the delivery of single-sex services, when proportionate and legitimate, is protected, but the bill seems to cloud that understanding, as we have heard. That outcome benefits no one and gives no public confidence.

As members have evidenced and clarified during the debate, the Equality and Human Rights Commission has said that the Government has amended the 2004 act to the extent that clarity on the operation of the 2010 act is necessary. I am not going to go back over those arguments, because they were made very well by others.

**Liam Kerr:** Carol Mochan's contribution is very measured and interesting—as Pauline McNeill's was—but it leaves me to pose the same question to her. If the amendments that she is calling for today are not agreed to and so the ambiguity and

concerns that she has rightly articulated remain, does she see herself voting for the bill? If so, can she help me to understand why?

**Carol Mochan:** I thank the member very much for that intervention, and I know that he has asked other members the same question. Let me be absolutely clear that I have come to the chamber today to go through all the amendments. I have spent hours and hours here because this is an important debate. I will consider every amendment, and I thank members who have indicated which ones they will support and which they will not. I have considered every amendment and will continue to do that.

I want to put on record that I am concerned that some believe that even asking questions about these matters is, in itself, offensive, but I am glad that we have had this debate. I thank members for being able to discuss them, as that has been very important for public confidence.

I argue that the reason why these matters keep being discussed and debated is precisely because we do not have clear answers in relation to provision, so we must amend the bill to reflect those interests. I ask members to support amendments that contribute to that.

I agree with my colleague Pauline McNeill's interpretation that it is unclear whether the bill affects the Equality Act 2010 or its operation. Others have made that point very well.

It is important that we approve some guidance in this Parliament and I would expect that to be done as part of amendments to the bill.

**Graham Simpson:** There has been a really good debate on this group, with some very considered comments indeed. I will support most of the amendments in the group.

Of course, the point of having a debate at stage 3 is that people should listen and, if they hear things that persuade them, they can change their minds. That applies to cabinet secretaries as well, so I hope that the cabinet secretary has listened to the considered points that members across the chamber have been making and will perhaps revise her previously stated position on some of the amendments.

I was inspired to stand up just now by Jeremy Balfour. He read out something that a constituent sent him, and I have also been sent something by a constituent who has concerns about single-sex services for those who have suffered trauma resulting from particular forms of abuse or assault. They have post-traumatic stress disorder and have benefited from trauma services. I will just read out their message. They say:

"I know how important trust is within the trauma service, both in relation to who is there with you in waiting rooms or

in counselling or therapy sessions. The Equality Act allows someone with the protected characteristic of gender reassignment to be excluded from a single-sex service but the change in GRC changes the starting point."

They add:

"Everyone with a GRC would be presumed to be permitted within the single-sex service because, as the judgment last week confirms, the GRC changes a person's sex for the purposes of the Equality Act. Exclusion of those of a different biological sex but with a GRC is more difficult."

I will end there, because I think that that is a powerful contribution. It is a point that has been made—maybe not in such personal terms—by many members. That is exactly the kind of thing that the cabinet secretary should be addressing and I hope that she does. I hope that she reflects on the debate and changes her mind.

**Shona Robison:** First, I have listened and I think there have been some very good and thoughtful contributions. However, it remains the case that, despite some of the intent behind the amendments, the intent does not change the effect of those amendments.

Someone—I think it was Jeremy Balfour—said that bad law is bad for Scotland, and that is my point. That is why I have set out my concerns about the amendments in this group—not about the issues behind some of those amendments but about the effect that the amendments would have. Many of the amendments seek to unpick the equality act and give prominence to some parts over others, when we have already agreed, at stage 2, a clear amendment that sets out, for the avoidance of doubt, that nothing in the Equality Act 2010 changes.

On Jackie Baillie's amendment 127, I have said clearly that the provision would legislate to continue the effect of reserved provisions of the equality act, and refers to circumstances that are not described in the relevant part of that act. It is not the case that amendment 127 reflects the words of the equality act because the act does not refer to a GRC.

It is not about trading amendments—for example, if we accept amendment 130, Jackie Baillie will not move amendment 127. It is about getting the legislation right and not giving rise to the law of unintended consequences with amendments that put the bill at risk. Members will have to make a judgment based on all of that.

**Jamie Greene:** I appreciate the cabinet secretary's time in what has been a lengthy debate, and I hope that she takes at face value and puts some trust in what I am about to say. I hope that the cabinet secretary knows that I am not trying to unpick the bill in any way or jeopardise its future, but it still remains quite unclear to me how improving guidance to public

bodies and services, and improving reporting and putting the onus of that reporting on the Government, will, physically and manifestly, unpick other pieces of legislation and put the bill at risk. If the cabinet secretary can answer that question, I would be hugely grateful, because it is an issue that I have struggled with.

**Shona Robison:** Let me be very clear: guidance and reporting are really important and are key parts of the bill, but we can do that only in relation to devolved competence. What we cannot do is review the impact of the Equality Act 2010, because the responsibility for that lies elsewhere.

I am trying to go as far as I can with this. What I have said already is that we will work with the EHRC on guidance and, if it helps, we will work with it to provide clarity to public bodies. I have heard quite a lot of members talk about public bodies requiring clarity. Clarity relating to the equality act has to be led by the EHRC. We have already referred to many aspects, whether it is the advice that the EHRC provides to employers or the advice that it provides to public bodies. The EHRC has to be in the lead—it is literally the guardian of the Equality Act 2010—but what I am offering to do is work with the EHRC to help to provide that clarity. However, the EHRC has to lead that process.

**Daniel Johnson:** Can the cabinet secretary please provide clarity? If she is contending that, if a bit of legislation that we pass in this Parliament refers to UK legislation and seeks its definitions in terms of what is meant, it becomes incompetent, there are significant problems in legislation that we have already passed, because that is what we do all the time. Is she contending that using a definition and conferring rights on the basis of UK law is not competent?

**Shona Robison:** What I am saying is that the amendment that we passed—

**The Deputy Presiding Officer:** Cabinet secretary, before you continue, a number of members have recently come into the chamber and a number of conversations are starting to get a little on the loud side. I appreciate that there has been a long debate on this group, but if members could bear with us for the next short while, that would be polite to the cabinet secretary and others who are contributing.

**Shona Robison:** I am not saying what Mr Johnson suggests. The amendment passed at stage 2 refers to the equality act, but, as I have explained on a number of occasions, amendment 127 goes further than that. It is not the case that it just reflects the wording of the equality act, because the equality act does not refer to a GRC. Amendment 127 goes much further than that,

which is why I am asking members to consider it carefully before voting on it.

**Pauline McNeill rose—**

**Shona Robison:** I want to make some progress.

A number of members have referred to the issue of the Equality Act 2010 and the effect of a GRC. For the avoidance of any doubt, let me be really clear about this. The provisions of the 2010 act are not modified by the proposals in this bill. As I have said, we agreed to an amendment at stage 2 that puts that beyond doubt. The bill does not change the legal effects of a GRC as they are currently set out in the 2004 act; nor does the bill change public policy around the provision of single-sex spaces and services. The Equality Act 2010 allows for the provision of single-sex services in certain circumstances and the exclusion of trans women in circumstances where that is a proportionate means of achieving a legitimate aim. Whether or not a person has legally changed their gender, that power exists. There are examples given in the equality act that help to make that clear.

**Douglas Ross rose—**

**Shona Robison:** Just a minute.

We support the provision of single-sex services—I have said that over and over again—and I am clear that all organisations absolutely need to take account of the 2010 act. As I have said, the Equality and Human Rights Commission has published not just guidance but a statutory code of practice, which assists service providers with understanding the relevant issues.

18:45

With regard to occupations, I laid out to Jeremy Balfour where there is explicit advice to employers; however, as I said, if members feel that more work needs to be done in that area, I am absolutely prepared and keen to work with the Equality and Human Rights Commission to do that.

I want to be very clear on this as well—

**Douglas Ross:** Will the cabinet secretary give way on that point?

**Shona Robison:** Just a minute. I want to be really clear on this as well: the position in the Haldane judgment is absolutely consistent with that of the Equality and Human Rights Commission. Members across the chamber have often cited to me the views of the Equality and Human Rights Commission, which is, as members have said, the guardian of the 2010 act. It has said exactly what we have said: for the purposes of the 2010 act, sex takes into account the legal effect of

a GRC obtained in accordance with the Gender Recognition Act 2004. Nothing whatsoever has changed since the judgment. That was the position previous to the judgment and it is the position now. I am happy to give way.

**Douglas Ross:** I understand that the cabinet secretary was reading from her notes, but my colleague Sue Webber has twice tried to—*[Interruption.]* I am just saying that the cabinet secretary could not have seen a message that came up on the screen. I hope that we can maybe look at a process whereby the Presiding Officer could indicate when that happens. Will the cabinet secretary take a virtual intervention from my colleague Sue Webber, who has tried to intervene?

**Shona Robison:** If there is a virtual intervention, I am happy to take it, if that would be helpful.

**The Deputy Presiding Officer:** It would be up to Sue Webber whether she wants to press for another intervention. It is not for the chair to indicate that here, as we would not normally indicate it.

**Sue Webber:** I thank the cabinet secretary for taking my intervention. Will she give us specific examples of where it is proportionate to discriminate against those with a gender recognition certificate for the purposes of providing a single-sex service?

**Shona Robison:** I am happy to do that. The guidance to the Equality Act 2010 gives the example of a service that provides support to victims of sexual assault, and the guidance says that it is absolutely valid and proportionate to exclude trans women, whether or not they have a gender recognition certificate. I hope that that answers Sue Webber's point.

The guidance is there to help organisations to address the circumstances of where that is proportionate, and the revised guidance goes into a lot of detail in recognition of the fact that some organisations might sometimes have challenges in that regard.

**Tess White:** Will the cabinet secretary take an intervention?

**Shona Robison:** I want to make some progress on the guidance.

I will say again that putting the Scottish Government guidance into law would make that statutory guidance. I think it was Claire Baker who asked what aspects of the bill would be covered by the guidance—all aspects of the bill will be covered. We have also previously committed to review section 22 of the 2004 act, and the guidance will cover the operation of the bill,

including in relation to section 22. I hope that that gives some assurance to Claire Baker.

Pauline McNeill referenced a number of points, one of which was about the UK Women and Equalities Committee. Of course, that committee reviewed the issues in some detail and concluded that the UK system should be reformed along the lines of what the bill seeks to do. That is important to note.

Many comments have been made on issues surrounding the bill. I have listened to organisations that are for and against the bill. I have met women's organisations that are for and against the bill. It is worth noting—it is important to note—that many of the women's organisations that are providing services to some of our most vulnerable women support the bill.

I have been in this Parliament for more than 20 years. At the heart of many policies, and at the heart of much legislation to which this Parliament has given its attention, has been the protection of women and girls, whether that is through legislation on domestic abuse or whether that is through our groundbreaking equally safe strategy. Work on legislation to tackle misogyny is under way and we will consult on that very soon. [*Interruption.*] I will give way in a minute.

It is absolutely the case that women from all parties, whether they are previous or current members, have put the safety and the interests of women and girls at the heart of the work that this Parliament carries out. I am sure that future women members will do that, too.

**Jackie Baillie:** I absolutely agree with the cabinet secretary's point: successive Governments have, indeed, done as she has described. That is why I am genuinely confused as to why she will not support amendment 130. She agrees that those are the provisions in the Equality Act 2010 that she supports, and she has outlined them. The amendment does no more than repeat them, and those are the very issues that a lot of women, and a lot of women's organisations, have said that they have concerns about.

In the spirit of the cabinet secretary's comments, we can approve amendment 130, surely.

**Shona Robison:** I will be really clear with Jackie Baillie. I absolutely accept the intent behind her amendment, but her intent, and what she seeks to achieve, is already covered by the amendment that was agreed to at stage 2. For the avoidance of doubt, I state that absolutely nothing in the Equality Act 2010 is affected by the bill. I cannot be clearer than that.

I would have thought that, as a point of unity, we could agree to reinforce that, because we do not want people to be concerned about something

that, in reality, is not the case. Even if we wanted somehow—we do not want to do this—to change aspects of the Equality Act 2010, we are not able to do that. We do not have the competence to do that.

Again, let me be absolutely clear, for the avoidance of doubt: the Equality Act 2010 protections are fundamental here. Single-sex exceptions are guaranteed in the same way as they have been since that legislation came into force. I have no intention, my Government has no intention and there is no intention whatsoever through this bill to change that.

I hope that members will support my amendment 54 and vote against the other amendments in this group.

**The Deputy Presiding Officer:** The question is—

**Douglas Ross:** On a point of order, Presiding Officer.

Before we come to the votes on this group, I note that the Presiding Officer ruled earlier on the proposal for a manuscript amendment from my colleague Rachael Hamilton. The Presiding Officer's consideration lasted from 2.53 pm to 4.08 pm, which is one hour and 15 minutes. I welcome that.

It was clearly a very difficult choice for the Presiding Officer. Indeed, she said in her ruling that she accepts that the amendment

“could not have been lodged before the deadline”.

It therefore came down to having the opportunity to lodge a manuscript amendment earlier than today. I have looked at the Parliament's standing orders and there is nothing in them concerning a timing for lodging a manuscript amendment. Was the Presiding Officer's ruling that this manuscript amendment should have been lodged earlier today or yesterday? At what point from noon last Tuesday when Lady Haldane made her ruling should that have been done?

I also note that the committee that the Parliament has asked to scrutinise the bill did not seek to have an emergency session on Lady Haldane's ruling. However, it was able to hold an emergency session in the intervening period, and one of the witnesses whom the committee brought in had already given evidence. I find it strange that someone can be asked to give evidence in that time, when we could not look at that important ruling. Therefore, before we enter the votes on the issue, will you confirm whether the Presiding Officer considered the fact that the committee had not had an extra meeting on the ruling?

I repeat my offer and request to the First Minister, who is in the chamber now. If the

Presiding Officer's ruling on such a crucial issue rests on the fact that we have to get through amendments today and, therefore, the timing led her to make that difficult decision, surely the First Minister could meet me and other party leaders to look at scheduling the remainder of the debate on amendments and the stage 3 debate early in the new year, so that the Parliament can be fully apprised of all the points before it votes on the issue.

**The Deputy Presiding Officer:** Thank you, Mr Ross. The Presiding Officer made her position entirely clear. She explained the basis on which that decision was taken and I am sure that, as an experienced parliamentarian, you are not challenging her ruling. [Applause.] Sorry, but that does not need the applause of other members in the chamber, I have to say.

You will also be aware, Mr Ross, that business managers are due to meet very shortly to discuss this evening's remaining business.

**Douglas Ross** rose—

**The Deputy Presiding Officer:** Mr Ross, I have taken the point of order. If this is a repeat of the same point of order, I have nothing further to add and I warn you that you are at risk of challenging a ruling by the Presiding Officer.

**Douglas Ross:** I hope that you will see that I am not trying to do that, and I made it clear that I was not doing that. However, I asked for information to allow me as a member of the Parliament to understand the ruling that the Presiding Officer made. Was she aware of the fact that the committee that we have tasked to scrutinise the bill and take it up to this point had not had the opportunity—

**The Deputy Presiding Officer:** Mr Ross, will you please resume your seat? As I explained, the Presiding Officer gave her ruling. She explained the basis of it and, as you acknowledged, some time was taken to arrive at that decision and come forward with the ruling.

On that basis, it is time to move on. The question is, that amendment 54—

**Douglas Ross:** Further to that point of order—

**The Deputy Presiding Officer:** Are you challenging—

**Douglas Ross:** No, I am saying, further to the—

**The Deputy Presiding Officer:** Could you please resume your seat, Mr Ross? I have warned you about challenging the decisions of the chair. Your previous attempt at a point of order was simply a repeat of the earlier one, and I have already pointed out to you that that bordered on challenging the ruling that the Presiding Officer made. If this is a different point, I invite you to

make it, but I stress very strongly that you are skirting close to being in contempt of the Parliament by calling into question a ruling by the Presiding Officer.

**Douglas Ross:** I am grateful to you for allowing the subsequent point of order, but I am simply trying to get all the facts as a member of the Parliament who is just about to vote on this issue. Are you able to confirm or otherwise whether the Presiding Officer considered the point about the committee that is scrutinising the bill when she made her ruling?

**The Deputy Presiding Officer:** Mr Ross, there was nothing further in that point of order to what you asked in your previous two. We will move on.

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

**Members:** No.

**Roz McCall (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** We are in the middle of a division. I will take the point of order after the division. Please resume your seat, Ms McCall.

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

**Members:** No.

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

19:00

The earlier vote had already started by the time that I called it. Therefore, we are going to re-run the vote to ensure that everybody who was attempting to vote has the opportunity to do so. The question is, that amendment 54 be agreed to, and members should cast their votes now.

I advise members that we are going to attempt to run that vote again. Members should cast their votes now.

**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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

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)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Haicro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 94, Against 31, Abstentions 0.

*Amendment 54 agreed to.*

**The Deputy Presiding Officer:** I will take a point of order from Roz McCall.

**Roz McCall:** Thank you, Presiding Officer. I am trying to get clarity, if I may. During the debate on group 13, we extended business for two hours. You will know that the programme suggests that, after consideration of amendments, we have more than an hour of portfolio questions and then two hours of debate, followed by decision time. As I have previously mentioned in the chamber, I am the carer of my husband. I made arrangements yesterday and today so that he was taken care of, and that arrangement was meant to finish at about half past 6.

That brings me to my questions, of which there are a couple. Will you be making more extensions to business tonight and, if so, when will we have that information so that I can make extra arrangements? I cannot help but notice that I am

the third member this week to raise the impact of this sort of thing on family and carers. Will you consider keeping decision time at an earlier and more convenient time than we have experienced over the past couple of days?

**The Deputy Presiding Officer:** Thank you for that point of order, which echoes earlier points of order. As I said previously in response to the point, the Presiding Officer has underscored the matter that you raise on numerous occasions with business managers. I can advise you, Ms McCall, and other members that business managers will be meeting after the next vote, and I am sure that they will be seized of the points that you have just made. After that meeting of the business managers, I hope that members can be advised on any decisions arising from it.

*Amendment 111 moved—[Jackie Baillie].*

**The Deputy Presiding Officer:** The question is, that amendment 111 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)

McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Webber, Sue (Lothian) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 58, Against 65, Abstentions 2.

*Amendment 111 disagreed to.*

**The Deputy Presiding Officer:** As I just advised Ms McCall and the chamber, there will now be a short suspension for a comfort break and to allow business managers to meet. The bell will sound when the meeting of Parliament is about to resume.

19:07

*Meeting suspended.*

19:53

*On resuming—*

## Parliamentary Bureau Motion

**The Presiding Officer (Alison Johnstone):** Before we resume consideration of amendments, I am going to use my powers under rule 9.8.5B to take a motion to approve a Scottish statutory instrument. I therefore invite George Adam, on behalf of the Parliamentary Bureau, to move motion S6M-07734, on approval of an SSI.

*Motion moved,*

That the Parliament agrees that the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 (SSI 2022/352) be approved.—[George Adam]

*Motion agreed to.*

**The Presiding Officer:** I can also inform members that business managers have agreed to move items of business other than consideration of stage 3 amendments to tomorrow afternoon. A business motion to give effect to that will be taken at the conclusion of proceedings on amendments.

## Gender Recognition Reform (Scotland) Bill: Stage 3

### Section 12—Copies of certificates to be given to other Registrars General

19:53

**The Presiding Officer (Alison Johnstone):** We now move to group 14, on the copying of certificates to other registrars general. Amendment 55, in the name of the cabinet secretary, is the only amendment in the group.

**Shona Robison:** Amendment 55, in my name, will remove section 12, which would require that copies of gender recognition certificates be given to other registrars general in the UK so that they can update register entries as required. If the UK Government decides not to update English and Welsh birth certificates on the basis of a GRC that has been issued in Scotland, there can be no need for the requirement to send copies. Essentially, amendment 55 future proofs the bill against that possibility.

**Michael Marra:** I will take the opportunity to clarify a point that was raised in a briefing from Murray Blackburn Mackenzie that has been received by MSPs, which says that it is unclear whether or not the bill will remove access to the UK's gender recognition panel for people who are living in Scotland. Could the cabinet secretary clarify whether people who are living in Scotland will be able to continue to obtain a GRC from the UK's gender recognition panel, or will that route be closed?

**Shona Robison:** People who are living in Scotland will be able to do that until the bill is enacted. Obviously, there will be delay before the bill's commencement, once it has been passed into law. Until that point, the UK route will be open to people and, once the bill has been enacted, there will be a new route available.

Whether or not the register entries in the rest of the UK will be updated is a matter for the UK and Northern Irish Governments, which is another important point that I should make. Provision for sharing GRCs can still be made in a section 104 order, if that is agreed to. On Monday, I met the UK Minister for Women and Equalities, Kemi Badenoch, and we agreed to continue to work together constructively on those matters. I am sure that that will continue to be the case.

I move amendment 55.

**Jeremy Balfour:** I thank the cabinet secretary for the information that she has shared so far. Tentatively, I want to support her amendment 55, as I note that the provision is in the Gender

Recognition Act 2004. I presume that it is not necessary to replicate the provision in the bill. However, I would like clarity on whether that is the reason for removal of the provision. I would be grateful if the cabinet secretary could confirm whether that is the reason, or whether there is another one. For example, is the provision to send copies of gender recognition certificates deemed to be no longer necessary as a result of technology? If that is the case, could the cabinet secretary confirm that she has spoken to all registrars general in the United Kingdom to confirm that? I hope that the cabinet secretary can provide clarity to the public and me in her answer, before we vote on the amendment.

**Shona Robison:** As I have said, amendment 55 seeks to future proof the bill against the possibility that the UK Government decides not to recognise a Scottish GRC. The amendment is a practical measure that we can take in the event that that is the case. I hope that that will not be the case and that the UK Government will decide to recognise GRCs that are issued in Scotland, but we have to make provision in case it does not.

Provision for sharing GRCs can also be made in a section 104 order, if that is agreed to. I know that Scottish Government and UK Government officials have been working closely and constructively for a number of months on the issue. I hope that that provides clarity for Jeremy Balfour.

**The Presiding Officer:** The question is, that amendment 55 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)

Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Gulhane, Sandesh (Glasgow) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 White, Tess (North East Scotland) (Con)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)

**The Presiding Officer:** The result of the division is: For 119, Against 3, Abstentions 4.

*Amendment 55 agreed to.*

20:00

#### After section 13

*Amendment 112 not moved.*

*Amendment 113 moved—[Ash Regan].*

**The Presiding Officer:** The question is, that amendment 113 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 60, Against 66, Abstentions 0.

*Amendment 113 disagreed to.*

#### Section 14—Offences

*Amendment 114 moved—[Jamie Greene].*

**The Presiding Officer:** The question is, that amendment 114 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 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)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Kerr, Stephen (Central Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

### Abstentions

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)

**The Presiding Officer:** The result of the division is: For 98, Against 14, Abstentions 14.

*Amendment 114 agreed to.*

*Amendment 115 moved—[Jamie Greene].*

**The Presiding Officer:** The question is, that amendment 115 be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)

Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 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)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Marea (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)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Kerr, Stephen (Central Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 100, Against 10, Abstentions 17.

*Amendment 115 agreed to.*

*Amendment 116 moved—[Oliver Mundell].*

**The Presiding Officer:** The question is, that amendment 116 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

**Abstentions**

Balfour, Jeremy (Lothian) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Wells, Annie (Glasgow) (Con)

**The Presiding Officer:** The result of the division is: For 37, Against 76, Abstentions 12.

*Amendment 116 disagreed to.*

**After section 14**

*Amendment 117 moved—[Pauline McNeill].*

**The Presiding Officer:** The question is, that amendment 117 be agreed to. Are we agreed?

**Members:** No.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

**Abstentions**

Lumsden, Douglas (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 59, Against 67, Abstentions 1.

*Amendment 117 disagreed to.*

*Amendment 118 moved—[Claire Baker].*

**The Presiding Officer:** The question is, that amendment 118 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 57, Against 70, Abstentions 0.

*Amendment 118 disagreed to.*

*Amendment 119 moved—[Claire Baker].*

**The Presiding Officer:** The question is, that amendment 119 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Jamie Halcro Johnston:** On a point of order, Presiding Officer. My app would not refresh. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)

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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

### Abstentions

Burnett, Alexander (Aberdeenshire West) (Con)

**The Presiding Officer:** The result of the division is: For 56, Against 70, Abstentions 1.

*Amendment 119 disagreed to.*

*Amendment 120 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 120 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

20:15

**Jeremy Balfour:** On a point of order, Presiding Officer. The app did not load. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)

**The Presiding Officer:** The result of the division is: For 59, Against 67, Abstentions 1.

*Amendment 120 disagreed to.*

*Amendment 121 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 121 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)

Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)

**The Presiding Officer:** The result of the division is: For 59, Against 67, Abstentions 1.

*Amendment 121 disagreed to.*

#### Section 14A—Impact of this Act on prisons

**The Presiding Officer:** Group 15 is on review of the act. Amendment 56, in the name of Jackie Baillie, is grouped with amendments 60, 75, 76, 76A, 77 to 83, 83A, 84, 84A, 85 to 90, 90A, 134 and 91.

**Jackie Baillie:** I am hopeful for success with my amendments in this group, not least because I have worked with the Government to deliver them.

At stage 2, the Equalities, Human Rights and Civil Justice Committee agreed a number of amendments from MSPs of different parties, the purpose of which was to review elements of the

bill and any impact that the changes to the process for applying for a gender recognition certificate might have made. That included an amendment lodged by my colleague Pam Duncan-Glancy that placed a duty on ministers to initiate a review within three years of the bill coming into force. That amendment covered a number of other issues, including the need to review the operation of section 22 of the 2004 act. In accepting the amendment, the cabinet secretary said that it could form the basis of incorporating other review items at stage 3, including those that were agreed at stage 2.

The Scottish Government has worked with members from across the chamber to develop this group of amendments, which bring together all the strands of review. With the new section 15B of the bill as amended as a base, a single review provision will be created, and I will be happy to move all the amendments in my name.

The amendments that were lodged by other members and agreed at stage 2 are all incorporated into that overarching provision. Jamie Greene's amendments that placed a duty on ministers to report on the act's impact on the placement of transgender people in prison are included; Claire Baker's amendment requiring a review of the operation of section 22 is included, as is Pam Duncan-Glancy's amendment, which already contained a related provision. An amendment from Maggie Chapman that required a review of the impact on trans people of the time periods for living in the acquired gender and the reflection period is also included.

Amendments 56, 60 and 91 remove those individual provisions, which will be replaced with the new single provision covered in amendments 82, 83 and 84—which also adds a provision on gender identity healthcare—while not changing the intent of the agreed amendments. My other amendments strengthen the existing provision that was added by Pam Duncan-Glancy and reflect the views of members from across the chamber.

Amendments 85 to 87 seek to extend the scope of the review beyond that currently required by section 15B. The additional areas that are covered by the amendments were asked for specifically by Labour members and include the impact on the provision of services by Scottish public authorities, whether any other amendments to the 2004 act are appropriate and whether any changes to the guidance required by amendment 54 are appropriate.

Amendment 90 provides for a number of items that the report of the review must set out, including

“any changes that the Scottish Ministers consider it would be appropriate to make”

to the time periods required by the bill both before and after an application is made, the age at which a person can apply and the process for 16 and 17-year-old applicants.

Amendment 76 varies the wording of section 15B in relation to the timing of the review. The bill currently requires the Scottish ministers to begin the review

“no later than three years after section 2 comes into force”.

That requirement would be altered so that the review takes place

“as soon as ... practicable after the end of the period of 3 years beginning with the date on which section 2 comes into force”.

That is to ensure that three full years' worth of data will be available for the review to examine, and it will provide the Scottish ministers with a little flexibility in the case of unforeseen circumstances that could prevent the review from starting.

Amendment 78 expressly sets out that, in carrying out the proposed review,

“the Scottish Ministers must have regard to any data provided to them about the effect of a person obtaining a gender recognition certificate”.

Amendment 90 sets out that the report must include

“any other steps that the Scottish Ministers intend to take as a result of the review.”

The review may, of course, include further matters that are not explicitly covered in the amendments, but it must, as a minimum, cover those items. The bill's existing provision that the registrar general is not required to publish information if it risks identifying an individual who has applied for a GRC will also still apply.

Amendments 75, 77, 79 to 81 and 89 are largely tidying amendments that are necessary to make the section read correctly as a whole.

The amendments in the group bring together a wide range of areas that must be reported on when the bill's provisions are commenced. They are comprehensive and, collectively, they reflect the views of members from across the chamber, as well as the views of the Government. They provide reassurance that the bill's provisions and their effect will be monitored and reviewed. Taken together, they provide a sensible way forward, and I hope that all members will be able to support them.

I move amendment 56.

**Pam Duncan-Glancy:** Amendment 76A aims to ensure that we consider properly the impact of the legislation and that we therefore comprehensively review it over time. As has just been outlined, amendments from my colleague Jackie Baillie and

from the Government seek to ensure that such reviews take place. My amendment will ensure that such reviews take place four times, with the first review taking place within three years of the bill's provisions commencing.

Scottish Labour knows how important the operation of the bill is and that some people have concerns about it. It is therefore essential to consider what further changes might be needed further down the line to ensure that the process works for trans people and the wider public. My amendment seeks to monitor that. In short, it is designed to ensure scrutiny so that, should improvements be needed or, indeed, should the concerns that have been raised come to pass, the Parliament will be able to address them.

**Russell Findlay:** Today is the shortest day of the year, but it perhaps feels like the longest, so I will try not to make it any longer.

I will begin by explaining what I had hoped to do through amendments in this group, which is largely about future scrutiny of the bill. Last year, a UK Government statutory instrument was introduced that made it no longer an offence in England and Wales to disclose information about a person's GRC status for the purpose of the management of offenders. To my surprise, that SI was not emulated by the Scottish Government by way of a Scottish statutory instrument. UK-wide consistency is important for trans people and the general public; after all, we are already aware of the potential for confusion and other repercussions between the home nations of the UK. The Scottish Government's inaction on the matter perhaps tells us something more generally about the lack of safeguarding considerations in relation to self-ID. I attempted to introduce such a statutory instrument another way by lodging an amendment to the bill. However, that was deemed by the Presiding Officer not to be within the scope of the bill.

I mention that because it relates directly to Jackie Baillie's amendment 83, which asks ministers to review the prohibition of disclosing someone's protected information in relation to a GRC. I agree with Jackie Baillie that the Scottish Government should review that prohibition, but I believe that such a review should also ask and assess when it is appropriate to disclose someone's GRC status for the purpose of managing offenders, as the UK Government's statutory instrument already does. It is worth recording for completeness that the amendment is linked to my amendments 30 and 31 in group 8 but, for members' information, amendment 83A could be passed separately to them.

Turning to my final amendment—thank goodness—I believe that the Scottish ministers should consider laying an SSI separate to the bill. Amendment 134 relates to that, and it is fairly

straightforward in obliging Scottish ministers to provide an explanation of the reasons why they might choose not to do so.

I will now briefly address some of the other amendments in this group, which Jackie Baillie has described as comprehensive and collective. I will support amendments 83 and 91 as they generally seek to achieve the same thing. Jackie Baillie's amendment 56 is a consequential amendment to amendment 84, which would require any review of the bill to include the impact of the legislation on the placement of trans people in prisons. I will support that amendment, so that we can properly establish the impact of the bill on women's safety in prisons.

Amendment 84A is a technical consequential amendment to amendment 84, and I will support it, too. Amendments 75, 77, 79 to 81 and 89 are also technical amendments, and I will support them. Amendment 60 seeks to remove section 14B from the bill, thus removing the review of time periods that is set out in that section. I understand that various amendments from Labour MSPs are effectively replacing that provision, so I am happy to support amendment 60.

Amendment 76, also in the name of Jackie Baillie, is a substantive amendment that would alter the initial review period of the act, which was originally set out in section 15B, and amendment 76A, in Pam Duncan-Glancy's name, would further alter that period.

I am pleased to support amendment 78, which would require ministers to consider relevant data on

“the effect of a person obtaining a gender recognition certificate”

when carrying out a review of the bill, which should be common sense to the Government.

Amendment 82 would require ministers to report “the impact”

of the bill

“on transgender people”,

specifically on those people below the age of 18. I do not support under-18s being able to apply for a GRC, so I will support that amendment, as it will at least require ministers to measure, analyse and report on the bill's consequences for those under the age of 18 who seek a GRC.

Amendment 85 would require any review of the bill to include the impact that it has had

“on the provision of services by Scottish public authorities”.

I will support that amendment as well as amendments 86 and 87, which would require a review of the bill to consider any further

amendments necessary to the Gender Recognition Act 2004.

I am now in the home straight. Amendment 90 would require a review to consider changes that could be made to this piece of legislation and amendment 90A determines the length of the review period. I will support both.

Amendment 88, in the name of Ruth Maguire, would require

“the impact of the Act on Disclosure Scotland”

to be considered. My own earlier amendments sought to include a disclosure check on applicants, which Disclosure Scotland would administer. They were unsuccessful, but nonetheless I will support amendment 88.

**The Deputy Presiding Officer (Annabelle Ewing):** I call Pauline McNeill to speak to amendment 84A and other amendments in the group.

**Pauline McNeill:** Amendment 84A is a very small amendment that seeks to include in the list of data to be collected those with—and those without—a GRC, for completeness. It just adds to amendment 84's substantive list.

That is all I wanted to say.

**The Deputy Presiding Officer:** I now call Ruth Maguire to speak to amendment 88 and other amendments in the group.

**Ruth Maguire:** I will not press amendment 88.

**The Deputy Presiding Officer:** Thank you, Ms Maguire. I now call Jamie Greene.

20:30

**Jamie Greene:** I commend Pauline McNeill for her remarkably short contribution on the group.

I will speak briefly to amendments 84 and 90. Jackie Baillie's amendment 84 replicates an amendment that I lodged at stage 2. It is a welcome amendment, and it is good to see it making a return. However, it seems to include an additional element. It would insert the following words:

“any impact the amendments made to the 2004 Act by this Act have had on the provision of gender identity healthcare by health boards and special health boards”.

It was not explained why that element was added. However, it is a welcome amendment, given that, in group 17, which I hope that we will come to shortly, we will discuss similar issues. Therefore, at least that would be in the bill.

There has clearly been a lot of division over pretty much every amendment that we have discussed over the past few days, but I hope that there is some consensus among members that

Jackie Baillie's amendment 90 would make a welcome addition. Amendment 90 would mean that, as a result of the review, ministers would have to set out any changes that they considered to be appropriate to three specific things: the minimum periods of living in the acquired gender; the age at which a person can apply for a GRC; and the application process for 16 and 17-year-olds. By and large, those three issues have been matters of debate and division.

However, there is something that I am not clear about, and I might ask the cabinet secretary to respond on this. It is not just a case, as a result of amendment 90, of setting out changes proposed by ministers or the Government of the day. It is not clear what would happen thereafter. For example, what would happen if the changes—in any direction—to the major provisions that underpinned the legislation were quite substantial? Would that be presented to Parliament via primary legislation or a reset of the bill? Would it be done through secondary legislation that is subject to the affirmative procedure, or would it go through the appropriate committee of the day? I do not think that the amendment quite specifies that. If that is specified later in the bill, I would be grateful if the minister could point me in that direction.

I mention that only because it is important that, after the review period—it is not that far away; it would possibly be in the next parliamentary session, if such a period transpires—members of the Parliament in that session would be able to scrutinise any proposals and changes in a way that would largely replicate the debate that we have had this week and could reopen it. People must be held to account for those decisions, which should be debated by future members of the Parliament. I ask the cabinet secretary to reflect and comment on that in her closing remarks. That aside, it is good to see these areas coalesce into a single reporting requirement, which I will support.

**Maggie Chapman:** I begin by thanking all those who were involved in the discussions that led to the amendments in Jackie Baillie's name. As we heard, stage 2 committee deliberations covered many issues on which different members wanted reviews. My amendment, which was accepted at stage 2, to review the impact on trans people of the time periods for living in their acquired gender and for reflection, and to report on what changes to those might be appropriate, given that review, is captured by amendments 82 and 90. The bill deals with a process that affects trans people, so I believe that it is right that its impact on them is at the forefront of the review process.

I am grateful to everyone who worked together to ensure that these amendments were presented in a coherent and consistent way and represent, as Jamie Greene has just identified, a clear review

process. I think that that shows some of the best of the consensus and compromise working that we have undertaken across the chamber as part of the post-committee process.

Were it up to me, I would not have included some of the reviews that are now part of the process, but I agree that this is actually the best way forward. I thank everyone for working on these amendments in Jackie Baillie's name.

**Shona Robison:** I agree with members that, as with all legislation, it will be important to review the impact of the act. As I undertook to do at stage 2, I have worked with members to make a number of areas that were raised at stage 2 coalesce into a single review requirement. I was pleased to be able to work with Jackie Baillie on these amendments, which reflect a number of helpful conversations with members across the chamber in relation to suggestions for additional areas to review and report on. Those members included Maggie Chapman and, in relation to amendments that were agreed to at stage 2, Claire Baker and Jamie Greene. We also expanded on the provision in the amendment that was lodged by Pam Duncan-Glancy.

Amendments 76A and 90A, in the name of Pam Duncan-Glancy, would require the Scottish Government to review the impact of the act after three years, eight years, 13 years, and 18 years, which we think is a disproportionate review requirement for a bill that is about an estimated 250 to 300 trans people per year being able to apply for a gender recognition certificate.

**Pam Duncan-Glancy:** The review period that I have suggested is for the bill to be reviewed four times. The reason that it goes on for that length of time is to allow the proper collection of data and understanding of the impact of the act. I do not think that that was particularly well characterised in the way that the cabinet secretary set it out. I hope that she will agree on the need for review over a period of time so that we can get proper longitudinal analysis of the presumably positive impacts that it will have for trans people—I concur with my colleague Maggie Chapman in that regard—but also of other impacts that may or may not transpire.

**Shona Robison:** There will, of course, need to be further reviews after three years, but we do not think that specifying them to be every five years is proportionate. As with all legislation, the operation of the act will be kept under review, and it can be updated as needed by the Parliament. As I said, however, the amendment is disproportionate and I am not able to support it.

I also cannot support amendments 83A and 134, in the name of Russell Findlay, as they completely duplicate what has already been

provided for in the bill. We will review whether further exceptions are required under section 22 of the 2004 act. We will set that out in due course.

I cannot support amendment 84A, in the name of Pauline McNeill, because it is already covered by the amendments in the name of Jackie Baillie, which contain provision to review the impact of the act on the accommodation of trans prisoners, including those both with and without a GRC. That was introduced by amendments lodged by Jamie Greene and agreed at stage 2, and it was incorporated into this one overarching review and report section of the bill.

I do not support the amendment in the name of Ruth Maguire, which would require us to review the impact of the bill on Disclosure Scotland, but I heard her say that she did not intend to move that amendment anyway.

On the question that Jamie Greene asked around how any changes that may be required after review would be done, it would depend on what those changes were. For example, making exceptions under section 22 could be done by regulations, as could some other things. However, changing fundamentals such as the requirements for issuing a GRC would require primary legislation. It would depend on the seriousness of the change that was required. I suspect that Parliament would want us to come back to it with any substantial changes of that nature. I will leave that there.

**The Deputy Presiding Officer:** I call Jackie Baillie to wind up and to press or withdraw amendment 56.

**Jackie Baillie:** I will be brief. There has been a considerable degree of consensus around the chamber in relation to these amendments, as members acknowledge the importance of keeping the legislation under review. The amendment is intended both to address the concerns expressed to all of us and to ensure that the legislation works effectively for those applying for a gender recognition certificate. I am grateful to the Scottish Government for its support. I press amendment 56.

**The Deputy Presiding Officer:** The question is, that amendment 56 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foysol (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McCall, Roz (Mid Scotland and Fife) (Con)

McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollak) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 121, Against 0, Abstentions 3.

*Amendment 56 agreed to.*

#### After section 14A

**The Deputy Presiding Officer:** Group 16 is on operation and impact of the act. Amendment 122, in the name of John Mason, is grouped with amendments 57 to 59, 67, 68, 13, 14, 71, 131 and 136.

**John Mason:** I confess that I would rather have been at the carol service this evening, but there we go. I will speak to amendment 122, concerning prisons, and I will mention some of the other

amendments in the group. I think that one of my colleagues will speak more about amendment 71 and the issues around human rights.

During the discussions on the bill, prisons have featured prominently, especially the question of who should be in which prison. The cabinet secretary has already said this evening that guidance is being reviewed, and that is welcome. Having asked a number of questions in the past, I understand that each case is currently decided on its own merits. Therefore, someone who was born a man but identifies as a woman could be placed in a women’s prison if they are reckoned not to be a threat to women and to be at risk by being in a men’s prison. It is important that the risks both to other inmates and to that person are taken into account. As far as I am concerned, that is a reasonable approach, and amendment 122 seeks to confirm the current position as I understand it.

By contrast, I understand that, in the United States, an inmate can demand to be placed in a women’s prison even if they might be considered a threat to women, and I think that it would be a mistake to go down that route.

I also support Pam Gosal’s amendment 57. If we are going to be truly inclusive, we need to be sensitive to ethnic minorities and religious groups. We should not say that modern, secular, western culture is somehow better than other cultures—or, for that matter, better than previous cultures in this country. Therefore, a review and a report make absolute sense to me.

I am also broadly in support of Brian Whittle’s sport-related amendments 58, 59 and 67. There are already problems around the world on the topic of sport and, at the very least, we need to keep a watchful eye on how things develop.

I move amendment 122.

**The Deputy Presiding Officer:** I call Pam Gosal —

**Douglas Lumsden:** On a point of order, Presiding Officer. Has a new business motion been agreed for the timetable for today’s events? Obviously, there are people in the public gallery who expect the bill to either pass or fall tonight, and, as far as I can tell, there has been no guidance on whether that will take place.

**The Deputy Presiding Officer:** I thank Mr Lumsden for his point of order. In fact, when the Presiding Officer was most recently in the chair, she indicated that business aside from the stage 3 amendments would be taken tomorrow and that, subsequent to a discussion at the bureau this evening, a business motion would be put before the Parliament at the end of proceedings on stage 3 amendments this evening. Maybe Mr Lumsden missed that.

**Oliver Mundell (Dumfriesshire) (Con):** On a point of order, Presiding Officer. I seek your clarification, under rule 2.2 of the standing orders, about the basis on which we continue to sit. The last business motion that we passed was motion S6M-07320, which advised that decision time would be at 6.30 pm today. Clearly, the bureau has met and made a decision to change that, but it is not clear why a business motion has not been brought to the Parliament as a whole.

Some members have already expressed concerns about the change to decision time. Others have expressed concerns about the fact that portfolio question time will not take place. Surely, if a decision has been taken by the bureau, it would be reasonable for such a decision to be put before the whole Parliament, so that we can properly revise the business motion.

20:45

**The Deputy Presiding Officer:** I thank Mr Mundell for his point of order. As I have just explained to Mr Lumsden in response to his point of order, as the Presiding Officer indicated a while back, a business motion will be put to Parliament at the end of the stage 3 amendments session this evening. The member will be aware that the standing orders state that the Presiding Officer can make consequential amendments to the business programme as business proceeds and make changes in line with those proceedings. That is where we are just now.

I call Pam Gosal to speak to amendment 57 and other amendments in the group.

**Pam Gosal:** My mission, since I stepped into the Scottish Parliament, has been to ensure that communities—whether BAME communities, people with disabilities or other marginalised communities—no longer go unheard. This Parliament is supposed to be striving to be more accountable, diverse and inclusive, yet it has failed to listen to stakeholders whom the bill will have a large impact on. I am disappointed to see that, aside from my colleagues and several other members, so many members across the chamber have failed to listen.

For many people, knowing the biological sex of a health professional carrying out a medical examination or treatment is extremely important. When we are under medical care, we are often at our most vulnerable.

Amendment 57, in my name, seeks to address concerns that a self-declaration model may exacerbate existing problems with section 22 of the 2004 act. The amendment requires the Scottish ministers to

“prepare and publish a report on a review of the impact of this Act on patients where knowledge of the biological sex

of a health professional carrying out a medical examination or treatment is required, including on religious grounds.”

I hope that I can now answer the question that John Mason asked in the debate on group 13. Religious women and groups have expressed concern that the bill could interfere with the requirements of their religion. For example, for many religious women, particularly in the Islamic faith, it is a religious requirement that they shall not let another man touch or see their body. Such women therefore feel more comfortable using the services of female general practitioners, carers and other medical professionals.

I would like to provide members and you, Presiding Officer, with a real example. My mum is a practising Sikh and my auntie is a practising Muslim. Normally, when they go to the doctor's, my mum—I or my sisters will be with her—or my auntie will ask their questions when they see in front of them a biological female. I am sorry if my terminology is not right; I am trying to put in the simplest form how people such as my mother and my auntie would feel.

When they go to the doctor's, if they see that there is a woman—a biological woman—in front of them, they are quite happy to have their smear test, cancer checks, checks of their breasts, or whatever checks they need. However, if they see a gentleman—a biological male—on the other side of the desk, they will normally ask whether it is possible to have a female do that check-up. That is never a problem. I must say that the NHS staff are fantastic and so accommodating—they are always there to help.

I want the cabinet secretary to tell me how my older mother, sitting there, can ask those questions. What is she asking for? What is she doing? How is she doing it? She is going to break her religion because she cannot ask and they cannot tell. My Muslim auntie is going to break her religion because she cannot ask and they cannot tell her. She is scared, thinking, “Are the right words coming out? Can I say ‘trans woman’ or ‘trans man’? Can I say ‘biological man’ or ‘biological woman’? Can I ask?” [*Interruption.*] Some members can laugh and snigger about that—I am sorry, but I thought that this was a diverse Parliament. I really did.

I have mentioned that in committee—I have tried to bring out the practical points. This is not political; it is about religious beliefs. We need to listen to those people and provide them with the right guidance and the right law, to ensure that nobody is out there discriminating and nobody is out there breaking anybody's religion. We must ensure that the bill does not infringe on the right to freedom of religion.

According to international human rights law,

“The obligation to fulfil”

human rights

“means that States must take positive action to facilitate the enjoyment of basic human rights.”

However, I have with me today letters from both the Muslim Council of Scotland and the Scottish Association of Mosques. Those letters are not based solely around the freedom of religion that the bill calls into question; they are about concerns for women, children and vulnerable individuals.

I remind members that those religious organisations are not alone. Other religious organisations were frightened to come to committee to voice their concerns. We heard that in a private session—it is not simply hearsay, or something that I am saying. It has been voiced in a private session. I am not going to ignore those voices as other members in the chamber have done.

**Ruth Maguire:** I appreciate what Pam Gosal is saying, and I am listening to her carefully. Would she agree that even if not every person of faith needs such single-sex care, we have to listen to those who do?

**Pam Gosal:** I thank the member for asking that question—she must be psychic, because I am going to go on to that point next. We absolutely need to look not just at care for those with religious beliefs, but at the care that we provide for many different and diverse people.

My colleague Jeremy Balfour highlighted that point with regard to care earlier, and I will go on to speak about it in relation to my amendment. I have been contacted by so many people who are concerned about what the bill will mean for vulnerable individuals, such as those with disabilities, those who have a carer and those in care homes.

There was a particular letter that stuck with me, on an issue that I have raised previously. A constituent wrote to me to ask what the bill would mean for an elderly woman in a care home, and whether she could be guaranteed a female carer to wash and dress her. As it stands, I cannot answer with confidence how the bill will affect that elderly woman.

Ultimately, by removing all safeguards in the process, the bill will open up the GRC process to a group of unknown size and characteristics. Given the existing privacy protections in section 22 of the 2004 act, many service providers will simply not be at liberty to confirm to a patient whether the individual who is treating her is biologically female.

I therefore ask the Scottish Government to fulfil its obligation to

“take positive action to facilitate the enjoyment of basic human rights.”

In the absence of amendments to the section 22 privacy protections—that was covered in my amendments at stage 2, but those amendments were, it is no surprise, again voted down—the least that the Scottish Government can commit to is monitoring the impact on rights by monitoring

“the impact of this Act on patients where knowledge of the biological sex of a health professional carrying out a medical examination or treatment is required, including on religious grounds”

and setting out

“any steps”

that it considers necessary in response

“to any concerns expressed as a result of the review.”

I support my colleague Jeremy Balfour’s amendments 13 and 14, which would ensure that the bill does not negatively impact freedom of thought, conscience and religion, as set out in article 9 of the European convention on human rights. Similarly, I support Ash Regan’s amendment 71, which would have the same effect.

I support amendment 122, in the name of John Mason, which would ensure that the bill will not change how prisons currently operate.

I also support my colleague Brian Whittle’s amendments 58, 59, 67 and 68, on the impact of the legislation on sports. Biological males have a biological advantage over biological women, and increasing the number of GRCs could lead to more trans individuals participating in sport.

Finally, I support amendment 131, in the name of Tess White, which would require ministers to consult women and girls on how the impact of the bill on women and girls should be reported.

I urge all members to back amendment 57 in my name.

**Brian Whittle:** It is a pleasure to follow Pam Gosal, and I urge the chamber to support her amendment.

I appreciate the opportunity to speak to my amendments. At the outset, I say—I should not have to, but I am going to—that, like every member of this Parliament, I am in full agreement that every person should be treated equally, irrespective of colour, creed, religion, sex or gender. We should all recognise specific challenges that the trans community have had to face and we should all want to create laws that protect them and their human rights in the same way as those of every other person are protected. However, as I have said before, you cannot create equality for one section of society by creating inequality for another.

Amendments 58, 59 and 67, in my name, speak to the impact of the bill, as currently drafted, on sport, which will be significant. They would require the Scottish Government to publish guidance and collect data on the impact of the bill in that area, as others in this debate have asked for in relation to other situations.

The committee deemed sport important enough to include it in its investigation but apparently did not deem it important enough to take evidence from any sportswomen, despite the committee being offered the option. Instead, it decided that trans activists and men would suffice. That speaks to a global issue whereby women participants are being warned not to speak out when confronted by the prospect of competing against biological males, which silences those who are most affected. Some have been threatened with expulsion from their sports teams and others have even been threatened with expulsion from college or university. However, it surely must be right that all are heard and that those with genuine concerns are not automatically castigated and branded bigoted or transphobic.

My amendments would place a responsibility on the Scottish Government to report on the impact on sport of the legislation and would require the Scottish Government or the registrar general to publish information, guidance or reports on the operation and impact of the provisions of the legislation when it is implemented.

I see that Shirley-Anne Somerville, who is online, is indicating that she wishes to make an intervention.

**The Deputy Presiding Officer:** Could we have Shirley-Anne Somerville, please? Hello? Ms Somerville?

I think that we could continue with Mr Whittle for the moment while we double-check whether Ms Somerville is trying to make an intervention.

**Brian Whittle:** Thank you, Presiding Officer. I will give way, instead, to my colleague Stephen Kerr.

**Stephen Kerr:** Brian Whittle introduced the idea that certain athletes were being challenged with regard to their preferences about whom they would compete against, and that there were threats that they would be removed from universities or colleges. In the interests of clarity, I would like to know whether that happened in Scotland or somewhere else, because—

**The Deputy Presiding Officer:** Mr Kerr, could you please face the front of the chamber, so that the microphone can pick up your voice?

**Stephen Kerr:** Yes, I understand your point, Presiding Officer. The compulsion to look at the people one is speaking to is quite strong.

**John Swinney:** You have to use the microphone.

**Stephen Kerr:** I understand that—thank you for the education.

**Graham Simpson:** You are supposed to speak to the Presiding Officer.

**Stephen Kerr:** Yes, I understand that, and I am grateful to the chief tutor on the Government benches for explaining it.

**The Deputy Presiding Officer:** Mr Kerr, could you please complete the intervention?

**Stephen Kerr:** My intervention is completed, but I have so many people willing to help me.

**The Deputy Presiding Officer:** Excellent. Mr Whittle, please continue.

21:00

**Brian Whittle:** I thank my colleague for his intervention. The fact is that this is happening across the United Kingdom and globally. It first came to my attention in the USA and Australia, it happened down south and it has now happened in Scotland. It is happening globally.

I am not asking for any data to be collected that is not routinely collected by many sports already. Members and competitors are categorised by sex, age and disability, and many sports now give the option of male, female and non-binary under the sex category. That kind of data is necessary to ensure that the sport offered takes its membership into account when delivering fairness for competitors.

I am going to quote the Equality and Human Rights Commission's stage 2 briefing paper, and I think that it will be of interest to the cabinet secretary, because it contradicts quite a lot of the position that she took when considering other amendments around guidance and reporting—amendments such as those of Jackie Baillie, Claire Baker, Pauline McNeill, Rachael Hamilton and Sue Webber. In its submission, the Equality and Human Rights Commission said:

"We have highlighted several areas where the effect of the Bill's provisions on the operation of the protections from sex discrimination in the Equality Act is unclear and have urged further consideration before legislative change is made. Additional requirements to publish information and guidance, and to publish reports on the impact of the legislation, for example, on the provision of single-sex services, on trans people, on religious groups and in sport could usefully assist in ensuring the effective implementation of the Act and in monitoring its impact in practice. We recommend that such amendments should be considered."

I am interested in hearing the cabinet secretary's response to that.

The Equality and Human Rights Commission went on to say:

“These amendments seek to insert specific provisions in the Act dealing with the implications for single-sex services and the definition of, and data collection on, the protected characteristic of ‘sex’ in the Equality Act.

By broadening the group of trans people who will be able to obtain legal gender recognition, the proposals have significant implications for the operation of the Equality Act in Scotland. Whilst the Equality Act makes provision to treat people with the protected characteristic of gender reassignment differently from others sharing the same legal sex in certain circumstances and where justified (for example, in relation to occupational requirements, separate- and single-sex services, sport and communal accommodation), such provision does not apply in every context contemplated by the Act.”

There is a reason why we must support these amendments, and I have stated it many times in Parliament. It is that sport should be available and participation encouraged for all, irrespective of background and personal circumstances, which, of course, includes trans athletes. However, sport globally is in turmoil trying to deal with the trans community’s participation in sport. It varies from sport to sport and from country to country, and even—in the United States—from state to state. It means that some trans athletes participate as women locally but they must participate as a man nationally or internationally, and there is precedent for the trouble that sport gets itself into when trying to approach such issues.

Intersex athletes have been in the news a lot in recent years, as high-profile runners such as Caster Semenya and Dutee Chand have come under scrutiny for having some physical features that are commonly associated with men. World Athletics says that intersex women such as Semenya, who have XY male chromosomes instead of XX female ones, account for just over seven in every 1,000 elite female athletes. To put that in context, that is 140 times more intersex women than there are in the general population, with a still higher podium presence. Caster Semenya won the women’s Olympic 800m and dominated the event for several years; she is a wonderful athlete. Burundi’s Francine Niyonsaba won the 800m silver medal and Kenyan Margaret Wambui won the bronze medal. Initially, they were banned from competing. Then they were told that they must take testosterone-suppressing drugs to compete in certain events, which made Semenya sick. All have subsequently been banned from competing in events from the 400m to the mile. Semenya is currently in a legal battle with World Athletics to be allowed to compete in her preferred events.

By coincidence, I got a call this morning from Frank Dick, who was the director of coaching for UK Athletics and is now one of the most celebrated coaches in the world, working across

many sports. As it happens, he was the director of coaching for the South African Olympic team for the 2016 Olympics and worked with Semenya’s coach. He told me that not only was Semenya destroyed by the sport’s inability to deal with her issues, her family and the community that she came from were destroyed.

**Jamie Greene:** I am extremely grateful for the member’s contribution, illustrating some real-life examples. Given his experience and knowledge of the subject that he is eloquently speaking to, notwithstanding the wording of his amendment, which talks about reporting requirements and presenting numbers to Parliament, does he have any ideas on what the solution to this conundrum might be? It sounds as though it is very complex and I am sure that lots of members, whatever their views, will have a lot of empathy with these organisations as they approach what are quite sensitive and difficult subjects. Is there a solution to this?

**Brian Whittle:** Again, Mr Greene has obviously read my mind, because I am coming on to that.

Rather than protect intersex athletes, sport’s clumsy approach has caused them harm, much as I believe the same thing will happen and is happening to trans athletes.

To come to Mr Greene’s question, Kenyan Olympic bronze medallist Margaret Wambui competed alongside Semenya in 2016 in the 800m event. She, too, was barred from competing in her preferred race due to her elevated testosterone levels. Wambui, who also refuses to take medication to reduce her testosterone levels, suggested that World Athletics introduce a third category to international sports competitions to include intersex people. She said:

“It would be good if a third category for athletes with high testosterone was introduced because it is wrong to stop people from using their talents.”

Who could disagree with that? These are wonderful athletes who need the opportunity to participate and I concur with what she says. That approach has been tried—the New York marathon introduced a non-binary category. This year, the entries to that category increased by 300 per cent, which tells me that those in that category are now feeling validated and more confident about having a place in sport, which is surely exactly what we want. However, there is still a significant issue to settle, in that the trans woman who won the category and collected the £10,000 prize money finished outside the top 1,000 overall finishers. Now, tell me that that is not a situation that is not open for exploitation by the unscrupulous—checks and balances are still needed and there is a long way to go.

National governing bodies are unsure of the legalities on which they can act and feel that they may leave themselves open to court action on the ground of prejudice or, conversely, if a trans athlete is injured or injures a fellow competitor, open to legal action for failing to take appropriate action to protect the safety of participants.

In other words, many sports are not taking any action for fear of making the wrong decision. Clear guidance is required from the Scottish Government; it cannot be subjective. I was asked by a national governing body whether, if it took action to prevent a trans athlete from competing on the ground of safety or on the ground that the trans athlete had a material advantage from the sex in which they went through puberty, it would be acting illegally. It is not just national governing bodies that have to make these decisions in sport. Teachers and coaches have exactly the same issue when selecting teams. I am one of those coaches—I am qualified as a senior level 4 coach, I am a former chair of the Scottish Athletics coaches and I am a member of the European Athletics Coaches Association—and I do not know.

The fallout from an incorrect decision is significant. In male and female athletes who are of the same size, a male athlete can generate approximately 160 per cent of the force that a female athlete can. A person who has been born male and transitions to female retains many of the male characteristics that can provide them with a huge unfair advantage.

I never thought that I would have to talk about the quadriceps angle at the hip—the Q angle—which is the angle between the hip and the knee. When a woman goes through puberty, that angle changes into a position that enables her to give birth, which impairs her ability to apply force. Male athletes have a bone density of approximately 30 to 33 per cent more and a muscle mass of approximately one third more than female athletes. They have greater lung capacity and bigger hearts. Women also have to deal with menstruation when competing in sports, as was highlighted by Dina Asher-Smith and Eilish McColgan during the summer, and they have to go through the menopause.

In the case of trans men competing in women's sports, if they are transitioning, they are likely to be receiving hormone replacement therapy. According to the World Anti-Doping Agency, those hormones are illegal because they give women an unfair advantage in terms of muscle growth and exercise recovery. In other words, the treatment is tantamount to legalised doping. It is generally only at elite level that anti-doping is present, which leaves every other level of competition open to significant inequality.

I will give an example of the differences between male and female sport. I will go all the way back to 1985, when German Democratic Republic athlete Marita Koch broke the world record for 400m and completed it in 47.60 seconds. Of course, that country had a state-sponsored doping programme. Since 1985, no women have got anywhere near that time. However, last year, that time was beaten 10,000 times by men. I have spoken about Caitlyn Jenner before. She brought the issues that are facing the trans community to the fore and has done incredible work in that area. In 1976, she won the male decathlon Olympic title. She states that trans women should not be able to compete in women's sport—and she should know.

Surely we cannot have women being excluded from sport, as they currently are, because politicians cannot openly discuss concerns and develop decent law that is fit for purpose. I do not think that that is happening only at elite level; it is happening across all age groups and abilities, in our schools and our sports in this country. Let us not forget the potential impact on the insurance of sport and of teachers and coaches. With increased risk comes increased cost. The chamber may not want to recognise risk, but members can be sure that insurance companies will. When change is being considered, the consequences need to be anticipated.

During stage 2, the cabinet secretary told me that she cannot be expected to decide which sports are affected. However, she does not need to do that, because sport has already done that for her. That is why sport has a women's category to ensure that there is fairness and safety. More than 1 million women and girls are participating in sport in Scotland. It has been a long fight to try to get equality between men's and women's sport, and we have come such a long way in my lifetime. When passing the bill, it is imperative that the Government considers the impact that it will have across all members of society, and that it does not pass the buck and negate its responsibilities for the changes that it proposes. We must protect women's rights in sports, as well as ensuring that trans rights are protected, just as they are for every person.

**Gillian Mackay:** On a point of order, Presiding Officer. There has been an accident at the back of the chamber. Could we suspend the meeting for a few minutes?

**The Deputy Presiding Officer:** Absolutely. The meeting is suspended.

21:14

*Meeting suspended.*

21:35

*On resuming—*

**The Deputy Presiding Officer:** I can advise that one of our colleagues was unwell, but I have been assured by a business manager that the individual is, in fact, feeling better now. On that basis, we will resume business.

**Jeremy Balfour:** On a point of order, Presiding Officer. Would you accept a motion without notice to adjourn for this evening? [*Interruption.*] I appreciate that some members do not want to hear from disabled members, but we will not be silenced by shouting.

**The Deputy Presiding Officer:** Could we please listen to the member who is on his feet?

**Jeremy Balfour:** Thank you, Presiding Officer. I have made this point on two occasions—I made it twice yesterday and I rise today to make it again.

We have seen the business motion for tomorrow. We know that we are returning tomorrow afternoon. At that point, there will be the opportunity to consider the rest of the amendments. In my view, we should now adjourn so that we can rest and so that those who have caring responsibilities can go and meet those responsibilities. All members could then return tomorrow to complete this process in an orderly way. I ask that such a motion be accepted.

**The Deputy Presiding Officer:** I thank Mr Balfour for his point of order. I advise him that the welfare concerns that have been raised today and yesterday have, indeed, been noted. The Parliamentary Bureau has decided to proceed with consideration of stage 3 amendments this evening, so we will continue with the business that has been agreed by the bureau. I am therefore not minded to accept the motion without notice.

**The Minister for Parliamentary Business (George Adam):** On a point of order, Presiding Officer. I can provide some clarity. Our colleague wants business to proceed. She is keen to vote remotely from a room where she is a lot cooler and comfier.

**The Deputy Presiding Officer:** I thank the minister for that update.

**John Mason:** On a point of order, Presiding Officer. I take the points that have been made already. I know that the Presiding Officer and the Deputy Presiding Officers have been very generous in giving people time, but would it be possible for you to encourage members to make shorter speeches so that we reach the end quicker?

**The Deputy Presiding Officer:** I thank Mr Mason for his point of order. I point out that, in the course of stage 3 proceedings, no member has

been subject to a time limit, so it would perhaps be somewhat incongruous to proceed on a different basis now. However, all members will have heard the point that Mr Mason has made.

I hope that we can now return to stage 3 proceedings. I think that Mr Whittle was finishing up.

**Brian Whittle:** I will not start again, Presiding Officer.

We wish our colleague well and are thinking about her.

More than 1 million women and girls participate in sport in Scotland. It has been a long fight in trying to get equality between men's and women's sport, but we have come such a long way in my lifetime.

It is imperative that the Government considers the bill's impact across all of society. It should not pass the buck or negate its responsibilities for the changes that it proposes. We must protect women's rights, as well as ensuring that trans rights are protected. The same applies to every person. We all want equality in society. However, as I have said before, we do not create equality for one group by creating inequality for another.

Much has been made of other countries adopting similar trans rights, so I took the opportunity yesterday to look at Denmark's experience of developing trans rights. Denmark recommended that sex should determine participation in elite sport events and that otherwise sensible measures be taken to ensure a balance between the inclusion of trans-identified people and, for example, women. Those recommendations were met with harsh criticism from Danish LGBT organisations, much like some of our comments have been, too. However, the recommendations were made due to an understanding of the growing need to protect women's sport, as well as to include trans-identified people where it is reasonable to do so and where it is not at the expense of girls' and women's possibilities in sport.

**Shona Robison:** For clarity, it would be for the UK Government to decide whether it wanted to do that with sport. What the member has referred to is a reserved matter; he might wish to address that point to the UK Government, because it is not something that the Scottish Government could do.

**Brian Whittle:** I am sure that, as the cabinet secretary was previously the Cabinet Secretary for Health and Sport, she will recognise that, in this country, we have an organisation called sportscotland. [*Interruption.*]

**The Deputy Presiding Officer:** Members! We want to hear one voice at the moment, and it is

that of the member who is on his feet. Please resume, Mr Whittle.

**Brian Whittle:** We can perhaps learn from other experiences and not make the same mistakes that they made.

I am asking the Scottish Government to give guidance on sports for teachers and coaches and saying that relevant data should be collected to establish the consequences of the bill.

Amendment 68 is essential. Not only does it speak directly to the safety of the trans community when seeking healthcare, but it would protect our healthcare professionals in their ability to deliver the very best care to all. To demonstrate that, I will read from a letter that I received from an NHS consultant, clinical scientist and medical physics expert in ionising radiation, who quoted from the statutory regulations on optimising radiation exposure—the Ionising Radiation (Medical Exposure) Regulations 2017—which state, in paragraph 8 of regulation 12, that

“In complying with the obligations under this regulation, the practitioner and the operator must pay particular attention in relation to ... where appropriate, individuals in whom pregnancy cannot be excluded and who are undergoing a medical exposure, in particular if abdominal and pelvic regions are involved, taking into account the exposure of both the individual and any unborn child”

or those

“individuals who are breastfeeding”.

Paragraph 9 of regulation 12 states:

“The employer must take steps to ensure that a clinical evaluation of ... each exposure ... is recorded in accordance with the employer’s procedures including, where appropriate, factors relevant to patient dose”,

one of which is biological sex.

The clinician states that the regulators of IRMER in the four home nations already see examples of gender recognition legislation affecting the safety of patients. For example, a pregnant biological female patient who identified as male was inappropriately exposed to an abdominal computed tomography—CT—scan, which included their unborn child; in another example, a biological male patient who identified as female inappropriately had a CT scan of their prostate, which had been mistaken for a growth during an ultrasound examination.

At the moment, our clinical information systems record sex; they do not record biological sex and gender. As such, there are implications for patient safety, including the safety of unborn children and breastfeeding infants, through gender recognition legislation.

The clinician goes on to say that knowing a patient’s

“biological sex ... prior to the commencement of any medical or clinical treatment’ will clearly become increasingly important as more patients identify with a gender that is different to their biological sex. I therefore fully support Mr Whittle’s proposed amendments to assess the impact of the act and hopefully inform how clinical risk can be mitigated.”

I heard about an instance in which a female who identified as male but did not inform healthcare providers was treated for chest pains and eventually diagnosed with the consequences of endometriosis. That is an inherently dangerous position for a patient, and it is not great for the healthcare professional, either.

With that in mind, it seems ridiculous that consideration is being given to remove the words “woman” and “female” from the vocabulary in a healthcare setting. Are we really going to start calling women “people with a cervix”? Why are we not calling males “people with a prostate”—why the discrepancy? Why does it take a male to stand up in the chamber and highlight the erosion of women’s identity?

Mitigating risk is exactly what I am trying to do with these amendments.

**Ruth Maguire:** It might just be because it is late in the day, but Mr Whittle is surely not suggesting that he is the first person to draw attention to these issues.

21:45

**Brian Whittle:** I am the first person to draw attention to these issues in this debate.

What I am trying to do with the amendments is mitigate risk in sports participation for female, male and trans athletes and protect the trans community with regard to healthcare. The Government cannot create legislation and then abdicate responsibility for the consequences of the legislation for others. That is surely not too much to ask. I ask those members from across the chamber who have spoken to me and intimated that they have reservations about the bill to support my amendments. This is one piece of legislation that, if passed as drafted, will open up routes to harm, especially for women and the trans community.

That is exactly why we wanted the time to discuss and examine the consequences of the bill. That time has been denied by those in Government who are forcing the bill through without proper parliamentary scrutiny. We cannot pass the bill and then think about amending it at a later date as data is collected. We cannot vote for the bill in a vacuum without any checks and balances. I urge members to vote for these amendments. This is not a party political issue, which is why I have a free vote, nor is it anti any

part of society. Rather, it is pro every part of society. It is about making the best law possible from the outset.

I urge colleagues from across the chamber not to hide behind their party colours. If members have any doubts—I know that many do—please, please, do the right thing.

**The Deputy Presiding Officer:** Thank you, Mr Whittle. Members will note that we have passed the agreed time limit for the debate on this group of amendments. I have exercised my power under rule 9.8.4A(c) of standing orders to allow debate on this group to continue beyond the limit in order to avoid the debate being unreasonably curtailed. I call Jeremy Balfour to speak to amendment 13 and the other amendments in the group.

**Jeremy Balfour:** Thank you, Deputy Presiding Officer. I will try to keep my comments reasonably brief.

I will support Mr Mason on amendment 122. On amendment 57, my colleague Pam Gosal spoke very clearly about some of the issues that could arise that I am sure are unintended. I totally recognise that most of us in the chamber do not follow a belief or religion that will be impacted. However, we are also here to protect minority religious groups and to allow individuals to worship in freedom and in a way that they believe to be right. Pam Gosal pointed to examples from the Muslim faith. It is true to say that people from the Jewish faith and some from the Christian faith will also struggle to work out how they will be able to practice their religious freedom. To be able to record and monitor that and to see the effect of the bill on that will be helpful, so I hope that Parliament will support those amendments.

My colleague Brian Whittle spoke very clearly about issues around sport. I will come at that issue from a slightly different angle. I really enjoy watching my two daughters play sport. They enjoy it and it is good for their physical health. In Scotland, we want our children to be more healthy, but we all know that it is difficult to keep them actively involved in sport when they become teenagers; that is particularly the case for female teenagers. As a father, I know that if my daughter suddenly finds that she never wins or never has an opportunity to win or, perhaps, that she is putting her body in physical danger because someone is stronger and bigger than her and physically different, she will simply walk away. That could have dangerous consequences for future generations in terms of keeping young folk fit and healthy.

Amendments 13 and 14 in my name are fairly straightforward. If I am honest, I think that Ash Regan's amendment 71 is probably better, so if I must choose, I would choose her amendment

before mine. However, my amendments seek to do a similar thing—to recognise that we have diversity in society and that we must protect every protected characteristic, whether it is religion, disability or another one. We are simply asking that the bill have that at its heart, so that people understand how it all fits in. I also support my colleague Tess White's amendment 131.

**The Deputy Presiding Officer:** I call Ash Regan to speak to amendment 71 and other amendments in the group.

**Ash Regan:** In Norway, a female artist is facing criminal charges for stating that men cannot be lesbians. I fully accept that some people hold beliefs that I do not agree with. I, no doubt, hold beliefs that others would not agree with, but I would not compel others to agree with my beliefs. We should all be free to express ourselves and, indeed, even to cause offence. That is important. The wider debate on the issues has not benefited from the attempt to shut down questioning voices and voices that suggest things that other people may not believe in.

On the point that Mr Whittle raised, it is very important that women feel that they have the right to the words that describe them, their lives, and their experiences.

I recently happened to listen to a recording of Mary Richardson. She was describing her time as a suffragette and how she was once on the train having left the scene of an act of civil disobedience. She sat in the train carriage and listened to man after man after man describe all the violent ways that they would like to kill a suffragette if they ever saw one, obviously not realising that there was one sitting among them in the carriage. I must say that I was quite struck by the parallels that we are facing today in the form of threats to women who speak out, including their being threatened with rape and murder. Even 100 years later, men still feel entitled to threaten and kill women simply for saying something that they do not agree with.

I want to ensure that nobody is compelled to speak about a holder of a GRC in a particular way simply because they hold a GRC. The judgment in *Maya Forstater v Centre for Global Development* made clear that protection of a belief means nothing without the ability to express that belief. We need to be clear that a process of state certification does not in itself introduce new constraints on article 10 rights, except in so far as the bill explicitly introduces those constraints.

I will also talk about the effect of section 22—which has already been raised by Ms Gosal—on what people may lawfully say. I also attempted to lodge amendments on the subject—as, I know, Ms Baker also tried to do at earlier stages. Those

amendments would have allowed us to discuss whether the provisions of that section remain appropriate for what is now a much larger and more varied group of GRC holders than was envisaged by the legislation from 2004.

The Employment Lawyers Association has previously queried whether section 22 of the 2004 act remains the best approach to privacy protection due to its potential to have a chilling effect on lawful information sharing. The association asks why the protections that are properly afforded to everyone with a protected characteristic of gender reassignment, whether or not they have a GRC under the Equality Act 2010, need to be enhanced in this way for GRC holders only. I take this opportunity to put on the record my understanding that the offences in section 22 of the 2004 act apply only to a person who has obtained information about a GRC holder in an official capacity, and have no relevance outside that context and pose no other additional legal constraints relating to GRC holders or individuals who are going about their day-to-day lives.

I would welcome an undertaking from the cabinet secretary that the Scottish Government will look very carefully at the amendments that were rejected as inadmissible, in terms of their having suggested additions to the exceptions in section 22 of the 2004 act. It would be reassuring for the chamber to hear the minister confirm that the Government is open to using its power to amend section 22 by order before the bill is brought fully into force, where that can be properly justified. I am aware that in 2019 a commitment that remains to be fulfilled was made to look further at section 22. Now is, of course, the time to tie up that loose end.

**The Deputy Presiding Officer:** I call Tess White to speak to amendment 131 and other amendments in the group.

**Tess White:** Over the past few days, we have heard from several members about how important reporting is. Amendment 131 would create a statutory duty for ministers to consult on how, and how often, they should report on the legislation's impact on women and girls. Ministers must then make regulations that specify the details for reporting on that impact.

Amendment 136, which goes hand in hand with amendment 131, would delay commencement of section 2 until the regulations have been made.

I have brought those amendments back from stage 2—with modifications—for two reasons. I was deeply concerned by the lack of debate on the amendments during stage 2. The cabinet secretary gave them nothing more considered than a cursory mention in a massive grouping. By dodging the key issues and denying that there is a

problem to begin with, the discussion of the amendments at stage 2 felt like a microcosm of the wider GRR debate and the bill's impact on women and girls.

However, events since stage 2, over just a few short weeks, demonstrate precisely why amendments 131 and 136 are needed. The UN special rapporteur on violence against women and girls has raised concerns that the bill's proposals present potential risks to the safety of women.

Meanwhile, last week's court ruling underscores further why the legislation's impact on women and girls should be reviewed on a statutory basis, as we move forward. It states that

“sex’ is not limited to biological or birth sex”

and that a person who obtains a GRC in their acquired gender legally changes their sex. Like Pauline McNeill, I am confused by that. The Scottish Conservatives called for the bill to be paused while the implications of the verdict are considered, but the Scottish Government has ignored those calls. However, it desperately needs to recognise that the legislation gives the key to the door to an undefined group of people by making it significantly easier for them to change their sex.

I believe that the intent of the bill is good, but the unintended consequences could be greater for the rights and safety of women and girls. Those who act in bad faith will exploit loopholes in situations where there is access to women and children, and there is a real risk that women will self-exclude from services.

Last night, vital safeguards that were proposed by Russell Findlay and Michelle Thomson were rejected. More than ever, post-legislative scrutiny of the bill's impact on women and girls is so important.

**Gillian Martin (Aberdeenshire East) (SNP):** First, I am glad that Tess White voted for my amendments, which have the same effect as Russell Findlay's and Michelle Thomson's amendments would have but were actually competent and in line with the European convention on human rights. [*Applause.*]

**Tess White:** I thank Gillian Martin for that, but I did not feel that they were robust enough. Gillian Martin and I both come from the energy sector, which looks at risk and risk management. It also really focuses on data and data reporting, which are the substance of my amendments.

The cabinet secretary objected not to the substance of the amendments, but to their drafting. As such, I instructed the bill team to make them clearer in order to address those concerns. There are some strong amendments in the group, and I am supportive of them all.

I will briefly highlight Brian Whittle's amendments 58, 59 and 67 on sport. Statutory changes through the GRR bill will have a significant impact on sport. That is already happening, but the legislation will accelerate it. It has implications for the safety of competitors and for fairness. It is only right that that should be reviewed on a statutory basis, and it is the responsible thing to do.

My amendments are a bandage and a sticking plaster. I deeply regret the Scottish Government's disastrous handling of this aspect of the process, but this is an opportunity to change course. Therefore, I strongly urge colleagues to support amendments 131 and 136.

22:00

**Kenneth Gibson (Cunninghame North) (SNP):** I speak in support of my colleague John Mason's amendment 122.

A particular area of concern with the bill has been its potential impact on the female prison population. Whatever the reason for a woman being imprisoned, what matters is that they are in the Scottish Government's custody and care, and it falls upon ministers to do their utmost to ensure that those often vulnerable women are safe while serving their time. A 2011 Swedish cohort study analysed crime rates after surgical sex reassignment of male-to-female trans people—*[Interruption.]* That was not my alarm, I am glad to say. The study found that those people retained a male pattern regarding criminality and violent crime. Trans women are therefore no more or less likely to commit crimes than any other biological males.

Official UK Government data shows that, as of March this year, the total number of transgender prisoners in England and Wales was 230, 97 of whom are sex offenders—around 42 per cent. Of the general male prison population in England and Wales, 19 per cent are sex offenders. In the United States, of the federal system's 1,143 male-to-female transitioners, nearly half have a history of sexual offences.

Given that trans women are no more likely than other anatomical males to commit sexual offences, the obvious corollary is that there must be a significant number of sexual offenders in prison who falsely claim to be trans. The danger is that many commit sexual offences then claim to be transgender in order to avoid imprisonment in the men's estate. The very presence of anatomical males in women's prisons can cause distress to vulnerable female prisoners, many of whom have been the victim of male violence.

A key issue of the bill is that by making it easier to acquire a GRC, more male sex offenders may

pretend to be trans in order to be incarcerated in a female prison, whether to prey on women or do easier time. Unlike in England, the Scottish Prison Service already uses individualised risk assessments to determine how trans prisoners are managed, whether those prisoners have a gender recognition certificate or not.

However, in November 2021, it was reported in *The Times* that 12 trans prisoners convicted of violence or sexual crimes had been accommodated in Scottish women's jails within the previous 18 months, according to figures released under freedom of information legislation, so the review that the cabinet secretary spoke of earlier is welcome, if belated.

Rhona Hotchkiss, former governor of Cornton Vale prison and a constituent of mine, said that women were being exploited as

"unwilling participants in a social experiment"

by being housed alongside trans women. She added that women are being told:

"their concerns, their fears, their despair, must take second place to the feelings of men who identify as women".

I therefore firmly believe that no one who is anatomically male should be incarcerated in a women's prison. The inconvenient truth is that trans women are physically male and, as a group, present the same hazard that other men present—those who pretend to be trans, even more so. If a fox said it was a chicken, would you put it in a hen house? Of course not.

Back in 2015, an American woman who identified as black and was a chapter president for the National Association for the Advancement of Colored People was outed as being entirely of European heritage. Denounced worldwide, she lost her university job teaching the black woman's struggle and was accused of being a race baiter, wearing a costume and lying to claim ownership over a painful and complicated history that she was not born into, yet if she had declared herself to be a bloke, rather than black, everyone would have been expected to agree with that self-identification.

This is real emperor's new clothes stuff. Reality must intrude at some point. Allowing anatomical males who self-identify as women into women's prisons is unacceptable and a safeguarding nightmare. I support amendment 122.

**Stephen Kerr:** It is a pleasure to be able to follow my colleague, and I have to say that I agree with everything that he said. These are not easy things to talk about, because we are into a realm where people may wish to take offence, but it is important in this context that we can speak as

freely as we are speaking to each other, and there has been an immense degree of respect.

Before I say anything further—[*Interruption.*] Would somebody like to intervene?

**The Deputy Presiding Officer:** I call Mercedes Villalba.

Is the member's microphone on?

**Mercedes Villalba (North East Scotland) (Lab):** Would the member like to clarify in what way the previous contribution demonstrated respect? From where I was sitting, it was extremely disrespectful and bordered on hate speech.

**Stephen Kerr:** I am not sure that I am here to defend my colleague, but he was speaking as a parliamentarian in a Parliament of adults and we respectfully heard him deliver his speech. If the member had wanted to intervene on him to say what she has just said, it would have been much fairer on him, because he is now in a situation in which he cannot readily respond. He can intervene on me now if he wishes, and respond on his own behalf, but I am not sure whether he wants to do so.

Before I go any further, given that I wish to speak pretty exclusively about the subject matter of freedom of religion or belief, I refer members to my entry in the register of members' interests. This is a subject area that is very important to me personally. To that extent, I must say that I probably agree with what John Mason said earlier: I think that many of us would rather have been at the carol service tonight. Sadly, as has just been illustrated, there is sometimes too little joy to the world, and sometimes we should afford each other the benefit of the doubt when it comes to the way in which we choose to express ourselves, however clumsy that might be.

I support amendment 57, in the name of Pam Gosal, in particular; amendments 13 and 14, in the name of Jeremy Balfour; and amendment 71, in the name of Ash Regan. That does not mean that I do not support the amendment in the name of John Mason or indeed the amendments in the name of Brian Whittle or Tess White. They have also given excellent speeches that have respected the subject matter, and I am grateful for that.

However, I will refer specifically to issues around the freedom of religion or belief. On 20 October, I was invited by Foyso Choudhury to attend a meeting in the Parliament, in one of our committee rooms, where he and I were privileged to meet with a group of about 60 people from all kinds of backgrounds and all forms of religion and belief, and none; there were also representatives there from the trans community.

I have to say that the whole evening was exceptional in this respect. It showed that it is possible to discuss very sensitive issues in the same respectful way that I think that we have, in the main, been discussing them in the chamber for the past couple of days. That has instilled in me a belief that when it comes to human rights, it is always possible, when people are speaking to and listening to each other, for there to be an accommodation. I think that that is what is required in respect of some of the clashes that occur around human rights.

At that meeting, representatives of Scotland's major faiths—including the Muslim, Hindu, Sikh and Christian faiths—expressed their views forthrightly. Foyso Choudhury and I gave them a commitment that we would allow their voices to be heard in the proceedings of the Parliament, and I do so now, which is a great honour to me. I will simply raise the concerns that they had in relation to their faith. They felt that they had largely been left out of the process that has brought us to this point this evening. Sadly, I do not think that that has changed since October.

They had grave concerns about women's rights and the safety of women's spaces. That issue was raised repeatedly, and questions were asked about the continued ability of religious institutions to maintain sex-segregated spaces. I hope that the cabinet secretary will take the opportunity to be as clear as she possibly can be on that. To many people of faith, it is a very important issue.

I recognise that to some people, those who hold religious faith—how that faith can become a leading and perhaps even dominating influence in their lives and how they spend their time, and how religion can be so important to people—may all be a bit of a mystery. Nonetheless, I ask colleagues on all sides of the chamber, if they are less religious, to remember, in considering these amendments, that we should try to put ourselves in the shoes of the other people that we are talking about. To them their religion is the most important thing in their lives, and to some people their religious beliefs are more important than their very lives.

**Ross Greer:** Does the member recognise that many trans and non-binary people are people of faith and that he is certainly not speaking on their behalf at the moment?

**Stephen Kerr:** I am not quite sure why Ross Greer says that I am trying to speak on behalf of anybody; I am talking about a meeting that I attended where representatives of faith groups in Scotland expressed their views. Foyso Choudhury was there, and so were representatives of the trans community in Scotland. It was a very good meeting, so I am not sure that I understand where Ross Greer is coming from. I am happy for him to

come back in if he wishes to give a further explanation.

**Ross Greer:** I am grateful to the member for that further opportunity. My discomfort with his speech, as a person of faith—which he knows that I am—is due to the implication that there is a tension between the beliefs of people of faith and the rights of the trans and non-binary community. I am simply making the point that many trans and non-binary people are part of faith communities.

**Stephen Kerr:** I think that there is a misunderstanding here. What I am trying to say, very simply, is that people of faith who were present at a meeting in this Parliament on 20 October expressed genuinely held concerns, and I think that—again, on the matter of respect—it is important that we accept that people may feel differently from us and have views that are different from ours, regardless of what we think might be the origins, the motives or whatever of those beliefs.

That is what that group of people of faith felt. They felt a concern, as I have said already, about the need for their faith groups to get a fair hearing in this process; they felt a concern about women's rights; and they felt a concern about their ability to maintain sex-segregated places—I am sure that Ross Greer would recognise that that is an important part of the worship of many faith groups. They also had a concern about the bill's attempt to move the age for self-identification to 16—unanimously, they felt that that was too young.

Again, I say that the reason why I mention all of that is because the whole idea of freedom of religion and belief, which is at the core of our human rights—which include freedom of conscience, as is highlighted in Ash Regan's amendment 71, which specifically refers to article 10 of the European convention on human rights—is all about an individual's human right, which we all agree is sacrosanct, to determine their own path in life. For some, that means following the teachings of a faith and for others it does not. However, that is all encompassed in the article of the European convention on human rights that defines what freedom of religion or belief is. I believe that that freedom underpins many of our other freedoms, because, without freedom of conscience, we do not have freedom of speech or freedom of assembly.

Article 18 of the United Nations Universal Declaration of Human Rights, and article 9 of the European convention on human rights, which is quoted in Jeremy Balfour's amendments 13 and 14, talk about the right to worship publicly in accordance with the teachings of one's faith group. In response to this group of amendments, faith groups require some assurance from the cabinet secretary that their rights will be

respected. I am thinking now of the different variations of Islam, Judaism, Sikhism and Buddhism in which public worship is segregated as part of their belief system. I think that they need to hear it categorically stated that that right will in no way be compromised through the passing of the bill. If the bill passes as it is currently worded, could faith groups feel confident that they can keep their form of public worship?

There are other more basic questions that I feel that the cabinet secretary could approach in her summing up. Those relate to Catholicism, for example. It is well known that, in Catholicism, only men can become priests and only women can become nuns. It is important, for the sake of clarification, that the cabinet secretary says whether a biological male who has a GRC stating that they are female would still be legally entitled to enter the priesthood or some other religious position of privilege if the bill is passed.

22:15

**Graham Simpson:** I want to steer Stephen Kerr back to Pam Gosal's amendment, because I listened very carefully to Pam Gosal as she made a very passionate speech. I ask Mr Kerr whether he agrees with me that Pam Gosal's amendment deals not so much with the things that Mr Kerr is talking about as specifically with medical examinations. Members may have got the impression that Pam Gosal was asking for special treatment for religious groups, but I do not think that she was. Would he agree with me that she was actually asking for us to respect the right of individuals—women, mainly—to ask for somebody of a specific gender to examine them? That is all that the amendment does.

**Stephen Kerr:** Yes, that is correct. Pam Gosal's amendment 57 is exactly what my friend just outlined, but I am specifically focusing on amendments 13, 14 and 71, which underpin the freedom of religion or belief concepts that I am currently trying to speak about.

I am not the only one who has brought these concerns to the debate. I have quoted faith groups from the meeting that Foysoy Choudhury organised, which I was privileged to attend.

In a letter that has been much quoted during the past few days, the UN special rapporteur on violence against women and girls, Reem Alsalem, wrote:

"A failure to provide single-sex services to women born female alongside gender specific services targeting women in all their diversity could amount to unlawful indirect discrimination because of religion under the Equality Act 2010. The International Covenant on Civil and Political Rights (ICCPR) guarantees freedom of religion or belief under international law. Furthermore, article 18 of the Universal Declaration of Human Rights adopted in 1948

states that ‘everyone has the right to freedom of thought, conscience and religion’. Furthermore, and according to international human rights law, the obligation to fulfil human rights means that States must take positive action to facilitate the enjoyment of basic human rights.”

That is the crux of the matter; the amendments are trying to achieve that we facilitate the enjoyment of basic human rights—and that means all human rights—as we make law.

I believe that for very obvious reasons—the most obvious being the way in which the Government is ramming the bill through the Parliament with inadequate time for reflection, for amendments to be considered and for evidence to be gathered from all kinds of witnesses who have been thus far denied a voice in the bill process.

**Monica Lennon (Central Scotland) (Lab):** Perhaps Stephen Kerr could explain to the chamber in what circumstances he would support the bill. He is asking people to treat this in good faith, but I am not convinced that Mr Kerr would ever support the bill, and it would be better if he could just be clear on that.

**Stephen Kerr:** I am a realist, I can count and I know what lies ahead of us through the process of the consideration of the amendments and at the end of the stage 3 debate. I am not standing here in political naivety; I am doing the very best that I can—and I think that my colleagues on the Conservative benches and in other places in the chamber are doing the same—to introduce amendments that will make what we believe is bad law less bad. Am I going to vote for the bill? Absolutely not, but I know that there is a very high likelihood that, at the end of this process, it will become the law of my country.

I and others have lodged amendments not because we support the bill, but because we want to save Scotland from more bad law being rammed through the Parliament. Freedom of religion or belief is an important aspect of many people’s lives, because it includes the right not to have a religion or a belief.

**Brian Whittle:** My point follows on from Monica Lennon’s intervention. As I said at the start of my contribution, I think that every single member of the Parliament recognises the need to develop human rights across the board. Does Mr Kerr agree that we are trying to ensure that the law that is made will not impinge on other people’s human rights? We believe that everyone should have the same rights. I would vote in favour of the bill if I believed that everyone had the same rights.

**Stephen Kerr:** Brian Whittle has given a brilliant summation of the views of many of us in the chamber.

Earlier, I spoke about a meeting in Parliament where there was a happy meeting of minds.

People talked to and listened to each other. In all of that there was the basis of an accommodation that would give us the desirable outcome that Brian Whittle has just described and that I hope we would all sign up to, which is that all our human rights are being respected. We respect each other enough to understand where my human rights and those of someone else need to be accommodated.

**Douglas Lumsden:** What was the outcome of that meeting? Did people go away thinking that the Parliament would take note of their voices? Did they think that there would be changes, or were they assuming the worst?

**Stephen Kerr:** No. In fact, as I said a few minutes ago, they left feeling that we, including Foysoil Choudhury—who is in the chamber and can speak for himself; perhaps he will make a speech in a minute—had listened, and that we were going to reflect their views when we had opportunities to speak in the chamber and in other places in the Parliament. They left with that hope. However, they pleaded with us that the position of faith groups in this country should be considered further.

I draw members’ attention to the fact that, during the pandemic emergency, only one Government in the United Kingdom was taken to court and found guilty of neglecting human rights. That was the Scottish Government—in the Court of Session. It was found to have been in denial of the basic human rights that are defined in the Universal Declaration of Human Rights in respect of freedom of religion or belief. One of the aspects of that case was the degree to which there was a form of religious illiteracy among policy makers and advisers. That is why it is important that we hear a fuller accounting from the cabinet secretary in response to this group of amendments on the subject of freedom of religion or belief.

Members of the Scottish Government might not be comfortable with being reminded that they were found to be in violation of that fundamental human right during the pandemic, but that is a warning about the need for care to be given in respect of any legislation that touches on that basic human right. At the end of the day, I hope that we will be united by the desire to ensure that Scotland remains on the right side of those fundamental human rights. That would be a source of pride for all of us.

I therefore urge all members—regardless of their parties—to vote for the amendments lodged by Scottish Conservatives, especially those lodged by Jeremy Balfour and Pam Gosal.

**Shona Robison:** I remind Stephen Kerr that it is his party’s Government that wants to repeal the human rights legislation that has protected people for many decades.

I cannot support amendment 122, which provides that nothing in the bill

“affects the exercise of the Scottish Ministers’ functions in relation to prisons or prisoners.”

It is not clear what functions John Mason refers to in his amendment or how any functions could possibly be affected by the bill. The Scottish Prison Service already has a robust risk-based procedure for prisoners and the rest of its prison population. It may or may not place a trans person in the estate of their acquired gender, whether or not they have a GRC. If the Prison Service puts someone in that estate, it may not put them where they can mix with other prisoners.

**Michelle Thomson:** I recall that the cabinet secretary has said that the Scottish Prison Service is currently looking at provisioning, and I am aware of that. How does she know that the service has a robust process that considers all key stakeholders, particularly in relation to women in prisons, which is my concern?

**Shona Robison:** The SPS has provided considerable evidence, and its procedures are robust. The review involves looking at what more it can do. Without a doubt, there is a level of confidence in the SPS because of the fact that it already places transgender prisoners outwith their acquired gender in an estate that is not of their acquired gender, if the SPS thinks that there is a risk. In fact, the split is about half and half at the moment, whether or not people have a GRC.

That is quite different from the position in England and Wales, where the possession of a GRC is far more of a material factor in where a prisoner is located. That is not the case in Scotland, where risk assessment is the primary issue that is considered. As I was saying before the intervention was made, even when someone has been placed in the estate of their acquired gender, they may not be placed in a position where they mix with prisoners if it is believed that they pose a risk to others.

I cannot support amendment 57, in the name of Pam Gosal. As was queried by Jamie Greene at stage 2, it is not clear whether Pam Gosal expects all healthcare professionals to have to declare to every patient that they are trans. When Jamie Greene asked the member about that, she said that that was not her intention.

Let us look at what actually happens. The charter of patients’ rights and responsibilities rightly sets out that NHS staff have a right to be treated with consideration, dignity and respect. As I set out to Pam Gosal when she lodged a similar amendment at stage 2, the Scottish Government expects everyone to be treated fairly, equally and with respect when they are seeking healthcare. NHS staff make every effort to maintain the

privacy and dignity of all patients in Scottish hospitals.

If a patient specifically requests a doctor or nurse who is of the same gender as them during any part of their care, every effort is made to accommodate that as far as possible. Of course, that depends on the availability of staff who have the appropriate skills to manage the patient’s condition. For example, if someone ends up in emergency care, and only male doctors are available in the emergency room, I am sure that members will appreciate that life-saving care needs to be given, whatever the gender of the health professionals who are attending.

**Pam Gosal:** I am well aware of what the cabinet secretary has just said. If there was an emergency, our religions provide for the fact that we would have to have care first. However, if the cabinet secretary considers the practical example that I gave, she will see that it was not to do with an emergency; it related to day-to-day care, whether that is cancer treatment, breast inspections or smear tests—[*Interruption.*] Could the cabinet secretary let me finish?

We have heard about what was the case under the Gender Recognition Act 2004, but are we going to continue to put sticking plasters on the problem, or are we going to address it? The increase in the number of GRCs is going to cause a problem. The cabinet secretary and her Government would be able to help us to see how we could solve it.

22:30

**Shona Robison:** Let me be absolutely clear again: if a patient specifically requested a doctor or nurse of the same gender as them in any part of their care, every effort would be made to accommodate that as far as possible. I have given examples of where that might not be possible.

**Pam Gosal:** Will the cabinet secretary give way?

**Shona Robison:** No, thanks. Care homes and care services, which were also mentioned, will always try to provide care as per the person’s wishes. As a former home care organiser, I can tell members that that has been the case for many years.

The genuine occupation requirement exception under the Equality Act 2010 provides that a person must not be a trans person where there is a requirement due to the nature and context of the work, if appropriate. The exception could be used in health services, for example, when intimate health and personal care is to be provided. Of course, I previously pointed to the guidance to employers from the Equality and Human Rights

Commission and schedule 9 to the 2010 act, which are relevant here.

**Monica Lennon:** When this debate is over, people might go back and read the *Official Report* of what was said. I have felt uncomfortable with some of the things that have been said over the course of the debate. Does the cabinet secretary agree with me—and others, I am sure—that trans men and women and non-binary people who currently work in the national health service and in social care are valued colleagues? We do not want to leave the debate with anyone thinking that they are not valued and not welcome. Can we get that on the record for the avoidance of doubt? It is really important that their contribution is appreciated and that they feel able to work in our public services.

**Shona Robison:** I absolutely put on record an appreciation of every member of staff working in our NHS and our care services, whatever their gender. Monica Lennon makes a good point.

I cannot support the amendments in the name of Brian Whittle, which would place a duty on the Scottish ministers to “report on the impact” of the bill on sport and to publish guidance. The bill makes no changes to the rules on trans participation in women’s sport, whether professional, amateur or in schools. Sports governing bodies set their own policies on trans participation under the Equality Act 2010, which is reserved legislation. Section 195 of the 2010 act contains provision allowing restrictions on trans people participating in sport to be imposed if necessary to uphold

“fair competition, or ... the safety of competitors.”

That is under the 2010 act.

**Brian Whittle:** Will the cabinet secretary take an intervention?

**Shona Robison:** As long as it is brief.

**Brian Whittle:** Oh, really. What I am trying to say to you is that the guidance is not working.

**The Deputy Presiding Officer (Liam McArthur):** Speak through the chair, Mr Whittle.

**Brian Whittle:** Sorry, Presiding Officer. It is not enough to have guidance; the guidance has to be applied and have worth in the field. Many times throughout the debate, colleagues have asked the Government to create guidance, and the Government and the cabinet secretary have ignored that request.

The guidance is not working and, because there will be more transgender athletes, it will be worse if you do not create the guidance and framework within which sport can act. It is not a reserved matter; it involves sportscotland, which you fund. You need to take responsibility for your actions.

**Shona Robison:** I repeat that sports governing bodies set their own policies on trans participation under the Equality Act 2010, which is a piece of reserved legislation. Section 195 of the 2010 act contains provision allowing restrictions on trans people participating in sport to be imposed if necessary to uphold

“fair competition, or ... the safety of competitors.”

That is where the resolution and the guidance lie.

The Equalities, Human Rights and Civil Justice Committee heard clearly at stage 1 from sports bodies that whether a person has legally changed their gender forms no part of their decision making around participation in sport. The bill does not have an impact in that area.

As I hope that Brian Whittle would be aware already, in 2020, the UK sports councils commissioned independent consultants to conduct a review of existing guidance for the inclusion of transgender people in sport. The review was a recognition that sport at every level required more practical advice and support in that area. The councils published guidance for transgender inclusion in domestic sport just last year, in September 2021.

As the member has acknowledged, sport is incredibly diverse and there might need to be different solutions for different sports. The guidance encourages sport to consider options to balance fairness, safety and inclusion. Some British national governing bodies have now published updated policies—for example, British Triathlon has published a new policy that will come into effect on 1 January 2023.

I do not support amendments 13 and 14, in the name of Jeremy Balfour, or amendment 71, in the name of Ash Regan. As both members will be aware, acts of this Parliament cannot alter the effect of the European convention on human rights. Therefore, the amendments are unnecessary and, indeed, confusing, particularly because they pick out specific parts of the ECHR.

Stephen Kerr spoke about religion. I met the Faith & Belief Forum, which covers all faiths, and faith groups responded to the consultation on the bill. The Equalities, Human Rights and Civil Justice Committee also held evidence sessions with faith groups. Therefore, I do not think that it is true to say that people of faith have not been listened to. Of course, it is up to churches to decide how they organise themselves, and nothing in the bill changes that.

On the range of exceptions under the Equality Act 2010 that apply to faith groups, the general single-sex exception could apply to religious services where appropriate. That aspect is already

covered in the 2010 act and there is no change to that whatsoever.

I also do not support amendments 131 and 136, in the name of Tess White. The Scottish Government has carried out two public consultation exercises and, likewise, the Equalities, Human Rights and Civil Justice Committee has carried out a full public consultation. I have also supported members with areas that they wanted to see outlined in amendments on reviewing and reporting.

On the basis of all of that, I ask members to reject those amendments.

**The Deputy Presiding Officer:** There is a bit of background noise. If members need to have conversations, I ask that they take them outside the chamber.

I invite John Mason to wind up, and to press or withdraw amendment 122.

**John Mason:** First of all, I pay tribute to Shona Robison for persisting through all these hours and, I have to say, a certain amount of delay from the Conservative group. I admire her for that, even though I disagree with her on one or two points.

Pam Gosal's speech was excellent. She gave us some practical examples of where her mother and her aunt really feel that there could be a problem with the bill. In this debate, we sometimes need to look at what is happening to people in practice and what they are feeling, and not just look at things in a high-level, Holyrood-bubble way. She mentioned the Muslim Council of Scotland. We also know that Sikhs and a lot of Christians are very unhappy about the bill.

The point is that, if we are truly to be inclusive, we cannot expect everyone to take on the way that we do things in western secular society, and we must allow people a certain amount of freedom to exercise their own way of doing things and their own beliefs.

**Rachael Hamilton:** Will the member take an intervention?

**John Mason:** I will just finish this point.

I think that that was highlighted when Ross Greer intervened on Stephen Kerr. The latter would, for most religions, represent a more traditional view, and the former might represent a more liberal view. That is probably more where the divide is, rather than its being between Christians, Muslims and Sikhs.

**Rachael Hamilton:** Last weekend, the Muslim Council of Scotland wrote to the cabinet secretary to say that it was concerned about the negative impact of the bill on single-sex spaces. The cabinet secretary seemed to be saying that she has engaged with faith organisations and that

everything is fine. I do not understand how everything can be fine if she has listened to the same arguments that were set out in the letter to her. Could the member shed some light on the matter?

**John Mason:** I saw the letter from the Muslim Council; there was also a joint letter from the Muslim Council, Sikhs in Scotland and the Evangelical Alliance, which together represent quite a range of faith groups. Shona Robison talked about there being no real change. That might be her view of things, but it is not the way that people feel about the bill and people are not convinced. There is real concern.

To touch on something that my colleague Ash Regan said about legislation sending out a message, I know that we can argue that this is a very technical piece of legislation, but I think that a lot of people, such as those in faith groups, Pam Gosal's relatives and so on, see it as much more of a—

**The Minister for Mental Wellbeing and Social Care (Kevin Stewart):** Will the member take an intervention?

**John Mason:** Let me just finish this point.

Those people see it as much more of a longer-term trend, and they are fearful, maybe not about where we are today, but about where we are going to be in a year's time.

**Kevin Stewart:** I respect faith groups of all kinds and I respect freedom of religion. However, some of the arguments that are being made are exactly the same as those that were made in the run-up to the equal marriage debate and vote, when religious groups said they felt that they would have to carry out equal marriage against their faith. That has not happened, and my argument is that this is exactly the same kind of situation. Can Mr Mason see that?

**John Mason:** I certainly understand Kevin Stewart's argument, but I disagree with him. I think that on same-sex marriage there is drift—there is a change. The Church of Scotland is one example of people being somewhat firmly against it and gradually moving their position over time. I think that my argument—

**The Deputy Presiding Officer:** Sorry, Mr Mason. I have just reminded the chamber that there has been too much background noise. The background noise has now become foreground noise and heckling. So far, we have conducted proceedings respectfully and courteously, and I hope that we can continue in a similar vein.

**John Mason:** There has been drift on that issue, and I would say that some people who believe in traditional values are feeling more under pressure than they were at that time.

**Daniel Johnson:** A particular faith group changing its thoughts and practice is not necessarily a bad thing. I would just caution Mr Mason in describing that as “drift”. It is a change, and such groups are perfectly entitled to make that change.

**John Mason:** They are perfectly entitled to make that change; my point is just that some individuals are more under pressure now than they were in the past. The fear with the bill as well is that we are going in a certain direction and sending out a certain message, and it is going to become increasingly difficult for Pam Gosal’s mother and aunt.

Some of Brian Whittle’s points were good—they were a bit long-winded but still good. If it is true that the committee did not take evidence from sportswomen, I have a serious problem with that. The key words here are fairness and safety—they are absolutely key. I take Shona Robison’s point that the Equality Act 2010 is where people should look, but a lot of Scottish sports bodies, and even national sports bodies in Scotland, are relatively small and they can be easily scared by legislation if there is not guidance and reports. I think that amendments 58, 59, 67 and 68 are only asking for guidance and reports. It is not a very big ask.

Finally, I come to my own amendment, which was supported by Kenneth Gibson. He used perhaps slightly stronger language than I used, but he very much painted a picture of some of the risks, dangers and fears out there among normal people in society.

Language is very important. Probably everybody in the chamber has been a bit uncomfortable with some of the language used by the other side—I certainly include myself in that. We should be sensitive and respectful, but I also think that we have to be honest with each other and use honest language. One of the fears about the bill is that, over time, language will be censored and people will have to be increasingly careful about what they say.

I support all the amendments in the group—I will leave it at that. I press amendment 122.

22:45

**The Deputy Presiding Officer:** The question is, that amendment 122 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)

Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
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)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Gulhane, Sandesh (Glasgow) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Maguire, Ruth (Cunninghame South) (SNP)  
Marra, Michael (North East Scotland) (Lab)  
Mason, John (Glasgow Shettleston) (SNP)  
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)  
Regan, Ash (Edinburgh Eastern) (SNP)  
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)  
Thomson, Michelle (Falkirk East) (SNP)  
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)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)  
 (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (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 59, Against 65, Abstentions 0.

*Amendment 122 disagreed to.*

*Amendment 57 moved—[Pam Gosal].*

**The Deputy Presiding Officer:** The question is, that amendment 57 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)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 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 38, Against 64, Abstentions 23.

*Amendment 57 disagreed to.*

*Amendment 58 moved—[Brian Whittle].*

**The Deputy Presiding Officer:** The question is, that amendment 58 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 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)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)  
 (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 61, Against 64, Abstentions 1.

*Amendment 58 disagreed to.*

*Amendment 59 moved—[Brian Whittle].*

**The Deputy Presiding Officer:** The question is, that amendment 59 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)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)

**Abstentions**

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 58, Against 67, Abstentions 1.

*Amendment 59 disagreed to.*

**Section 14B—Review of time periods**

*Amendment 60 moved—[Jackie Baillie].*

**The Deputy Presiding Officer:** The question is, that amendment 60 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

**Sharon Dowe (South Scotland) (Con):** On a point of order, Presiding Officer. I am sorry, but I could not connect. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Ms Dowe. I will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 122, Against 0, Abstentions 3.

*Amendment 60 agreed to.*

#### After section 14B

*Amendment 61 moved—[Pam Gosal].*

**The Deputy Presiding Officer:** The question is, that amendment 61 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)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)

Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (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 40, Against 66, Abstentions 20.

*Amendment 61 disagreed to.*

**The Deputy Presiding Officer:** Group 17 is on gender identity healthcare. Amendment 62, in the name of Pam Gosal, is grouped with amendments 132 and 135. I call Pam Gosal to move amendment 62 and to speak to the other amendments in the group.

**Pam Gosal:** The bill decouples the legal and medical aspects of the GRC process, which means that everyone who would have had to obtain a medical diagnosis of gender dysphoria and, therefore, meet medical professionals will now no longer have to do so. Amendment 62 calls on ministers to

“commission independent research”

on the effect of the bill

“on gender identity healthcare”.

In a submission to the committee, the Royal College of General Practitioners talked about

“the vulnerabilities of young people ... and the heightened risk of self-harm and ... suicide”.

When questioned on that point by my colleague, David Parker of NHS Greater Glasgow and Clyde said:

“the proposal to reform services is not simply about providing more clinic appointments and enabling pathways forward for people on the waiting list; it is also for people who will never join the waiting list, so that community support is available for people, who might be looking for all kinds of intervention ... If the numbers of people on the waiting list are increasing, that need is increasing, too.”—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 14 June 2022; c 50-51.]*

It appears, therefore, that many people require this type of healthcare but do not seek it; that number is likely to increase as the requirement to obtain a medical diagnosis is removed. We cannot risk individuals experiencing psychological distress by falling through those gaps.

The aim of amendment 62 is to measure what effect the act has had on identity healthcare services; who is accessing them, and who is not; and where we can provide that much-needed support for those people who might be suffering a great deal of distress. Furthermore, I believe that that research must be commissioned by an independent professional or organisation that is not currently in receipt of funding by the Scottish Government, in order to avoid any instance of bias. Given the nature of my amendment, I support amendments 132 and 135, which Jamie Greene and Sarah Boyack lodged, and which aim, too, to measure how the act might impact gender identity healthcare.

Should the Scottish Government wish to address concerns that the reform will lead to many vulnerable individuals suffering from gender distress without adequate medical support, it should at the very least commit to reviewing the impact of the act on gender identity healthcare. I urge all members to back my amendment.

I move amendment 62.

**The Deputy Presiding Officer:** I call Jamie Greene to speak to amendment 132 and the other amendments in the group.

**Jamie Greene:** Thank you, Presiding Officer—we persevere.

There has been a lot of talk in the chamber today—quite a valid discussion—about the effect that the act will have on a range of minority groups. With the permission of the chamber, I would like to bring the discussion back to the minority group that the bill is actually all about, which is trans people.

Amendment 132 builds on an amendment that my colleague Rachael Hamilton brought to Parliament at stage 2—a very well-worded, thoughtful and well-intentioned amendment—to raise awareness of the state of gender identity healthcare in Scotland. I believe that it is in a sorry state, truth be told, and many trans people and organisations that I speak to believe that to be true, too, which is the underlying point of the amendment.

The amendment asks the Government, within a reasonable period—three years; there is some precedent for that reporting period—of section 2 coming into force, to outline the state of affairs with regard to access to and availability of mental health support, waiting times for healthcare in

relation to transitioning and whether a bespoke pathway is needed for those applying for a GRC.

23:00

The reason for that is quite obvious to those who have been through that system. The Sandyford clinic in Glasgow states that, for its adult gender identity service, it is offering appointments to people who registered in May 2018. They are only now getting appointments. It has taken four years for some people to get the treatment that they require.

**Rachael Hamilton:** Jamie Greene is absolutely right. I lodged that amendment at stage 2, and it was rejected by the cabinet secretary, because she said that the Cabinet Secretary for Health and Social Care was looking at a pathway to healthcare for trans people. Obviously, the bill is about improving the experience of trans people, particularly to make the whole process less stigmatising and the rest of it—to improve everything. However, that should be in the bill. We should not leave it to the health secretary, who has enough pressures on his plate, to sort that out. It should be in the bill because it is really important—

**The Deputy Presiding Officer:** Ms Hamilton, please face the microphone so that your comments are picked up.

**Rachael Hamilton:** I am sorry, Presiding Officer.

**Jamie Greene:** I thank the member for her intervention. I also believe that, and with good reason. The recent report from Stonewall, which I think was included in briefings that we all received, stated that 72 per cent of transgender people have experienced depression and that—listen carefully to this statistic—more than half of the people whom it surveyed have thought about taking their own life. That is a huge volume and percentage of people. Those are harrowing figures that show the desperate state of the availability of mental health services and support for transgender people in Scotland. Stonewall also found that 37 per cent—more than a third of trans people—actively avoid accessing healthcare treatment when needed for fear of discrimination. Again, that should worry us. That means that many people are hiding illnesses while they struggle to deal with their gender identity.

A great piece of work was done by SHAAP, which is Scottish Health Action on Alcohol Problems. In its recent report—SHAAP representatives were in the garden lobby to talk to members—it detailed conversations with a number of trans people who were struggling with alcoholism. I will quote from the report, because it underpins the reasons why I think that it is an

important issue. One person SHAAP spoke to said, on the record:

“For me alcoholism ... means I am not at ease with myself ... That might be a lot to do with (being) transgender and not being comfortable within my own skin ... Growing up, having to hide things away like that ... it was a lot of pressure ... I’ve always been ashamed of who I am”.

We have held debates in the Parliament before when we have spoken about the fact that people often self-medicate to deal with many of those issues. Of course, although I support the removal of the requirement for a diagnosis of gender dysphoria, that should not be used as an excuse not to provide adequate services and support to transgender people in Scotland.

I appreciate that, in the feedback on all the amendments in some of the briefings, some organisations—particularly those that support the legislation—said that although, in principle, they were happy for me to raise the issue, they asked members to oppose the amendment. I inquired why, because I was intrigued by that. Their fear is that the amendment might have the reverse effect to improving healthcare and might do the opposite. The reason for that is, understandably, quite worrying. It is because they feel that, if the amendment passes and there is a duty on the Government and ministers to report on the state of healthcare, it will divert much-needed attention, resource and money away from doing and towards reporting and talking. That is testament to the problem that we face and which I am trying to identify through this amendment.

I understand where those organisations are coming from, but we should not need to be afraid to put this in the bill, because those services should already be there and they should be getting better, and people should not be afraid to tell Government that it must do better. Although I appreciate their feedback, it is a shame that their concerns are based around the lack of resource and money in those services.

I also hope that those organisations appreciate the sentiment behind why I brought these amendments back to the chamber at stage 3. In doing so, I say to them that I will work hard—as will other members—to improve outcomes for transgender people. That is a duty on all of us. I would like to think that, whatever our views on the bill—a number of comments have been expressed this evening that should make many of us feel uncomfortable—we can all agree that there is a collective duty on this Parliament to make healthcare provision for transgender people in Scotland much better than it is now. Whether or not we agree to this amendment, we can commit to that, and the Government can commit to that, tonight.

**The Deputy Presiding Officer:** Under rule 9.8.5A, I am minded to accept a motion without notice to propose that the next time limit be extended by 1 hour and 30 minutes.

*Motion moved,*

That, under Rule 9.8.5A, the time limit for groups 17 to 19 be extended by up to 1 hour and 30 minutes.—[George Adam]

*Motion agreed to.*

**The Deputy Presiding Officer:** I call Sarah Boyack to speak to amendment 135 and other amendments in the group.

**Sarah Boyack:** I will try not to fill up an hour and a half with my speech.

Amendment 135 would require Scottish ministers to carry out a review into the impact of the bill on gender identity healthcare in the form of a longitudinal study. Scottish ministers would be required to consult on the remit of the review, but any review would have a focus on improving access to and the provision of gender identity healthcare. The review would be repeated each successive five-year period to deliver a longitudinal study.

At stage 1, the committee heard a range of evidence on the provision of trans healthcare, including on the Cass review that is currently taking place in England. A number of constituents I have engaged with during the Parliament’s consideration of the bill would support work to improve gender identity healthcare in Scotland. There are significant delays for trans people who are trying to receive treatment from clinics. The bill could increase the number of people who are trying to access those services, which would exacerbate the demand on the services that are currently provided.

The review that I propose in my amendment would provide reassurances to Parliament that we do not forget individuals applying for a GRC who then go on to experience lengthy waiting periods for treatment that they may wish to receive. When we pass legislation in this Parliament, we need a joined-up approach to ensure that it is successful.

At stage 2, I moved amendments that would require ministers to publish data on trans healthcare waiting times. I welcome the reassurance that I had from the Scottish Government through the letter that the minister sent to me on 9 December, which outlined that the Scottish Government is currently looking at work being done by Public Health Scotland to improve the quality of data on healthcare waiting times, as was committed to in the “NHS gender identity services: strategic action framework 2022-2024”.

However, I honestly believe that we need more than that. The bill will simplify the process for obtaining a GRC, and there has been consideration as to why that simplification is required. As the number of people applying for and obtaining a GRC increases, it is possible that we will see an increase in the number of people who need and wish to access gender identity healthcare, and who will potentially have more complex needs. That could be a direct impact of the bill. I therefore hope that Parliament will agree to my amendment so that we can ensure that health services deliver for the needs and demands of trans people, both now and in the future.

I referenced the need for a longitudinal assessment of health. It is important that trans people get the support that they need not only during the early years of their transition on a short-term basis, but throughout their lives. It is about not a one-off piece of work but something that will need to be continued going forward so that the health services that we have in Scotland understand people's needs.

I will briefly comment on other amendments. I understand that amendment 62, in the name of Pam Gosal, would require the Scottish Government to start a review similar to the Cass review in England, which I think we should support. I will support the amendment if Pam Gosal moves it.

Amendment 132, in the name of Jamie Greene, would require a review of the availability of trans healthcare three years after commencement. Given that it is aimed at making sure that trans healthcare is available and meets the needs of trans people, I would support it.

The points that Jamie Greene made when he was moving his amendment were very well made, because the delays and pressures that people are experiencing will really impact on their experiences going forward. We need to reflect on the statistics that he talked about in his speech.

Collectively, these amendments would strengthen the impact of the bill and make it more successful, so I hope that colleagues will support them all.

**Shona Robison:** As, I hope, the members who have amendments in this group are already aware, the Scottish Government published a strategic action framework for gender identity service improvement in December 2021, which set out a series of commitments that we are working to progress with NHS Scotland and other stakeholders, along with some investment to make that happen. That included a commitment to commission Public Health Scotland to provide regular publication of robust, validated data on waiting times to access specialist clinical services.

That commission has been made, and work by Public Health Scotland is on-going to deliver that. We also made a commitment, which Sarah Boyack has just referred to, to make available funding for research into the long-term health outcomes of people who access gender identity healthcare in Scotland. That process is on-going, led by the chief scientist office within the Scottish Government's health and social care directorate, and a funding call was issued to Scottish academic institutions in August.

Therefore, much of the work that is sought by the amendments in this group has already begun and is on-going outside of the bill, which—I remind members—is about the process and requirements for applying for legal gender recognition and not about access to and delivery of gender identity healthcare.

**Jamie Greene:** The cabinet secretary knows that I am not trying to muddy the waters with regard to the remit of the bill. That has been clear throughout what I have said over the past few days.

However, it is a valid point that now, with the existing volume of people who are going through the system to apply for a GRC, there are years' and years' worth of waiting lists to get specialist help. If we pass the bill and that volume increases, which is the expectation, those waiting times will simply get longer and longer, unless the Government puts more resource and cash into the system. It is so important that the bill reflects that, because that will be a direct effect if it is passed.

**Shona Robison:** First, I recognise the point that Jamie Greene is making about the waiting times and the need to make improvements. That is why we published the strategic action framework for gender identity service improvement and committed to the investment that is required to make those improvements.

As Jamie Greene knows, a GRC is not required in order to access gender identity healthcare. I think that the data and its monitoring will show whether there is an increase as a result of the legislation. My feeling is that there will not be an increase, because it is about people who are seeking gender identity healthcare, whether or not they would pursue a gender recognition certificate. Not everybody would want to do so and not everyone who wants a gender recognition certificate would want to access healthcare. However, I will come on to the data collection in a second.

On the basis of all of that, I do not support amendments 62, 132 and 135. I recognise that those amendments might, as Jamie Greene has just said, be motivated by a desire to improve the provision of gender identity healthcare services.

However, following discussions with members, we have supported amendment 84, in the name of Jackie Baillie, to review the impact of the act on gender identity healthcare, as discussed in an earlier group. I hope that that will reassure members and I think that that gets the balance right.

**The Deputy Presiding Officer:** I call Pam Gosal to wind up the debate on the group and to press or withdraw amendment 62.

**Pam Gosal:** Throughout the debate, we have heard about the need for collection of data from other sources, including criminal justice and single-sex services, that will undoubtedly be affected by the bill. A review of the legislation's impact on gender identity healthcare is no less important. I am disappointed, although not surprised, by the SNP Government's reluctance to review gender identity healthcare. I imagine that, much like the Cass review, it would provide a case for further pausing reform of the gender recognition process by shedding light on what appears to be a healthcare pathway that does not follow the routine medical process.

I believe that a review of the effect of the bill on gender identity healthcare would provide some reassurance for people who are concerned about the decoupling of the legal and medical processes.

23:15

**Shona Robison:** To be absolutely clear, in the very last sentence in my remarks I said that, following discussions with Jackie Baillie, the amendment that we agreed to means that we will review the impact of the act on gender identity healthcare, which is exactly what Pam Gosal is asking for. Does she not recognise that?

**Pam Gosal:** I am asking why the Government will not agree to the amendments in this group, which include the provisions that we have asked for.

The SNP Government's removal of all safeguards increases the likelihood that children and young people and vulnerable individuals might go without much-needed support. I therefore urge all members to back the amendments in the group.

I press amendment 62.

**The Deputy Presiding Officer:** The question is, that amendment 62 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. *[Interruption.]* There is a vote on, Mr Lumsden.

## For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 68, Abstentions 2.

*Amendment 62 disagreed to.*

*Amendment 123 moved—[Pam Gosal].*

**The Deputy Presiding Officer:** The question is, that amendment 123 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)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)

Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 67, Abstentions 22.

*Amendment 123 disagreed to.*

### Section 15—Registrar General’s duty to report

**The Deputy Presiding Officer:** Group 18 is on reporting. Amendment 124, in the name of Rachael Hamilton, is grouped with amendments 63 to 65, 125 and 66.

**Rachael Hamilton:** My first amendment in this group would shorten the time period in which the registrar general would be required to report on

“the information mentioned in subsection (5).”

Given the evidence that the bill will open up the possibility of obtaining a GRC to a much larger, wider and more diverse group of people, I believe that it is important that the impact of that is assessed more regularly than once a year. Moreover, as amendment 125 sets out, the scope of the registrar general’s duty to report should be expanded to include

“the number of applications for gender recognition certificates and confirmatory gender recognition certificates that are rejected ... the number of applicants under the age of 18 ... the number of gender recognition certificates granted to applicants under the age of 18”

and

“the number of applications for gender recognition certificates and confirmatory gender recognition certificates where the acquired gender is ... male”

or “female.”

Ensuring that the registrar general collects that data would aid us in gaining clarity around the effect of the legislation. Painting a clear picture of the number of applicants and the number of applications that are granted on a six-monthly basis would allow us to apply a greater level of post-legislative scrutiny to the bill. The importance of doing so relates to evidence that the committee heard that the bill would lead to an uptick in the number of individuals applying for and obtaining a GRC.

We must also ensure that the impact of opening up the process to 16 and 17-year-olds is properly assessed. That is why I have included provisions for the registrar general to report on the number of people who apply for and obtain a GRC

“under the age of 18”.

I would find it difficult to believe that choosing not to require the registrar general to report on those matters would be in any way beneficial.

For those reasons, I also believe that Pam Duncan-Glancy’s amendments 63 to 66 in this group are necessary to further our understanding of the effects of the bill. She will, I am sure, do a far better job than I would of explaining the purpose and effect of her amendments, but my understanding is that they will require the registrar general to collect data on several important

factors, including the number of GRC applications that are rejected by the registrar general.

I move amendment 124.

**The Deputy Presiding Officer (Annabelle Ewing):** I call Pam Duncan-Glancy to speak to amendment 63 and other amendments in the group.

**Pam Duncan-Glancy:** Members will know that I lodged a similar amendment at stage 2. Between then and now, I have worked with the Government because I believe that it is essential that we gather data in relation to the bill. On that basis, I hope to have the Government's support for my amendments tonight, and I welcome the support that Rachael Hamilton offered a moment ago.

Amendments 63 to 66, in my name, strengthen data collection requirements in the bill. In addition to the data that is outlined in the amendments, I have sought assurances that other data that was originally included in my amendment at stage 2 will be collected as well. I have had assurances from the Government that that will, indeed, be the case, and I would appreciate further reassurance again tonight, on the record.

That includes data on the number of appeals to the sheriff and the grounds under which applications to the sheriff were received or granted. The Government has confirmed that data of that sort is held by the Scottish courts rather than National Records of Scotland and that the Scottish Government already publishes statistics on civil law cases in the courts. I also asked that applications that are received from people in prison be monitored. I accept that, given the low numbers, that could identify an individual, and I am satisfied that that will be monitored and reported on in view of the impact of amendments that have already been debated. With those assurances—which, as I said, I seek again—I am satisfied that the relevant data that is needed to inform reviews that are required in other amendments will be available.

The remaining information and data that are needed are set out in the amendments that are before us tonight. Those amendments introduce additional reporting requirements on the registrar general, including on the number of applications for each type of GRC that were granted, rejected or withdrawn in the year, and a breakdown of application by type of application and by the gender of applicants.

The collection of better data on GRCs will be of paramount importance to any future reviews of the act and for monitoring purposes. Supporting these amendments in my name will ensure that Scotland will start with a strong evidence base from which to carry out any future scrutiny, monitoring,

reporting and reviewing of the bill. I encourage members to support the amendments in my name.

**Jamie Greene:** I want to say briefly that this is a good set of amendments, particularly amendments 64 and 65. One of the things that we have struggled with throughout this process is gleaning data on the number of people who are currently applying or have been rejected for a certificate. I have asked a number of parliamentary questions about that historical data and have been told that, because the volume is low, it is difficult to get the data because it would potentially breach the confidentiality of those who are involved. That is not something that I particularly buy. I think that data is important. It does not need to have names, addresses and faces attached to it, but it will help to inform public policy.

We also have enhanced data that may arise from census data. Although the census was not the most perfect exercise in the world, as we saw, that data is, nonetheless, helpful to inform public policies, and I ask members, even if they are generally not supportive of the legislation, to at least allow the collection of valuable data to help to inform future public policy.

**Shona Robison:** I said to Pam Duncan-Glancy at stage 2 that I would be happy to consider what could be incorporated from her amendment 147, which was not agreed to at stage 2, and I am pleased, therefore, that we have been able to work together to bring forward the amendments in her name. I am happy to give her the assurances that she was looking for. I think that the point is that some of the information that is collected is from sources outwith the registrar general, but we gave a commitment to collect that, and I can put that on the record again.

We agree that there is benefit in including more detail in the duty to report in order to provide assurance to members of the information that will likely be available. That information will contribute to our understanding of the operation of the process and ability to monitor and review the impact of the bill, as is the case with any other bill.

Amendment 124, in the name of Rachael Hamilton, would provide that the registrar general must report every six months instead of annually on everything for which reporting is presently done under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, not just information related to gender recognition, and we believe that that is disproportionate.

Amendment 125, in the name of Rachael Hamilton, would require the registrar general to report on the number of applications rejected, on the acquired gender and on the age of applicants. As we expect the registrar general to receive between 250 and 300 applications a year,

requiring a report to be made every six months would reduce the likelihood that the information will be able to be published, given the small numbers involved and the risk of identifying an individual. Further, the amendments in the name of Pam Duncan-Glancy already include the requirement to report on the number of applications rejected and on the acquired gender. Therefore, I do not support amendments 124 and 125.

**Rachael Hamilton:** Given the concerns that have been raised by members of the Parliament, by organisations, by individuals who gave evidence in our committee evidence sessions and by a swathe of members of the Scottish public about this legislation, I believe that it is right that we do what we can to monitor robustly its impact. Ensuring that the registrar general regularly reports on the information that I have outlined is an important step in allowing elected representatives and anyone else to see and understand the outcomes that are related to the bill's implementation.

As I said, it is difficult to consider how choosing not to collect that data would be beneficial. Understanding the consequences of new legislation is a vital part of applying adequate post-legislative scrutiny, and, although the SNP-Green Government has, throughout this process, sought to avoid scrutiny in any form, the amendments represent an opportunity for those parties to put that right and commit to that very action.

I did not hear the cabinet secretary explicitly say that she was not going to support amendment 124, but I know that she is not going to support amendment 125, so I presume that she is not going to support either of them. Before I close, therefore, I would like to ask the cabinet secretary how she knows how many applications for a GRC there are going to be and, indeed, what the impact will be on this Parliament.

**Shona Robison:** We have based the figure of 250 to 300 applications a year on the Irish system, which we consider to be very similar to our own.

**Rachael Hamilton:** I thank the cabinet secretary for clarifying that, but every jurisdiction has a different system and the Irish one is not exactly the same as the one that we will vote on today, so it is slightly unfair to pick that example. I am just disappointed—[*Interruption.*]

**The Deputy Presiding Officer:** Can we have less sedentary chit-chat?

**Rachael Hamilton:** I will press amendment 124.

23:30

**The Deputy Presiding Officer:** The question is, that amendment 124 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Rhoda Grant (Highlands and Islands) (Lab):** On a point of order, Presiding Officer. My app stopped working after I voted and I wanted to check that I had voted.

**The Deputy Presiding Officer:** Your vote had not been recorded, but it will now be recorded.

**Rhoda Grant:** Can I vote no, please?

**The Deputy Presiding Officer:** You have voted no. Thank you, Ms Grant.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherghlen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 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)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)

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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 93, Abstentions 0.

*Amendment 124 disagreed to.*

*Amendment 63 moved—[Pam Duncan-Glancy].*

**The Deputy Presiding Officer:** The question is, that amendment 63 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Kenneth Gibson:** On a point of order, Presiding Officer. I was unable to get on to the app. I would have voted yes.

**The Deputy Presiding Officer:** That will be recorded, Mr Gibson.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** On a point of order, Presiding Officer. My system did not connect. I would have voted yes.

**The Deputy Presiding Officer:** That will be recorded, Mr Beattie.

**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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 123, Against 0, Abstentions 3.

*Amendment 63 agreed to.*

*Amendment 64 moved—[Pam Duncan-Glancy].*

**The Deputy Presiding Officer:** The question is, that amendment 64 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 121, Against 0, Abstentions 4.

*Amendment 64 agreed to.*

*Amendment 65 moved—[Pam Duncan-Glancy].*

**The Deputy Presiding Officer:** The question is, that amendment 65 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)

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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)  
 (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 122, Against 0, Abstentions 3.

*Amendment 65 agreed to.*

*Amendment 125 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** The question is, that amendment 125 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)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McLennan, Paul (East Lothian) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, 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)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)  
 Sturgeon, Nicola (Glasgow Southside) (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 36, Against 90, Abstentions 0.

*Amendment 125 disagreed to.*

*Amendment 66 moved—[Pam Duncan-Glancy].*

**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.

### 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)

McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)  
 (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 122, Against 0, Abstentions 3.

*Amendment 66 agreed to.*

#### After section 15

*Amendment 67 moved—[Brian Whittle].*

**The Deputy Presiding Officer:** The question is, that amendment 67 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

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

**The Deputy Presiding Officer:** Thank you, Ms McAllan. That will be recorded.

#### For

Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)

#### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 69, Abstentions 1.

*Amendment 67 disagreed to.*

*Amendment 68 moved—[Brian Whittle].*

**The Deputy Presiding Officer:** The question is, that amendment 68 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

**Colin Beattie:** On a point of order, Presiding Officer. My app froze. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Beattie. That will be recorded.

23:45

**Jeremy Balfour:** On a point of order, Presiding Officer. My phone has just frozen, so I just want to check that my vote was counted.

**The Deputy Presiding Officer:** Your vote was counted, Mr Balfour.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 58, Against 67, Abstentions 0.

*Amendment 68 disagreed to.*

**The Deputy Presiding Officer:** Group 19 is on data collection. Amendment 69, in the name of Pam Gosal, is grouped with amendments 70 and 126. Pam Gosal will move amendment 69 and speak to all the amendments in the group.

**Pam Gosal:** As this is the final group, I will try to deliver to the best of my ability, bearing in mind that it is nearly midnight and I am feeling slightly tired.

Data collection is key to understanding and analysing the impact of the bill. As was made clear by the UN special rapporteur, Reem Alsalem, in evidence that she gave to the committee, data collection on the impact of the self-identification model does not go far enough. Amendment 69 calls on ministers to collect data on detransitioners.

Detransitioners are people who have gone through the process of changing their gender and who return to the gender that was observed at their birth. Amendment 69 specifically calls on ministers to collect data on the number of people who detransition, how many of them are male to female, how many are female to male, and the average time that elapses from them being granted a GRC to beginning to detransition.

Last month, many members attended a meeting with two detransitioners, Sinead and Ritchie, that was arranged by Ruth Maguire. They bravely shared their experiences of transitioning and then detransitioning. It was extremely powerful and heartbreaking. Sinead's transition from female to male left her with permanent changes such as a deep voice, while Ritchie, who had transitioned from male to female, underwent gender reassignment surgery that he later ended up regretting. Both individuals expressed concern

about the lack of data on detransitioners. They went into great detail about the lack of support that is available for detransitioners and spoke about how different the support was when they were seeking to transition from what it was when they were detransitioning. They also spoke about how gaining legal recognition of gender identity is likely to lead to people feeling pressure to align their physical gender identity, which can lead to irreversible changes. Ritchie even spoke of the health complications that he has suffered since undergoing medical transition.

As the bill will remove important safeguards by such measures as lowering the age at which a person can apply for a GRC from 18 to 16, and shortening the two-year waiting period to three months for adults and six months for those who are under the age of 18, many young people and vulnerable individuals risk making rushed decisions that they might later end up regretting without adequate support.

Amendment 69 seeks to ensure that data is collected on individuals who detransition. Only with that data can we expect to understand the extent to which individuals detransition. Such information would be crucial to informing any review of the gender recognition process and any review of gender identity healthcare.

Amendment 70 also calls for more data collection, this time regarding acquired gender and sex at birth in certain settings, such as healthcare and criminal justice. For example, it will be important to know how many GRC holders work in healthcare settings and in prisons, as women in those settings can be a vulnerable population. Without collecting specific data on acquired gender and biological sex, it is nearly impossible to know that.

Professor Alice Sullivan told the Equalities, Human Rights and Civil Justice Committee:

“We need consistent and accurate data on sex to make comparisons over time and between countries, and to evaluate the effect of policy interventions ... When the Gender Recognition Act 2004 was introduced, it was designed to cater to a tiny number of transsexual people who suffered from severe psychological distress. The act was not intended to raise barriers to the collection of data on sex, yet that has been one of the unintended consequences of the legislation.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 21 June 2022; c 1-2.]

Therefore, I believe that it would be in the interests of trans people with a GRC, and the wider public, for the Scottish Government to collect data on sex, gender identity and gender recognition certificates, if we are to understand the impact of the legislation and accurately track the outcomes of people in society.

My amendments refer specifically to healthcare and criminal justice settings. Both include large numbers of vulnerable individuals who are under the state's care, so it is important that data is collected in such settings.

Speaking to the committee on Monday, the United Nations independent expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, mentioned that, previously, no one knew about violence against transgender women because they were being recorded as being men. Given the expected substantial increase in the number of people holding GRCs, it is important that we do not conflate sex and gender identity for the purpose of data collection. Otherwise, instead of trans women being recorded as men, they will be recorded as women, and we will still lack data on violence against trans people.

Data collection is the least that can be done to monitor the impact of the bill, so I hope that members will support amendments 69 and 70. I will support Stephanie Callaghan's amendment 126, which calls for more data collection in public sector settings on biological sex and gender, with regard to the number of those holding a GRC.

I move amendment 69.

**Stephanie Callaghan:** Amendment 126 is a simple one that places a duty on the Scottish Government to ensure that public sector bodies collect data on biological sex alongside data on gender identity. It is not designed to frustrate, challenge or place onerous demands on the Scottish Government and public sector bodies. It is purely about ensuring access to clear, accurate baseline data on biological sex and gender identity now and in the future.

Throughout this amendment stage and during committee evidence sessions, we have heard opposing views on pretty much every issue, but it is fair to say that the value of good data is something on which we can all agree. Therefore, I am proposing that Scotland's public sector bodies routinely and as a duty collect, retain and report quantities of data on biological sex, including all administrative and in-service processed data, in addition to legal sex gender identity.

Data is an essential tool for health and wellbeing. We know that many medicines that we use today affect male and female bodies differently. We also need good data for diseases and medicines that we do not yet know about. Researchers have found that missing patient data on sex and gender has meant that there is no accurate data on whether trans and non-binary people were, for example, more or less affected by Covid-19.

**Tess White:** Does the member think that a public board that is 50 per cent men and 50 per cent transgender women is gender balanced?

**Stephanie Callaghan:** I do not really see how that is particularly relevant to this amendment, but I would actually agree.

Some may argue that it is just a matter of personal choice—that if a transgender person wants to change their sex on their medical records even with those associated risks, that is their choice—but are people receiving the best advice for their health? There are countless reports of people missing cancer screenings and experiencing delays in receiving care.

Longitudinal data is of fundamental importance for researchers and healthcare professionals. It allows them to understand people's lives over time and improve services for all people. Although some will say that there is no reason why the legislation that we are considering would affect data collection, Professor Sullivan told the committee:

"That would be an understandable assumption, but a mistake. When the Gender Recognition Act 2004 was introduced, it was designed to cater to a tiny number of transsexual people who suffered from severe psychological distress. The act was not intended to raise barriers to the collection of data on sex, yet that has been one of the unintended consequences of the legislation."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 21 June 2022; c 2.]

**Michelle Thomson:** I draw attention to the fact that, in February 2021, 91 quantitative social scientists wrote to Scotland's chief statistician to express concern about the proposed loss of data on sex. They said:

"We find the conclusion that sex-based data should rarely be collected astonishing. Sex is a fundamental demographic variable, essential for projections regarding fertility and life expectancy."

The paragraph went on to quote Caroline Criado Perez:

"A lack of sex-disaggregated data often leads to the needs of women and girls being ignored."

**Stephanie Callaghan:** I thank the member for that intervention and welcome the sharing of that information. I believe that there was also a letter to the Health, Social Care and Sport Committee.

I remind the Scottish Government of its public sector equality duty to monitor and publish data on the protected characteristic of sex and point out that mandating the collection of that data across public bodies now is likely to save future Governments and Parliaments a lot of time and trouble.

I urge members to support amendment 126.

**Shona Robison:** Amendment 69, in the name of Pam Gosal, would place a duty on the Scottish ministers to collect and publish information about people who detransition. We have supported an amendment in the name of Pam Duncan-Glancy that includes more detail within the registrar general's reporting duties of the information that will likely be available. That includes the number of applications withdrawn.

Given that we expect the registrar general to receive between 250 and 300 applications per year, there are data protection considerations involved in amending that provision to be more prescriptive, because information will be available only where it does not risk disclosing the identity of an individual where there are very small numbers.

Amendment 70, in the name of Pam Gosal, and amendment 126 from Stephanie Callaghan, would place a duty on the Scottish ministers to set out in regulations the data that is required to be collected in order to monitor the operation and impact of the bill. Amendment 78, which has already been debated, regarding the post-legislative review, ensures that

"Scottish Ministers must have regard to any data provided to them about the effect of a person obtaining a gender recognition certificate under the 2004 Act as ... amended."

The amendments in the name of Pam Duncan-Glancy that were agreed also set out more detail about the data that will likely be available from National Records of Scotland. That information will contribute to our understanding of the operation of the process and the ability to monitor and review the impact of the bill. As that has already been agreed to and provided for in the bill, I see no added value in amendments 70 and 126, and therefore I cannot support them.

**Pam Gosal:** I am disappointed, once again, that the cabinet secretary will not accept the amendments in this group. What I have asked for goes further, and I would like the cabinet secretary to support my amendments on detransitioning and collecting data. I urge members to support the amendments in this group, and I press amendment 69.

00:00

**The Presiding Officer (Alison Johnstone):** The question is, that amendment 69 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Bibby, Neil (West Scotland) (Lab)

Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
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)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Maguire, Ruth (Cunninghame South) (SNP)  
Marra, Michael (North East Scotland) (Lab)  
Mason, John (Glasgow Shettleston) (SNP)  
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)  
Thomson, Michelle (Falkirk East) (SNP)  
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)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Carlaw, Jackson (Eastwood) (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)  
Dornan, James (Glasgow Cathcart) (SNP)

Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 55, Against 70, Abstentions 0.

*Amendment 69 disagreed to.*

*Amendment 70 moved—[Pam Gosal].*

**The Presiding Officer:** The question is, that amendment 70 be agreed to. Are we agreed?

**Members:** No.

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

## For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowe, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 53, Against 71, Abstentions 0.

*Amendment 70 disagreed to.*

*Amendment 126 moved—[Stephanie Callaghan].*

**The Presiding Officer:** The question is, that amendment 126 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)  
 (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 58, Against 66, Abstentions 0.

*Amendment 126 disagreed to.*

#### After section 15A

*Amendment 72 moved—[Sue Webber].*

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

**Members:** No.

**The 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)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 32, Against 94, Abstentions 0.

*Amendment 72 disagreed to.*

*Amendment 73 moved—[Sue Webber].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)

Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 54, Against 72, Abstentions 0.

*Amendment 73 disagreed to.*

*Amendment 74 moved—[Sue Webber].*

**The Presiding Officer:** The question is, that amendment 74 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caitness, 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 Presiding Officer:** The result of the division is: For 54, Against 72, Abstentions 0.

*Amendment 74 disagreed to.*

*Amendment 127 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 127 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
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)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Gougeon, Mairi (Angus North and Mearns) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lochhead, Richard (Moray) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Gillian (Central Scotland) (Green)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McAllan, Màiri (Clydesdale) (SNP)  
McArthur, Liam (Orkney Islands) (LD)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Minto, Jenni (Argyll and Bute) (SNP)  
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
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)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Swinney, John (Perthshire North) (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)

### Abstentions

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Greene, Jamie (West Scotland) (Con)  
Lumsden, Douglas (North East Scotland) (Con)  
Thomson, Michelle (Falkirk East) (SNP)

**The Presiding Officer:** The result of the division is: For 54, Against 68, Abstentions 5.

*Amendment 127 disagreed to.*

*Amendment 128 moved—[Pauline McNeill].*

**The Presiding Officer:** The question is, that amendment 128 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
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)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Gulhane, Sandesh (Glasgow) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Leonard, Richard (Central Scotland) (Lab)  
Lumsden, Douglas (North East Scotland) (Con)  
Maguire, Ruth (Cunninghame South) (SNP)  
Marra, Michael (North East Scotland) (Lab)  
Mason, John (Glasgow Shettleston) (SNP)  
McCall, Roz (Mid Scotland and Fife) (Con)  
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)  
Regan, Ash (Edinburgh Eastern) (SNP)

Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 58, Against 67, Abstentions 0.

*Amendment 128 disagreed to.*

00:15

*Amendment 129 moved—[Pauline McNeill].*

**The Presiding Officer:** The question is, that amendment 129 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)

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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 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)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 59, Against 66, Abstentions 0.

*Amendment 129 disagreed to.*

*Amendment 130 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 130 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Colin Beattie:** On a point of order, Presiding Officer. My app did not connect. I would have voted no.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 60, Against 66, Abstentions 1.

*Amendment 130 disagreed to.*

*Amendment 13 moved—[Jeremy Balfour].*

**The Presiding Officer:** The question is, that amendment 13 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 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 62, Against 63, Abstentions 0.

*Amendment 13 disagreed to.*

*Amendment 14 moved—[Jeremy Balfour].*

**The Presiding Officer:** The question is, that amendment 14 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)

Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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 Presiding Officer:** The result of the division is: For 59, Against 68, Abstentions 0.

*Amendment 14 disagreed to.*

*Amendment 71 moved—[Ash Regan].*

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

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 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 64, Against 63, Abstentions 0.

*Amendment 71 agreed to.*

*Amendment 131 moved—[Tess White].*

**The Presiding Officer:** The question is, that amendment 131 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowe, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 53, Against 73, Abstentions 0.

*Amendment 131 disagreed to.*

*Amendment 132 moved—[Jamie Greene].*

**The Presiding Officer:** The question is, that amendment 132 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Jeremy Balfour:** On a point of order, Presiding Officer. My app did not load. I would have voted yes.

**The Presiding Officer:** We will ensure that that is recorded.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 54, Against 73, Abstentions 0.

*Amendment 132 disagreed to.*

*Amendment 133 moved—[Jamie Greene].*

**The Presiding Officer:** The question is, that amendment 133 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)

**Abstentions**

Mason, John (Glasgow Shettleston) (SNP)

**The Presiding Officer:** The result of the division is: For 53, Against 73, Abstentions 1.

*Amendment 133 disagreed to.*

### Section 15B—Initial review

00:30

*Amendment 75 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 75 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Constance, Angela (Almond Valley) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

**Abstentions**

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 120, Against 5, Abstentions 2.

*Amendment 75 agreed to.*

*Amendment 76 moved—[Jackie Baillie].*

*Amendment 76A moved—[Pam Duncan-Glancy].*

**The Presiding Officer:** The question is, that amendment 76A 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 54, Against 69, Abstentions 3.

*Amendment 76A disagreed to.*

**Jackie Baillie:** I press amendment 76.

**The Presiding Officer:** The question is, that amendment 76 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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, 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Gulhane, Sandesh (Glasgow) (Con)  
 Mackay, Gillian (Central Scotland) (Green)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 123, Against 2, Abstentions 2.

*Amendment 76 agreed to.*

*Amendment 77 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 77 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)

Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (Con)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 1, Abstentions 2.

*Amendment 77 agreed to.*

*Amendment 78 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 78 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

**Murdo Fraser:** On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)

McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 0, Abstentions 2.

*Amendment 78 agreed to.*

*Amendment 79 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 79 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Murdo Fraser:** On a point of order, Presiding Officer. My app is not connecting. Again, I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 125, Against 0, Abstentions 2.

*Amendment 79 agreed to.*

*Amendment 80 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 80 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 125, Against 0, Abstentions 2.

*Amendment 80 agreed to.*

*Amendment 81 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 81 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)

Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 125, Against 0, Abstentions 2.

*Amendment 81 agreed to.*

*Amendment 82 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 82 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)

Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

## Against

Mundell, Oliver (Dumfriesshire) (Con)

## Abstentions

Lumsden, Douglas (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 1, Abstentions 1.

*Amendment 82 agreed to.*

*Amendment 83 moved—[Jackie Baillie].*

*Amendment 83A moved—[Russell Findlay].*

**The Presiding Officer:** The question is, that amendment 83A be agreed to. Are we agreed?

**Members:** No.

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

## For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 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)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)

Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)

### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 53, Against 73, Abstentions 1.

*Amendment 83A disagreed to.*

**The Presiding Officer:** The question is, that amendment 83 be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 125, Against 0, Abstentions 2.

*Amendment 83 agreed to.*

*Amendment 84 moved—[Jackie Baillie].*

*Amendment 84A not moved.*

**The Presiding Officer:** The question is, that amendment 84 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Doney, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)  
 (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 125, Against 0, Abstentions 2.

*Amendment 84 agreed to.*

*Amendment 85 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 85 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Jamie Greene:** On a point of order, Presiding Officer. I would have voted yes.

**The Presiding Officer:** I will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 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)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 120, Against 0, Abstentions 2.

*Amendment 85 agreed to.*

*Amendment 86 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 86 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)  
 (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 0, Abstentions 2.

*Amendment 86 agreed to.*

*Amendment 87 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 87 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 0, Abstentions 2.

*Amendment 87 agreed to.*

*Amendment 88 not moved.*

*Amendment 89 moved—[Jackie Baillie]—and agreed to.*

*Amendment 90 moved—[Jackie Baillie].*

*Amendment 90A moved—[Pam Duncan-Glancy].*

**The Presiding Officer:** The question is, that amendment 90A be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

01:00

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** On a point of order, Presiding Officer. I lost my connection. I would have voted no.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

**Colin Beattie:** On a point of order, Presiding Officer. My app did not connect. I would have voted no.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysof (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

**Abstentions**

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)

**The Presiding Officer:** The result of the division is: For 52, Against 71, Abstentions 3.

*Amendment 90A disagreed to.*

**The Presiding Officer:** The question is, that amendment 90 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Sharon Dowey:** On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 124, Against 0, Abstentions 2.

*Amendment 90 agreed to.*

*Amendment 134 moved—[Russell Findlay].*

**The Presiding Officer:** The question is, that amendment 134 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 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)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (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)

#### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 54, Against 70, Abstentions 1.

*Amendment 134 disagreed to.*

#### After section 15B

*Amendment 135 moved—[Sarah Boyack].*

**The Presiding Officer:** The question is, that amendment 135 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)

McCall, Roz (Mid Scotland and Fife) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 54, Against 73, Abstentions 0.

*Amendment 135 disagreed to.*

#### **Section 16A—Review of section 22 of the 2004 Act**

*Amendment 91 moved—[Jackie Baillie].*

**The Presiding Officer:** The question is, that amendment 91 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Kenneth Gibson:** On a point of order, Presiding Officer. I could not connect to the digital platform. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)

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)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Findlay, Russell (West Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 123, Against 0, Abstentions 3.

*Amendment 91 agreed to.*

#### Section 18—Commencement

*Amendment 92 moved—[Sue Webber].*

**The Presiding Officer:** The question is, that amendment 92 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)

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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 37, Against 89, Abstentions 0.

*Amendment 92 disagreed to.*

*Amendment 136 moved—[Tess White].*

**The Presiding Officer:** The question is, that amendment 136 be agreed to. Are we agreed?

**Members:** No.

**The 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)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)

Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 32, Against 95, Abstentions 0.

*Amendment 136 disagreed to.*

### Schedule

**The Presiding Officer:** I call Michael Marra to move or not move amendment 141.

**Michael Marra:** Amendment 141 is a technical amendment that is tied to a previous amendment that has already been disagreed to. I will not be moving it, and anyone who moved it would be spuriously wasting parliamentary time and, frankly, ruining Christmas.

*Amendment 141 not moved.*

*Amendment 137 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 137 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 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)  
 Thomson, Michelle (Falkirk East) (SNP)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 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)  
 Dornan, James (Glasgow Cathcart) (SNP)

Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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 Presiding Officer:** The result of the division is: For 34, Against 93, Abstentions 0.

*Amendment 137 disagreed to.*

01:15

*Amendment 138 moved—[Jamie Greene]—and agreed to.*

**The Presiding Officer:** Amendment 139 is in the name of Jamie Greene.

**Jamie Greene:** I have the great privilege of moving the last amendment of the evening. I hope that it will provide some much-needed consensus in the debate.

*Amendment 139 moved—[Jamie Greene]—and agreed to.*

**The Presiding Officer:** That ends consideration of amendments. [*Applause.*]

At this point in the proceedings, I am required under standing orders to decide whether in my view any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the Gender Recognition Reform (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

**Douglas Ross:** On a point of order, Presiding Officer. When the meeting started yesterday lunchtime, I raised the issue of comments that I made in the chamber on Tuesday that were not recorded in the *Official Report*. I wonder whether, in the intervening 12 hours, you have had the opportunity to consider that and are able to update Parliament on the reason why, when the microphones were working, there seems to be no audio, video or written record of what was said and what efforts can be made to correct that.

**The Presiding Officer:** As you will appreciate, Mr Ross, we have had a very busy parliamentary day. As I said earlier, my understanding was that the meeting was suspended at that point. I confirmed to you earlier that I will look into the matter. As soon as I have done so, I will respond to you.

## Business Motions

01:18

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-07367, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Wednesday 21 December 2022—

delete

3:15 pm            Portfolio Questions:  
Rural Affairs and Islands;  
Health and Social Care;  
Social Justice, Housing and Local  
Government

*followed by*      Stage 3 Debate: Gender Recognition  
Reform (Scotland) Bill

delete

*followed by*      Members' Business — S6M-07192  
Douglas Ross: Maternity Services at Dr  
Gray's

(b) Thursday 22 December 2022—

after

12.00 pm          First Minister's Questions

insert

*followed by*      Stage 3 Debate: Gender Recognition  
Reform (Scotland) Bill

*followed by*      Portfolio Questions:  
Rural Affairs and Islands;  
Health and Social Care;  
Social Justice, Housing and Local  
Government

delete

1.15 pm            Decision Time

and insert

4.30 pm            Decision Time

*followed by*      Members' Business — S6M-07192  
Douglas Ross: Maternity Services at Dr  
Gray's—[George Adam.]

01:18

**Alexander Burnett (Aberdeenshire West)**

**(Con):** Although I can only commend the hard work of the parliamentary staff, it has been a sorry couple of days in the Parliament. The lengths that the Scottish National Party has gone to in order to force through the Gender Recognition Reform (Scotland) Bill by Christmas have well and truly crossed a line. It is not emergency legislation. There was no requirement for everything else to be put aside. There was no need to force parents

of young children to worry about finding childcare at ridiculous hours and very short notice. There was no good reason for carers or cared-for people to have had to change their plans on a whim to suit the Government's timetable or have their concerns branded irrelevant by SNP MSPs. [Interruption.]

**The Presiding Officer:** Members, can we ensure that we can hear Mr Burnett, please?

**Alexander Burnett:** Supporters of the bill from all parties have highlighted that the rushed timetable has made engaging with the detail of the bill unnecessarily difficult for them. We could have quite easily avoided this by scheduling numerous sessions to consider stage 2 and 3 amendments, including in the new year, so that scrutiny could have been maximised and the rights and wellbeing of MSPs and staff could have been respected. To the shame of this Parliament, that reasonable option was kicked aside in favour of political gain for the SNP—or, I should say, for the avoidance of political loss.

The business motion seeks to make one final effort to force a vote on the Gender Recognition Reform (Scotland) Bill before Christmas; yet, so much has changed over the course of stage 3. We have seen a Court of Session ruling after the amendment deadline had passed, meaning that Parliament has had no opportunity to consider how it might affect the bill. Time must be taken to consider these things properly.

There is so much other crucial business that needs to be debated before we head into recess, not least following yesterday morning's news that Scottish national health service workers intend to strike. That is a true crisis being faced by Scotland's NHS, and it is exactly the type of issue that the people of Scotland actually want Parliament to be prioritising before Christmas. My colleague Stephen Kerr has asked for a much-needed statement on the curriculum for excellence achievement statistics. Education was once brandished by the SNP as top priority. It is clearly not any more.

Therefore, my amendment would insert statements on the NHS strikes and the education statistics. Although I welcome Labour's backing of the Conservative calls for statements, I wish to say this: the rush of the GRR bill is possibly the most serious disrespect that the Scottish Parliament has ever seen. If Labour shares our wish to have those statements, it should vote for our amendment. That is because it removes the final debate on the GRR bill from tomorrow's programme, with a view to holding a final vote in the new year.

Before the minister stands up and gives his faux outrage about who he believes is to blame for his Government's timetable, I draw members'

attention to the business programme for the week that we return from recess. As I stated yesterday, there was a debate slot on the afternoon of Tuesday 10 January that had yet to be allocated. We proposed moving the final debate on the GRR bill to that slot, with further amendment consideration tomorrow, to avoid the situation in which we have found ourselves in the past few nights. To be clear, that would still be our preference, as per my amendment.

However, I can reveal to Parliament that, as of 7.40 this evening, that slot has now been filled, with the Government's first—and only—priority. Yes, the minister has confirmed that he seeks to fill it with a debate on independence. *[Interruption.]*

**The Presiding Officer:** Thank you, members. *[Interruption.]* Members! Let us hear Mr Burnett, please.

**Alexander Burnett:** Of course he has.

I move amendment S6M-07367.1, after

“12.00 pm First Minister's Questions

insert”

leave out

*“followed by* Stage 3 Debate: Gender Recognition Reform (Scotland) Bill”

and insert:

*“followed by* Ministerial Statement: NHS Strikes

*followed by* Ministerial Statement: Curriculum for Excellence Achievement Statistics”.

**The Presiding Officer:** I call Neil Bibby to speak to and move amendment S6M-07367.2.

01:23

**Neil Bibby (West Scotland) (Lab):** I will be very brief. We support there being statements tomorrow on NHS strikes and educational attainment. However, we will not support Alexander Burnett's amendment. We will support our own amendment, which inserts both of those statements tomorrow alongside the stage 3 of the Gender Recognition Reform (Scotland) Bill.

I move amendment S6M-07367.2, to leave out “4.30 pm Decision Time” and insert

*“followed by* Ministerial Statement: NHS Strikes

*followed by* Ministerial Statement: Curriculum for Excellence Achievement Statistics

5.30 pm Decision Time”.

**The Presiding Officer:** I call George Adam to respond on behalf of the Parliamentary Bureau.

**George Adam:** Alexander Burnett—God loves a trier. It is 1.20 am. Nobody is watching, Mr Burnett. Nobody is watching at this stage. Yet still, they feel that they have to showboat and continue.

This week, during our numerous meetings of the Parliamentary Bureau, I have sat very quietly and watched the business go by. I have said my piece when I have had to, and gone on. What I have noticed during that period is the bureau working as the bureau should. We have had three political parties working with one another—discussing, having different policies and different beliefs, but still being able to work with one another to ensure that we can deliver the business of Parliament. That is exactly what the Parliamentary Bureau is for.

The only disrespect during this period has come from the Conservatives. As I have said on numerous occasions at the meetings, they have used every dirty trick in the book to try to ensure—*[Interruption.]*

**The Presiding Officer:** Minister, let us ensure that our language is always courteous.

**Stephen Kerr (Central Scotland) (Con):** On a point of order, Presiding Officer. My point is in relation to the use of the term “dirty tricks”. I think that you may have already dealt with it—*[Interruption.]* I would like you to confirm that everything that we have done in this Parliament in the past few days is in order, according to the standing orders.

**The Presiding Officer:** I can confirm that, and, of course, the Deputy Presiding Officers and I would always ensure that that is the case, Mr Kerr.

**George Adam:** Presiding Officer, perhaps “dirty tricks” was a bit of hyperbole on my part. It is probably better to say that the Conservatives have used every single reason to slow down the business of this Parliament over the past number of days. To me, that shows disrespect to you, the people who work in this building and the people who have followed our proceedings. *[Interruption.]*

**The Presiding Officer:** Members, let us hear the minister.

**George Adam:** That was the disrespect that has been shown. I hope that, in the new year, when people come back and we sit in the next meeting of our Parliamentary Bureau, the Conservatives do better and want to work with us all and do the job.

To our Labour colleagues I say that we have worked together over this period. There have been many statements over the past couple of weeks setting out that we have agreed that we would do that. They can add anything that they want to do in the usual manner, and I will meet them as soon as possible to see what we can do and when we can do it.

That is the difference. The SNP, the Greens and Labour have been working to ensure that this Parliament can work and deliver for the people of

Scotland, not showboating and bringing in unnatural ways of working that go against what this Parliament is about. We work together to ensure that we deliver.

Quite simply, Presiding Officer, I am happy to stand by what we agreed in the Parliamentary Bureau earlier today.

**The Presiding Officer:** The question is, that amendment S6M-07367.1, in the name of Alexander Burnett, be agreed to. Are we agreed?

**Members:** No.

**The 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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07367.1 is: For 29, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The question is, that amendment S6M-07367.2, in the name of Neil Bibby, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and  
 Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 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)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)  
 (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine)  
 (SNP)  
 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)

Sturgeon, Nicola (Glasgow Southside) (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 on amendment S6M-07367.2 is: For 55, Against 70, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-07367, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 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)  
 Dornan, James (Glasgow Cathcart) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

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)  
 Doney, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 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)

**The Presiding Officer:** The result of the division is: For 97, Against 28, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Wednesday 21 December 2022—

delete

3:15 pm Portfolio Questions:  
 Rural Affairs and Islands;  
 Health and Social Care;  
 Social Justice, Housing and Local  
 Government

*followed by* Stage 3 Debate: Gender Recognition  
 Reform (Scotland) Bill

delete

*followed by* Members' Business — S6M-07192  
 Douglas Ross: Maternity Services at Dr  
 Gray's

(b) Thursday 22 December 2022—

after

12.00 pm First Minister's Questions

insert

*followed by* Stage 3 Debate: Gender Recognition  
 Reform (Scotland) Bill

*followed by* Portfolio Questions:  
 Rural Affairs and Islands;  
 Health and Social Care;  
 Social Justice, Housing and Local  
 Government

delete

1.15 pm Decision Time

and insert

4.30 pm Decision Time

*followed by* Members' Business — S6M-07192  
 Douglas Ross: Maternity Services at Dr  
 Gray's.

**The Presiding Officer:** The next item of business is consideration of business motion S6M-07332, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 10 January 2023

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Scotland's Energy  
 Strategy and Just Transition Plan

followed by Scottish Government Business

followed by Ministerial Statement: Proposed  
 Domestic Building Environmental  
 Standards (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 11 January 2023

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
 Constitution, External Affairs and  
 Culture;  
 Justice and Veterans

followed by Scottish Government Debate: The  
 Fourth National Planning Framework

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

followed by Members' Business

Thursday 12 January 2023

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

followed by Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
 Education and Skills

followed by Ministerial Statement: Cost of Living  
 (Tenant Protection) (Scotland) Act

followed by Scottish Government Debate: National  
 Drugs Mission: Our Cross Government  
 Response to the Drug Deaths Taskforce  
 Report - Changing Lives

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Tuesday 17 January 2023

2.00 pm Time for Reflection  
 followed by Parliamentary Bureau Motions  
 followed by Topical Questions (if selected)  
 followed by Committee Debate  
 followed by Committee Announcements  
 followed by Business Motions  
 followed by Parliamentary Bureau Motions  
 5.00 pm Decision Time  
 followed by Members' Business

Wednesday 18 January 2023

2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions:  
 Covid Recovery and Parliamentary  
 Business;  
 Finance and Economy  
 followed by Scottish Labour Party Business  
 followed by Business Motions  
 followed by Parliamentary Bureau Motions  
 followed by Approval of SSIs (if required)  
 5.10 pm Decision Time  
 followed by Members' Business

Thursday 19 January 2023

11.40 am Parliamentary Bureau Motions  
 11.40 am General Questions  
 12.00 pm First Minister's Questions  
 followed by Members' Business  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Portfolio Questions:  
 Net Zero, Energy and Transport  
 followed by Scottish Government Business  
 followed by Business Motions  
 followed by Parliamentary Bureau Motions  
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 9 January 2023, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

*Motion agreed to.*

## Parliamentary Bureau Motions

01:32

**The Presiding Officer (Alison Johnstone):**  
 The next item of business is consideration of two Parliamentary Bureau motions, which are S6M-07333, on approval of a Scottish statutory instrument, and S6M-07335, on designation of a lead committee.

*Motions moved,*

That the Parliament agrees that the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.

That the Parliament agrees that the Economy and Fair Work Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the UK Infrastructure Bank Bill (UK Legislation).—[George Adam]

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

## Decision Time

**The Presiding Officer:** That concludes decision time.

01:33

*Meeting closed at 01:34.*

**The Presiding Officer (Alison Johnstone):**

There is one question to be put as a result of today's business. The question is, that motions S6M-07333, on approval of a Scottish statutory instrument, and S6M-07335, on designation of a lead committee, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.

That the Parliament agrees that the Economy and Fair Work Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum in relation to the UK Infrastructure Bank Bill (UK Legislation).



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

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba