



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Tuesday 19 March 2024

Session 6



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Pàrlamaid na h-Alba

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**Tuesday 19 March 2024**

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# Scottish Parliament

*Tuesday 19 March 2024*

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

## Time for Reflection

**The Presiding Officer (Alison Johnstone):** Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Ben Kane, an inspirational young man who will share his experiences with us.

**Ben Kane:** Presiding Officer, members of the Scottish Parliament, I have been invited to share the work that we have been carrying out at Inverclyde surrounding childhood bereavement.

United Kingdom figures show that one in 29 children loses a parent or sibling prior to the age of 18. That equates to at least one child in every classroom in Scotland. Through my own experience as a young person who suffered the loss of a close loved one, the need for greater support and understanding in the school environment was glaringly obvious to me.

Although in the immediate aftermath of events everyone was full of kind words and condolences, it soon became very clear that the long-term impact of such an event was very much misunderstood by all. The isolation that I felt led to a realisation of how others might be feeling. As a result, I spoke to fellow pupils who had suffered a loss and asked how they would have felt if better support had been in place. The response was resounding. That encouraged me and Mrs Elaine Tait to set up the first pupil-led bereavement support group in Scotland.

Through the use of group discussion activities and one-to-one support, Clydeview academy has become a bereavement safe space for young people. In making that happen, we have supported the creation of a more comfortable and understanding culture in the school environment for bereaved young people. Alongside our support group, Clydeview academy was also the first school to mark children's grief awareness week in 2022.

After leaving school, I began a new chapter as an activist rather than a school pupil. In 2023, our campaign grabbed national headlines following success in the national Rotary awards. In the past year, we have accomplished a variety of once-unthinkable goals, from the development of lesson plans with Inverclyde Council to uniting our discussions as part of the Inverclyde bereavement

network and the marking of children's grief awareness week in this chamber.

The story of Clydeview bereavement support is not one that bears my own name or that of Clydeview academy. The group and the campaign have been centred around the coming together of a community and a sense of willingness to support our own. I will be forever indebted to local organisations such as Mind Mosaic Child and Family Therapies and Ardgowan Hospice for equipping me to take the campaign from a small coastal town to national frontiers. The work of Stuart McMillan and his staff has also been pivotal to sharing our message across the nation.

Our campaign has risen from the humble beginnings of a pupil support classroom to the heights of working with the Scottish Government and BBC Scotland's "The Nine". The campaign might have started as a local push for change but, with the support of national organisations such as Child Bereavement UK, we have been afforded the opportunity to share our vision across Scotland.

My remarks have tried to summarise a journey from the greatest pain that a person can feel to a place of hope and a desire for better. That desire—that want for better—is something that I will carry with me throughout my life and will hopefully inspire others to ensure that no child grieves alone.

## Business Motion

### The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-12565, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to the business programme. Any member who wishes to speak against the motion should press their request-to-speak button now.

#### *Motion moved,*

That the Parliament agrees—

(a) to the following revisions to the programme of business for—

(i) Tuesday 19 March 2024—

delete

5.00 pm Decision Time

*followed by* Members' Business

and insert

8.45 pm Decision Time

(ii) Wednesday 20 March 2024—

delete

*followed by* Scottish Government Debate: Scottish Crime Campus and Tackling Serious Organised Crime

and insert

*followed by* Stage 1 Debate: Circular Economy (Scotland) Bill

*followed by* Financial Resolution: Circular Economy (Scotland) Bill

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time

(iii) Thursday 21 March 2024—

delete

2.30 pm Portfolio Questions: Education and Skills

*followed by* Stage 1 Debate: Circular Economy (Scotland) Bill

*followed by* Financial Resolution: Circular Economy (Scotland) Bill

and insert

2.45 pm Portfolio Questions: Education and Skills

*followed by* Stage 3 Debate: Wildlife Management and Muirburn (Scotland) Bill

delete

5.00 pm Decision Time

and insert

4.10 pm Decision Time

(b) that, for the purposes of Scottish Parliamentary Corporate Body Questions on Thursday 21 March 2024, the words "of up to 15 minutes" in Rule 13.9.3 are suspended.—[George Adam]

14:04

### Stephen Kerr (Central Scotland) (Con):

Knowing that the Parliamentary Bureau meets at 12 noon on a Tuesday to consider business motions, I rise not to contest the business motion as much as to ask for something to be included at the earliest possible convenience.

This morning, Ineos announced that its ethanol plant at Grangemouth will close at the end of quarter 1 next year. That is an additional announcement on top of the previous announcements that have been made about the closure of the Grangemouth oil refinery, which is scheduled to close by the end of quarter 2 in 2025.

The announcement was made this morning and was probably not on anyone's radar when the bureau met, so I am rising to ask for a ministerial statement on the matter—an opportunity for the Government to come to the chamber. People in Grangemouth and the Falkirk area will be worried that the news comes on top of the previous announcements and they will want to know about jobs and what the implications are for the wider industrial complex at Grangemouth, which is integral to Scotland's economy and to our plans for net zero.

The other dimension is the flood prevention scheme, which will depend on resources coming not just from the public sector but from the private sector. There will be one less business operating on that estate.

There are questions to be asked about the future role of Grangemouth in the context of this further closure. I am therefore indirectly asking the Minister for Parliamentary Business whether there will an opportunity for the matter to be raised in the chamber at some point in the next few days.

### The Minister for Parliamentary Business

**(George Adam):** I understand the seriousness of the situation and that people would want to discuss it. However, Mr Kerr will be aware that there is a process for the Parliament and the Parliamentary Bureau to work through, and I advise him—as I would advise any member who makes a similar request—to speak to his business manager and feed into the Parliamentary Bureau in that way. As Mr Kerr knows from his past involvement as chief whip, I am only too happy to deal with any requests that are made by members and we will see what we can do in the future.

*Motion agreed to.*

## Topical Question Time

### NHS Dumfries and Galloway (Cyberattack)

1. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what its response is to the reported cyberattack on NHS Dumfries and Galloway. (S6T-01869)

**The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray):** I wish to outline at the outset that the incident is the subject of a live police investigation, so colleagues will appreciate that I am limited in the detail I can share. However, I assure Colin Smyth and other colleagues that the Scottish Government continues to fully support NHS Dumfries and Galloway as it responds to the cyberattack.

Although I understand that the news will have been alarming for patients and staff, I assure Parliament that the board responded swiftly and in line with established protocol. I have spoken to the chief executive of NHS Dumfries and Galloway and I am assured that my officials are fully supporting the board as part of a multi-agency approach. In addition, I can advise that other national health service boards have been mobilised at the Government's request to provide technical support to NHS Dumfries and Galloway.

**Colin Smyth:** So far, the attacks do not appear to have caused any major disruption to patient services, which is welcome. However, it is deeply worrying that there is a risk that hackers were able to acquire a significant amount of information, which could include identifying data on patients and staff. We know from past attacks on the NHS that the motive can often be related to extortion attempts on organisations or individuals.

What actions are being taken to protect staff and patients from extortion attempts? Will the cabinet secretary give a clear assurance that there will be clear, open and transparent communication with staff and patients about the possibility that they could be approached by someone claiming to be in possession of data relating to them, so that they know what to do in such circumstances? People are worried, and communication so far has been very limited.

**Neil Gray:** NHS Dumfries and Galloway made the situation public last week and advised people that if they are concerned about anyone approaching them with information about their data, whether that be a patient or a member of staff, they should contact the police immediately by calling 101.

On Colin Smyth's earlier point, I am pleased to say that there has been a minimal impact on patient services. However, it is important to note that we know that the incident has resulted in the

need for some staff to change working practices in the short term. I am grateful to everyone who is working to ensure that people still receive the best possible care while we work at pace to ensure a return to normal working practices.

I am limited in what I can say because of the live police investigation, but I note that the difficulty is in how we can directly contact patients, given that we do not know exactly what data has been taken. We know the scale of the data loss and what the data will be used for, however, and, as NHS Dumfries and Galloway has suggested, the likelihood is that it might include patient and staff information.

**Colin Smyth:** Cyberattacks on the NHS are not new, obviously, but it is clear from this attack that they are becoming more common and more sophisticated. Of course, they are not unique to NHS Dumfries and Galloway. Following the attack, which has led to a breach of confidential data, and given that the security that is used by the health board will have been very similar to that which is used by the NHS across Scotland, will there now be a review of the cybersecurity protections that are used by the NHS?

**Neil Gray:** Obviously, a breach of confidential data is an extremely serious matter, which is why there is a multi-agency response to it. I am confident in what I have been advised by NHS Dumfries and Galloway about its preparedness for such a cyberattack, and I am happy to share that confidence in a more private way with Colin Smyth or any other colleagues.

The attack demonstrates the clear need for continued investment in the cybercapability of our public sector, not just here in Scotland but across the United Kingdom. Recently, we have seen attacks in very similar circumstances that happened to the University of Manchester and NHS England, and Colin Smyth is right to point to there being a pattern that we need to be alive to.

The Scottish Government and NHS boards have continued to invest in the development of the Cyber Centre of Excellence in recent years. The centre has been delivered organically and is already the focal point of cyberdefence. The response to this incident allows for that work to be done on a national scale.

On Colin Smyth's question, we will continue to monitor and keep under review the implications of the attack and ensure that our cyberresilience continues to be as strong as possible.

**Emma Harper (South Scotland) (SNP):** My question is in a similar vein to Colin Smyth's.

The NHS board is working with the National Crime Agency, the UK National Cyber Security Centre, the Scottish Government and the

Information Commissioner to mitigate and investigate the recent cyberattack. It was clear at yesterday's NHS briefing that the board was not able to provide full information, as advised by those professional agencies, but one thing that is clear is that cyberattacks will become more commonplace. Will the cabinet secretary provide further information on how the lessons that are learned from the NHS D and G event, including the business continuity plan, will be shared with other public bodies in Scotland to ensure that they are prepared to prevent, as far as possible, a similar attack in the future?

**Neil Gray:** I thank Emma Harper for her question. I am glad that she and colleagues from the Scottish Parliament and Westminster found yesterday's briefing from NHS Dumfries and Galloway helpful, although it was caveated, as my replies have been, by the fact that this is a live police investigation.

I assure Emma Harper that my officials have already started a lessons-identified exercise, the learning from which will be shared at a suitable time. I want to be clear that, as detail about the incident becomes available, I will continue to share as much information as I can with other public bodies—through the multi-agency arrangements that Emma Harper mentioned in her question—so that they are able to take preventative steps to defend against similar attacks in the future.

**Finlay Carson (Galloway and West Dumfries) (Con):** My constituents have raised concerns about how the leaked personal and sensitive data might be used. Therefore, information, guidance and support from NHS Dumfries and Galloway will be crucial in the coming days and weeks. Will the cabinet secretary give details on what assistance the Scottish Government is giving the health board to ensure that patients and staff are aware of potential risks and the actions that they might need to take to protect themselves? Can he confirm whether he believes that NHS Dumfries and Galloway has abided by data protection legislation in the manner and timing in which it has informed patients and staff of those risks?

**Neil Gray:** I thank Finlay Carson for the way that he approached that question. In line with the offer that I made to Colin Smyth and Emma Harper, I would be happy to write to Mr Carson about some of the preventative steps that were taken by NHS Dumfries and Galloway to try to prevent the attack happening in the first place and the steps that it has taken since.

He is absolutely right to say—and I reiterate—that the breach of confidential data is an extremely important and serious matter. I would be happy to set out for Finlay Carson the steps that were taken to provide public information at the earliest possible opportunity, to ensure that people could

protect themselves against misuse of the data that was gathered.

I reiterate NHS Dumfries and Galloway's call for staff and the public to be on their guard against any attempt to access their systems and against approaches from anyone claiming to be in possession of their data. Anyone who finds themselves in that situation should contact Police Scotland immediately by calling 101.

### **HMP Kilmarnock (Transfer to Public Ownership)**

**2. Sharon Dowey (South Scotland) (Con):** To ask the Scottish Government what its position is on the cost and impact of the transfer of HMP Kilmarnock into public ownership. (S6T-01878)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** HMP Kilmarnock successfully transferred to Scottish Prison Service ownership and management on Sunday 17 March. The SPS and the private operator delivered a smooth transition, supporting staff and those in custody while maintaining the high standards already set within the prison. The SPS will continue delivering quality services at the prison, while benefiting from the skills and experience of the existing staff.

It has been Scottish Government policy since 2007 that prisons should be owned and managed by the public sector and that public safety and prisoner rehabilitation and wellbeing should not be driven by private profit.

The final overall cost of operations at HMP Kilmarnock will depend on a variety of factors but is currently estimated at £11.6 million for 2024-25. *[Angela Constance has corrected this contribution. See end of report].*

**Sharon Dowey:** His Majesty's chief inspector of prisons recently raised serious concerns about some prisons already in the estate. She said that HMP Greenock needs bulldozed and that HMP Barlinnie is close to catastrophic failure. Meanwhile, the replacement for HMP Barlinnie is already overdue and over budget, as is the HMP Highland project.

It is evident that the service is already struggling with significant financial constraints, although HMP Kilmarnock was praised for its successful performance under private control. A recently released report also raised a number of concerns about the HMP Kilmarnock transition. Can the cabinet secretary assure us that plans have been put in place to ensure that that prison will not fall into disrepute as others have done?

**Angela Constance:** I am the last person to demur from the challenges that currently exist

across the prison estate, which are not helped by having a very high prison population.

Of course, I do not necessarily accept the member's characterisation of the current estate. There are well established plans in place to replace HMP Barlinnie with HMP Glasgow and there are similar plans for HMP Highland. I have answered a number of oral and written questions about Greenock, Highland and Glasgow prisons and recently made a statement about the pressures on the entire prison estate.

The member should be aware of the good performance of public sector prisons in Scotland, in comparison with those in the private sector, particularly regarding violence and drug use—I have referred to that in the chamber as well. She will also be aware that there are two stages. The first is the successful transition that we have seen and the second is the actions that will take place in the coming year.

**Sharon Dowey:** I point out that that was not my characterisation of the prison service, it was that of His Majesty's chief inspector of prisons.

The chief executive of the Scottish Prison Service has said that the service is committed to ensuring the transition of HMP Kilmarnock into public ownership while maintaining the high standards that the prison displays. However, during that transfer, staff have lost the security of 56 body-worn cameras. The prison now needs to recruit a further 70 staff and there is also the question of whether four drug-detection dogs, which have proved to be an important asset in preventing drugs worth around £1.2 million from entering HMP Kilmarnock, will be retained.

Can the cabinet secretary confirm that the existing level of safety and security will be maintained at HMP Kilmarnock despite the loss of those cameras? Can she provide us with an update on the drug-detection dogs? Can she also confirm that there will be no further overcrowding until all the staff are recruited?

**Angela Constance:** It is important to acknowledge that, even with the transition arrangements and the transitional operating model, the number of staff in HMP Kilmarnock will increase so that staff who are working long shifts or back shifts on a weekend can have a break. That is a good example of why we have prisons operating for the public interest, as opposed to the private profiteering that exists across these islands in relation to private prisons.

It is important for Parliament to be aware that the current body-worn cameras in HMP Kilmarnock were not part of the contract and there is no agreement for those pieces of equipment to transfer. However, it is also worth recognising that a pilot operation will commence in April in three

prisons in the estate and that, thereafter, body-worn cameras will be rolled out across the prison estate.

I have already corresponded with members on the drug-detection dogs and handlers. The two detection dogs and handlers have now transferred into the SPS following the transition, and they do indeed play a critical role in tackling the drug crisis.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** The proposal to bring Kilmarnock prison into the public sector has been there for 17 years, so I wonder where the Tories have been hiding on the issue until now. Does the cabinet secretary agree that the Government has a great record on and commitment to delivering more and better public services, unlike the Tories, who would sell off anything and everything to bail themselves out of the financial mess that they have created?

**The Presiding Officer:** Please answer in relation to the substantive question, cabinet secretary.

**Angela Constance:** The member is right to point to the historical position of this Government. Indeed, our 2007 manifesto said:

"We are committed to a publicly owned and run ... service."

That was because our assessment is that public services, be they hospitals or prisons, should be run for public good and not private profit. Private prisons are a legacy of previous Administrations, whether that is the Liberal-Labour coalition or the Conservative Government pre-devolution.

**Katy Clark (West Scotland) (Lab):** Can the cabinet secretary explain why the trade union Community has been de-recognised at Kilmarnock prison? Is she concerned that Community advises that the Scottish Prison Service is refusing to meet it and, as a result, the union is now issuing an indicative ballot for industrial action? Will the cabinet secretary intervene to ensure that that dispute is resolved?

**Angela Constance:** I am about to reply to correspondence that I have received from Ms Clark and Ms McNeill on those issues. In relation to union recognition, the Scottish Prison Service indicated throughout the consultation process, which was intensive, its intention to maintain its existing trade union arrangements for all public sector prisons in Scotland, and the transferring staff group will be covered by those existing arrangements.

It is important to point out to Parliament that the arrangement that exists between Serco and the Community union was a voluntary agreement and not a legally binding one. It is my view that it does not place an obligation on the SPS, which has

worked hard to maintain its current relationships with trade unions—mainly, but not exclusively, the Prison Officers Association.

## Business Motion

14:27

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-12548, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Wildlife Management and Muirburn (Scotland) Bill. Any member who wishes to speak against the motion should press their request-to-speak button now.

*Motion moved,*

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

Groups 1 to 3: 1 hour 40 mins

Groups 4 to 6: 3 hours 15 mins

Groups 7 to 9: 4 hours 15 mins

Groups 10 to 12: 5 hours 10 mins

Groups 13 to 15: 6 hours 25 mins.—[*Martin Whitfield*]

*Motion agreed to.*

## Wildlife Management and Muirburn (Scotland) Bill: Stage 3

14:25

**The Presiding Officer (Alison Johnstone):** Our next item of business is stage 3 proceedings on the Wildlife Management and Muirburn (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2—Scottish Parliament bill 24A—the marshalled list, the supplement to the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting 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 buttons or enter “request to speak” in the chat as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 1—Offence of using glue trap

**The Presiding Officer:** Group 1 is on glue traps. Amendment 38, in the name of Christine Grahame, is grouped with amendments 39, 40, 1, 41, 2, 3, 42, 4 to 6, 43, 44, 7 to 11, and 29 to 36.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** The arguments that I will make in support of amendment 38 apply equally to amendment 39. Of the other amendments in the group, my intention is to reference in detail only the Scottish Government’s amendment 11. I do not support licensing, but I will speak to that amendment specifically.

Amendment 38 would delete words in section 1(1), to make it read, “It is an offence for a person to use a glue trap for the purpose of killing or taking any animal other than an invertebrate.” It would be an outright ban on glue traps, except for use on invertebrates.

As far as I knew, until Tuesday of last week, that was the Government’s position. However, then up popped amendment 11 in the name of the Minister for Agriculture and Connectivity, Jim Fairlie. I welcome the minister to his position, but I will not make life easy for him.

Amendment 11 would insert after section 3:

**“Authorisation for use, supply or possession of glue trap**

(1) The Scottish Ministers may, by regulations, make a scheme for the authorisation of the use, supply or possession of glue traps (“the scheme”)—

(a) by specified persons,

(b) in specified circumstances.”

I will pre-empt the Government’s argument: it will continue to say that its policy position is a belief in an outright ban. However, I am interested in the law, which is fixed—and, in this case, would not be an outright ban, because, if amendment 11 is agreed to, there will be an opening, notwithstanding that it would be in very peculiar circumstances, for the Government to introduce a licensing scheme. In common parlance, it is not a ban. What is policy is distinct from what is legal.

To look at the Government’s history on the issue, its policy memorandum, which it put out when it was consulting and which was introduced with the bill on 21 March 2023, said specifically that the bill will

“Ban the use and purchase of glue traps”.

Relevant to sections 1 to 3, it says that those are

“devices used for a variety of purposes, primarily to control ground rodents ... glue traps work by placing them along areas where rats and mice are likely to frequent. Once the animal steps onto the board it is then firmly stuck to it and is unable to free itself. Once an animal is captured the intention is that the glue trap can be retrieved and the animal dispatched.”

The memorandum also details that

“There has been significant and ongoing concern regarding the welfare implications of the use of ... glue traps. They can result in prolonged suffering ... are indiscriminate in nature”

and can unintentionally trap non-target species.

I am not against the trapping and capturing of rodents; I am against the use of glue traps. That is a very specific complaint.

14:30

In response to concerns by animal welfare groups in petition PE1671 to the Scottish Parliament, which called for a ban on the sale and use of glue traps, the Government sought advice from the independent Scottish Animal Welfare Commission.

On 23 March 2021, the SAWC published a report that acknowledged that there are

“certain high-risk situations that clearly require effective and rapid pest control.”

It went on to say that the SAWC was

“not convinced that evidence exists supporting the view that glue traps are genuinely the only method of last resort”

and gave examples of other effective alternative methods.

The report acknowledged the animal welfare impacts of the use of glue traps. It concluded that

“there is no way that glue traps can be used without causing animal suffering”

and that they pose

“an undeniable risk of capture of non-target species.”

It further stated that its preferred recommendation was that

“animal welfare issues connected with the use of glue traps would justify an immediate outright ban on their sale and use.”

I highlight the words “outright ban.”

It is no wonder that I, and others, believed that the Scottish Government’s position was unequivocal: that there should be an outright ban on glue traps—no regulations in the future and no parking the issue for some other legislation. Indeed, that was reinforced by a string of answers to parliamentary questions. In the interest of time, I will only quote a few.

On 20 January 2022, Siobhian Brown, who is now a minister, asked an oral question on the ban and was told:

“we will introduce legislation to ban glue traps in this parliamentary term”—[*Official Report*, 20 January 2022; c 4.]

On 31 May 2022, Màiri McAllan said:

“we have committed to ending use of glue traps, which is a particularly cruel and harmful practice.”—[*Official Report*, 31 May 2022; c 92.]

In June 2022, in answer to a written question from Sandesh Gulhane, who had raised issues about health, Màiri McAllan replied:

“I set out our plans to introduce a ban on the sale and use of glue traps.”—[*Written Answers*, 10 June 2022; S6W-09084.]

In October 2022, Màiri McAllan made reference to work that was on-going on “banning glue traps”.

Throughout all that, in my foolishness, I thought that we were banning glue traps.

At stage 2, Edward Mountain—quite rightly—lodged amendments relating to a licensing scheme that he wanted to introduce in certain circumstances. There was a debate. Then, in response to what the minister said, he did not pursue the amendments and said that we would come back to them later. He said:

“However, it is especially important in relation to food. The only way of ensuring that is to use a glue trap. I know from personal experience that you can set snap traps for vermin such as rats and mice, but they can become trap shy, and some of them are pretty clever.”

He went on to say:

“I do not see any reason why that should not be allowed, especially if the glue traps are set and checked within a set period. I think that that is a humane way of doing it.”

Although I disagree with him, he was entitled to say that. The response from Gillian Martin, who was the Minister for Energy and the Environment at that time, was:

“Edward Mountain’s amendment 176 would allow members of the public to use glue traps to control rats and mice in educational, catering or medical premises. The Scottish Animal Welfare Commission published a report on glue traps that concluded that

‘animal welfare issues connected with the use of glue traps would justify an immediate outright ban on their sale and use.’

Because of the weight of evidence that glue traps are the least humane method of rodent control and that they cause unacceptable levels of suffering to the animals that are caught by them, continuing to allow their use was not considered to be a viable option. More than three quarters of respondents to our consultation also agreed that glue traps should be banned completely in Scotland.”—[*Official Report, Rural Affairs and Islands Committee*, 7 February 2024; c 3, 5.]

**The Presiding Officer:** Could you please bring your remarks to a conclusion?

**Christine Grahame:** I am bringing them to a conclusion.

The point that I am making—which deserves to be re-emphasised—is that, until stage 3, there was no notion that we would have a backdoor system of regulation.

I am at a loss to understand why the Scottish Government—which seems to me not to be compromised but to be doing this as a matter of appeasement—will continue, if the bill passes, to introduce by the back door a licensing scheme against all the evidence that glue trapping is inhumane.

Wales introduced an outright ban that became effective on 17 October 2023. Why on earth the Scottish Government does not do the same, I do not understand. On that ban, the Welsh Rural Affairs Minister, Lesley Griffiths, said:

“This is a historic day for animal welfare. We strive for the very highest standards of animal welfare in Wales, and the use of snares and glue traps are incompatible with what we want to achieve.”

I wish that my Government took the same view of things.

I move amendment 38.

**Colin Smyth (South Scotland) (Lab):** Glue traps are barbaric, cruel and indiscriminate. Rats and mice, and sometimes non-target species, that are stuck in traps often remain there until the person who set the trap comes to kill them.

**Edward Mountain (Highlands and Islands) (Con):** Will the member take an intervention?

**Colin Smyth:** I am sure that Edward Mountain will have an opportunity to speak in the debate, but I will still give way to him at this point.

**Edward Mountain:** I thank the member for giving way. Twice this afternoon I have heard non-target species being mentioned. In the environments that we are talking about—inside buildings—what are the non-target species that could be caught, apart from rats and mice?

**Colin Smyth:** Any animal crossing a glue trap will be caught. The reality is that the cruelty to rats and mice is absolutely clear for everyone to see. No matter who sets such traps, sentient animals suffer appalling distress during that time, which is why glue traps should be banned, and that ban should be watertight. It is typical of Edward Mountain that, once again, he adopts a do-nothing attitude and is unwilling to consider any alternatives.

Amendment 40, in my name, aims to close a loophole within the proposed ban, by making it an offence to

“knowingly cause or permit another unauthorised person”

to use a glue trap.

Paragraph 12 on page 3 of the explanatory notes accompanying the bill states that the offence of using such a trap does not apply if the person has

“a reasonable excuse for using or setting a glue trap. For example, it is not the intention to criminalise circumstances where a person is compelled to use a glue trap by a workplace superior.”

That raises the prospect that a person could get round the ban by compelling someone else to use a trap. “Causing or permitting” offences are used in a wide variety of legislative provisions to prevent individuals from escaping sanctions when they have made or allowed another person to commit an offence on their behalf. In fact, there is an example of such a provision in section 9(2)(b) of the bill, which creates the offence of causing or permitting another person to make muirburn without a licence.

At stage 2, I lodged an amendment that would have included such a provision on glue traps in section 1. The previous minister acknowledged the need for such a provision, but asked me not to move my amendment and said that the Government would consider an alternative wording, which it has done. I will move a reworded amendment at the appropriate time.

Amendments 38 and 39, in the name of Christine Grahame, appear to have a similar aim to my amendment 40 and would remove the words “without reasonable excuse” from the offence. Amendment 40 is a more appropriate solution, but I would happily support amendments 38 and 39 if

Christine Grahame presses them. The wording of my amendment 40 makes reference to an “unauthorised person”. That reflects the fact that the Government has proposed amendments for exceptions to offences on the use, supply and possession of glue traps so long as the person is authorised under the scheme, which is required to be established by regulations.

I share Christine Grahame’s concerns on that proposal. Although it is certainly preferable to the licensing scheme proposed by Edward Mountain in amendments 41 to 43, which simply attempt to undermine any ban, it concerns me that the Government is proposing amendments that will make a material change to the bill very late in the day, with absolutely no discussion with Opposition members. Those amendments were lodged at the last minute, which has made it almost impossible to scrutinise them, never mind propose changes to them if we were to have concerns.

As we have heard, there is a full ban in Wales. It is therefore deeply disappointing that, at the 11th hour, the Scottish Government is watering down its proposed ban. Notwithstanding that, I hope that, in his comments, the minister will make it absolutely clear that the use of that enabling power would be considered in the future only if there were strong evidence to suggest that a complete ban on the use of glue traps was giving rise to significant public health problems, and that any authorisation would be granted only as a last resort in exceptional circumstances and for time-limited periods.

I hope, too, that the minister will make it clear to the industry that any authorisation scheme would be a temporary step, and that its expectation would be that the industry will adopt alternative methods, as the Government’s own Scottish Animal Welfare Commission said should happen if an authorisation scheme were to be adopted.

Perhaps Edward Mountain should consider this aspect. In other countries with similar schemes, such as New Zealand, which brought in its scheme in 2015, the numbers of applications have decreased significantly over the years, and in the past few years there have been none at all. The minister must make it absolutely clear to the industry that that is what he expects to see happen in Scotland.

**The Presiding Officer:** I call the minister to speak to amendment 1 and other amendments in the group.

**The Minister for Agriculture and Connectivity (Jim Fairlie):** I fully understand Ms Grahame’s reasons for lodging her amendments, but I am unable to support them.

When introducing criminal offences, it is common to frame such offences in a way that

allows a person to put forward a reasonable excuse for why the offence was committed. That is not a loophole. I am sure that Christine Grahame, as a former lawyer and former convener of the Justice Committee, will appreciate that it must always be for Police Scotland, the Crown Office and Procurator Fiscal Service and, ultimately, the courts to determine whether a person who is accused of committing an offence can demonstrate that they had a reasonable excuse for doing so.

For those reasons, I cannot support Christine Grahame's amendments, and I encourage members to vote against them.

**Christine Grahame:** How can someone have a reasonable excuse for doing something that is banned?

**Jim Fairlie:** I will come on to that question as I get through my notes.

Under the Wildlife and Countryside Act 1981, it is an offence to knowingly cause or permit someone to use other types of illegal wildlife traps, so I think that it is right that there should be an equivalent offence of use of glue traps. I thank Colin Smyth for lodging amendment 40, which will be a helpful addition to the bill that I will be happy to support.

I turn to amendments 41 to 44, in the name of Edward Mountain. The Scottish Animal Welfare Commission, in its "Report on the use of rodent glue traps in Scotland", was clear

"that there is no way that glue traps can be used without causing animal suffering."

I do not, therefore, support Edward Mountain's amendments to introduce a licensing scheme for use of such traps by pest controllers, and I encourage members to vote against them.

**Finlay Carson (Galloway and West Dumfries) (Con):** Given that the minister and his predecessors had ample time to raise concerns around a total ban on glue traps, why was it that there was—as Colin Smyth said—at the very last minute a U-turn from the Government? The position is completely different from what Gillian Martin had previously outlined, and the minister gave no indication of it whatsoever at stage 2. Why was that done at the last minute, which gave Parliament very little time to consider the Government's amendments and, potentially, to lodge valid amendments to those amendments?

**Jim Fairlie:** Clearly, Finlay Carson is setting the tone of the debate today. I will come on to why we have an enabling power.

I turn to my amendments in the group. To put it simply, they will do the following: amendments 4 to 6 will make it an offence for a person to sell or to

possess a rodent glue trap. The bill will already make it an offence to use a glue trap, and the Scottish Government has always been clear that it intended to lodge amendments that will also ban their sale and possession. A ban on the sale of glue traps will ensure that members of the public cannot buy those products in Scotland. It will also enable trading standards officers to act against anyone who is selling those products, thereby providing an additional aid to law enforcement. A ban on possession will allow law enforcement officers to remove products from individuals before the products are used. That is especially important, given the severe welfare implications that are associated with use of the products.

In addition, my amendments will remove the offence of purchasing a glue trap. With a full ban on use, sale and possession of glue traps in place, the net effect is that people will be unable to lawfully obtain a glue trap, so the offence of purchasing one will be unnecessary. For those reasons, I encourage members to vote for amendments 4 to 6.

Use of glue traps has already been banned completely in Wales, and England has banned their use by members of the public, so there are already different approaches being taken in two parts of the United Kingdom. The Scottish Government is still engaging in discussions with the UK Government on the matter of an exclusion to the United Kingdom Internal Market Act 2020 in relation to sale and possession of glue traps. A ban on sale and possession of glue traps would have a negligible effect on the market for glue traps in the rest of the UK, so I see no reason for the UK Government not to support such an exclusion.

Discussions about the exclusion will continue, but I see no reason not to take the opportunity to legislate now to ban possession and sale of glue traps. The United Kingdom Internal Market Act 2020 should not be allowed to undermine the power of this Parliament to legislate in areas that are within our devolved competence, so I hope that it will not be used on this occasion to prevent the exclusion.

My amendments 29 to 36 will allow trading standards officers to investigate offences relating to supply and possession of glue traps. Trading standards officers respond to and investigate consumer complaints and conduct routine inspection of businesses to ensure that they are complying with legislation and are not selling prohibited products. Those officers have equivalent powers in relation to other items—for example, their powers were recently extended to cover fireworks. They have a statutory duty to combat illegal trading; it is, therefore, sensible to extend their powers so that they can investigate

complaints that a business is continuing to sell glue traps in contravention of the ban. For those reasons, I encourage members to vote for amendments 29 to 36.

14:45

The Scottish Government's position is clear: we should have a comprehensive ban on use, sale and possession of rodent glue traps. We consider that continued use of glue traps is not necessary, and that sufficient alternatives are available. The evidence from countries where glue traps have been banned—including the Republic of Ireland and, most recently, Wales—demonstrates to me that a full ban can be brought in without any negative impacts arising, and that successful control of rodents in settings such as hospitals is possible without the need to resort to glue traps. I see no reason why that would be any different in Scotland.

However, during the bill process I have heard from the British Pest Control Association, which raised concerns that increased rodenticide resistance in rodent populations is a real possibility, which could lead in the future to a situation in which professional controllers have very limited options to deal with infestations in high-risk areas.

Having listened to those concerns and reflected on the need to respond to infestations in a swift manner, I believe that it is prudent to include an enabling power in the bill. It is a helpful addition that will future proof the bill, as we have done in other areas. My amendments 1, 3 and 11 will therefore provide Scottish ministers with the ability to create a tightly regulated authorisation to allow use, possession and sale of glue traps in exceptionally limited circumstances and with several safeguards to reduce animal suffering.

**Finlay Carson:** Will the member take an intervention?

**Jim Fairlie:** I will not, at the moment.

The power sets out that the scheme can be used only to allow authorisations where no other method of rodent control is practicable and where such authorisation is

“necessary or expedient ... for the purposes of protecting public health.”

It also sets out that the scheme can put conditions on authorisations, such as limiting the circumstances in which use of a glue trap is authorised or requiring that training be completed. The supply of glue traps would also be restricted to authorised suppliers, and it would be a condition of the authorisation that those suppliers could sell only to persons who have been authorised to use the traps.

I want to be clear that my intention is that the authorisation scheme would be considered in the future only in the event that there was strong evidence to suggest that a complete ban on use of such products was giving rise to significant public health concerns.

For those reasons, I encourage members to vote for amendments 1, 3 and 11.

**Finlay Carson:** I will try again. In the spirit of the debate and of passing legislation, will the minister lay out when he first heard the concerns of the British Pest Control Association and what made him change his mind and lodge amendments at the very last minute to reflect those concerns?

**Jim Fairlie:** We lodged the amendments to allow the enabling power because we had listened. We heard that people were genuinely concerned. Your colleague, who is sitting behind you, told us that there was a problem.

**The Presiding Officer:** Always speak through the chair, please.

**Jim Fairlie:** We listened to those concerns, and it would be prudent in the extreme to make sure that we have something in place, just in case there is an emergency.

The member is well aware of what a flit of rats looks like. If a building is demolished in Glasgow, for instance, a flit of rats could move from that place and get into a hospital or a food preparation area. I envisage that glue traps could be used in such very limited circumstances.

The power also sets out that the Scottish ministers can put conditions on the authorisations. Conditions could include requiring users to have completed an accredited training course; requiring authorised persons to adhere to the standards that are set out by the training course; or requiring authorised persons to stay on site while glue traps are set.

Sales would also be restricted to authorised suppliers, and conditions can be placed on those authorisations to reduce the risk that members of the public would be able to continue to purchase and use glue traps—for example, it may be a condition that glue traps be kept behind the sales counter.

That power will be subject to affirmative procedure, so if an instrument was laid to create an authorisation scheme, it would be for the Parliament to decide whether such a scheme should come into effect.

My remaining amendments 2 and 7 to 10 are all consequential on other amendments in the group, so I encourage members to vote for them.

**The Presiding Officer:** I call Edward Mountain to speak to amendment 41 and other amendments in the group.

**Edward Mountain:** I start by saying that I fear that I might be on the other side of the debate on some of the subject matter from Christine Grahame and Colin Smyth. However, one thing unites us, which is our shock that the Government lodged amendments less than 24 hours before the deadline to change something that had gone through stage 1 and stage 2.

We had debated the issue at some length, and I tried to debate it with the minister, who refused to consider the options that I put forward in amendments 41 to 44. We are now in a situation in which the amendments that have now been lodged by the Government are virtually the same. Would it not have been nice if we had worked out how to do legislation properly in the Parliament and the minister had taken to one side those who have been involved in the debate and discussed the issue, rather than just lodging, in a somewhat arrogant way, the amendments that he has lodged?

**Jim Fairlie:** Will the member give way?

**Edward Mountain:** I will give way to you, minister.

**The Presiding Officer:** You should always speak through the chair.

**Jim Fairlie:** Edward Mountain proposed a licensing scheme that could be given to any pest controller who does not have accreditation in this country, whereas we are proposing that ministers will have the final say, and that it will happen only in extreme circumstances. That is the difference.

**Edward Mountain:** Well, there we go. The minister is still not listening. I was talking about following parliamentary procedure and talking to people who have lodged amendments. My amendments might well not have been required if the Government had lodged its amendments and discussed them with sufficient time to allow me to seek to withdraw my amendments or to change them. However, that was not to happen.

I have heard a lot of talk this afternoon about why glue traps should not be used, and I heard that at stages 1 and 2. My point is that my amendments are very straightforward. They would allow use of glue traps in very specific circumstances—that is, in educational, catering and medical premises. There is a reason behind that, which is that the last thing that we want to use in a hospital is poison, the last thing that we want littered around hospitals is traps, and the last thing that we want to see in schools is poisoned animals lying there having been killed by poison

having been laid or traps having been set. That is not what we want.

If it is set properly, a glue trap could be removed at the beginning of the day and at the end of the day to ensure that there is no evidence of what had happened and there is no chance of children or patients coming into contact with poison.

I find it quite bizarre that members have spoken at some length about banning glue traps when, in the basement of the Parliament, glue traps have been used to get rid of the mice infestation down there. That is quite odd, is it not? It is odd that we should be talking about banning glue traps at the same time as we are using them.

We have heard from Mr Smyth about non-target species. I am not sure what non-target species inside buildings would be, apart from target-species mice and rats. I am not sure what other mammals or animals are running around in buildings apart from mice and rats.

**Christine Grahame:** Perhaps the factory cat that is there to keep the number of mice down is wandering about. Cats can get stuck in the traps. They are one example.

**Edward Mountain:** Christine Grahame will know that people who set glue traps do not leave them open to the elements. They are covered to ensure that cats and other domestic animals do not go in them. That is the sort of logical thing that we would do.

The amendments that I have lodged at stage 2 and stage 3 have been about bringing in a licensing scheme that would allow people to use glue traps in specific circumstances—when there is no other way of controlling rats and mice in environments such as schools and catering and medical premises. I do not believe that the minister's recommendations, which came at the very last moment, are the right way to go; I think that my licensing scheme is the right way to go. I will leave it to Parliament to decide.

However, when the minister reflects on the matter after today, he might think that it would have been more inclusive to talk to members before lodging last-minute amendments on subjects that have not even been discussed at stages 1 and 2.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I do not have any amendments in this group, but I wish to briefly speak to the minister's amendments on glue traps.

I concur with the comments from my colleague Edward Mountain about the lack of notice that we were given, and with Colin Smyth and Finlay Carson, who intervened on the minister. We did not have enough time to consider the

amendments and to scrutinise what they mean and how they would play out.

However, I welcome the fact that the minister has rowed back on the Scottish Government's initial plans to ban glue traps outright. That would have had a devastating effect on the hospitality and food and drink industries—I draw members' attention to my entry in the register of members' interests, although we do not use glue traps—alongside risking the safety of vulnerable Scottish residents in hospitals, care homes and supported living.

In a recent survey that was carried out by the British Pest Control Association, 65 per cent of the 116 respondents stated that a ban on glue traps would impact their ability to control rodent infestations. Respondents reported that glue traps had the lowest rate of behavioural resistance, making them a more reliable option as a last resort. Therefore, I am pleased that the minister's amendments acknowledge that glue traps are an important tool to protect public health. I also agree with my colleague Edward Mountain's amendments that would introduce a licensing scheme.

Presiding Officer, you might be interested to know that the response to a freedom of information request showed that 200 glue traps have been used in the Scottish Parliament since the bill was introduced last March, spanning two pest management treatments. Without those treatments, Parliament buildings could have been closed due to infestations. We have very important matters to discuss in Parliament and it should be ensured that business can carry on. Reserving glue boards for pest professionals is the best way to balance the public health risks against animal welfare concerns.

**Stephen Kerr (Central Scotland) (Con):** The minister described the circumstances in which ministers would introduce secondary legislation. Those circumstances sounded like things that happen pretty regularly, such as the demolition of buildings. He is not listening, but he said something about buildings being demolished and rat packs moving between buildings, which sounds like something that would be pretty routine in most cities. Does Rachael Hamilton anticipate, on the basis of what the minister said, that some kind of licensing scheme is inevitable anyway?

**Rachael Hamilton:** We will see what the minister brings forward, but that is an everyday situation that we have to deal with; it is not a new situation.

As I said, the minister is absolutely right to row back on the Government's initial plans and to get this right. I hope that he will work in good faith with members of the industry and stakeholder groups

to create a scheme that is workable and, ultimately, that he will look at Edward Mountain's suggestion of consulting on a licensing scheme. We have got to this point and we have seen the amendments, but there has not been the opportunity for them to be looked at, consulted on, reviewed or scrutinised, and I find that deeply disappointing.

**The Presiding Officer:** I call Christine Grahame to wind up and to press or withdraw amendment 38.

**Christine Grahame:** This is an extremely important debate, and I share the concerns about substantive amendments being lodged—to any legislation—at the last minute. There are two key aspects to consider. First, the Scottish Animal Welfare Commission, which is a completely independent body, has determined that glue traps cause extreme suffering and are inhumane. I am not opposed to rodent control, but I am opposed to this particular method of control.

Secondly, the minister said that there is a ban on glue traps. However, he went on to say that, should the amendment that was lodged at the last minute be agreed to, the Government can, by regulations, authorise their use in extreme circumstances. That would be done using the affirmative procedure, which is at least something. That is not a ban. The old teacher in me notes that the word “ban” comes from a middle English word that means “to banish”. We are not banishing the use of glue traps. We are qualifying and modifying their use by saying that, in certain circumstances, they will not be banished.

Finally, I say to Edward Mountain that my huge concern about regulation and licensing in any circumstance is that, as we saw from snaring, it very much depends on the personnel who are doing it. We know that glue traps will not always be regularly checked, as that was our experience with snaring. Therefore, the straightforward answer is simply to ban glue traps and to use alternative methods of pest control. I did not know that glue traps were being used in the Parliament—I am shocked by that.

I press amendment 38.

**The Presiding Officer:** The question is, that amendment 38 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division of the stage, I suspend for around five minutes to allow members to access the digital voting system.

14:59

*Meeting suspended.*

15:04

*On resuming—*

**The Presiding Officer:** We move to the division on amendment 38, in the name of Christine Grahame. Members should cast their votes now.

The vote is closed.

**Pauline McNeill (Glasgow) (Lab):** On a point of order, Presiding Officer. My app was not working. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that your vote is recorded.

**Foysoyl Choudhury (Lothian) (Lab):** On a point of order, Presiding Officer. My app was not working, either. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

**Roz McCall (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer. I also had difficulties getting on to the app. I would have voted no.

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

**Kenneth Gibson (Cunninghame North) (SNP):** On a point of order, Presiding Officer. I would have voted no.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysoyl (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 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)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 18, Against 94, Abstentions 0.

*Amendment 38 disagreed to.*

*Amendment 39 moved—[Christine Grahame].*

**The Presiding Officer:** The question is, that amendment 39 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 18, Against 94, Abstentions 0.

*Amendment 39 disagreed to.*

*Amendment 40 moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 40 be agreed to. Are we agreed?

**Members:** Yes. [*Interruption.*]

**The Presiding Officer:** I will go back on this occasion, but let me make it abundantly clear that, if members do not make clear what their voting intention is, we shall move on.

Once more, the question is, that amendment 40 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Ivan McKee (Glasgow Provan) (SNP):** On a point of order, Presiding Officer. I could not connect. I would have voted yes.

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

**Jackie Baillie (Dumbarton) (Lab):** On a point of order, Presiding Officer. I am not sure whether my app connected. I would have voted yes.

**The Presiding Officer:** I can confirm that your vote was 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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 Annesland) (SNP)  
 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)  
 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)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)

**The Presiding Officer:** The result of the division is: For 83, Against 30, Abstentions 0.

*Amendment 40 agreed to.*

*Amendment 1 moved—[Jim Fairlie]—and agreed to.*

*Amendment 41 moved—[Edward Mountain].*

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

**Members:** No.

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

The vote is closed.

**Jackie Baillie:** On a point of order, Presiding Officer. I am afraid that my app would not connect and therefore I did not manage to vote no.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 30, Against 83, Abstentions 0.

*Amendment 41 disagreed to.*

*Amendments 2 and 3 moved—[Jim Fairlie]—and agreed to.*

### **Section 2—Offence of purchasing glue trap**

15:15

**The Presiding Officer:** I call amendment 42, in the name of Edward Mountain.

**Edward Mountain:** As it appears that we will not have licences, I will not move the amendment.

*Amendment 42 not moved.*

*Amendment 4 moved—[Jim Fairlie]—and agreed to.*

### **After section 2**

*Amendments 5 and 6 moved—[Jim Fairlie]—and agreed to.*

*Amendments 43 and 44 not moved.*

### **Section 3—Forfeiture and disposal of glue traps**

*Amendments 7 to 10 moved—[Jim Fairlie]—and agreed to.*

### **After section 3**

*Amendment 11 moved—[Jim Fairlie]—and agreed to.*

### **Section 3A—Prohibition of use of snares**

**The Presiding Officer:** Group 2 is on snaring prohibition. Amendment 12, in the name of the minister, is grouped with amendments 45 and 37.

**Jim Fairlie:** I will speak to my amendments in this group and then respond to Edward Mountain’s amendment 45 after he and other members have spoken.

Under the Wildlife and Countryside Act 1981, the use of snares on wild birds is prohibited except when it takes place under licence from NatureScot. As was set out when the provisions to ban snaring were debated during stage 2, bird ringers sometimes use a special type of snare to temporarily catch a bird so that they can attach a ring or satellite tag to it. When undertaking such activities, the ringers do not leave the site and, as soon as the bird is caught, it gets a ring or a tag and is immediately released.

The ringing and tagging of birds have been undertaken in Scotland for decades and provide us with vital data about the population and conservation status of our birds. The snaring provision that was introduced at stage 2 was designed to allow those essential activities to continue. However, during the debate, concerns were raised about whether provisions in the bill would still allow the potential for snares to be licensed to be used on wild birds for purposes other than ringing and tagging.

In practice, NatureScot would not issue a licence to use a snare to catch a wild bird for the purposes of capturing and killing it. However, having reflected further on questions that were raised during stage 2, I think that a further amendment is required to remove any doubt or ambiguity about the purposes for which snares can be used. My amendment 12 therefore amends the Wildlife and Countryside Act 1981 to make it clear that a licence can be granted to allow the use of snares on wild birds only for research, ringing, conservation and reintroduction. For those reasons, I support amendment 12 and encourage members to vote for it.

My amendment 37 simply updates the long title of the bill so that it accurately describes the provisions in the bill.

I move amendment 12.

**Edward Mountain:** I will speak to my amendment 45 first and then to the other amendments.

My amendment seeks to remove the ban on snaring from the bill. I know that it is the Government’s proposal to ban snaring in the bill,

but it introduced the ban only at stage 2 and I wish that it had been part of the bill as introduced.

I want to stop the ban on snaring for the simple reason that I am not sure that there are other effective ways of controlling rabbits and foxes. I want to be entirely clear with everyone that snaring other animals is completely outlawed under the Wildlife and Countryside Act 1981, which completely bans the use of snares for anything but rabbits and foxes. That is further supported by the Deer (Scotland) Act 1996, which makes it an offence to trap deer. No other mammals can be trapped.

The Snares (Scotland) Order 2010 sent out a message to those using snares that their activities would be controlled and seriously curtailed until they carried out the required training. I want to talk about that required training, because it is absolutely vital. In the old days, there was no requirement for snares to have any form of swivel or check on them to stop them from strangling the animal. Snares now have a swivel and a check on them, which means that animals cannot be strangled; they can only be held. That is really important, and the message sometimes gets lost in the information that is put out.

In fact, I saw tweets that were sent out in the past few days, by organisations that I thought better of, showing pictures of animals hanging from fences in snares. That cannot happen if people follow the law. A snare cannot be set within the close confines of a fence, and it cannot be set in such a way that it would cause the animal to be strangled by being hung up. The point of a snare is to hold and restrain an animal.

Before anyone sets a snare, they have to go on a quite lengthy course, to make sure that they are trained properly. The snares that are then used must display a snare or trap number, which Police Scotland gives to the person using the snare. The trap number and Police Scotland's phone number have to be recorded on the trap so that, if someone comes across it and it is illegally set, they can report it to Police Scotland, which can then follow it up.

Anyone who sets snares has to keep a record, and record keeping is quite onerous. The record has to have the location of every snare set, every position in which it has been set, every set of snares that has been set within the past two years, the date on which each snare was set, and when each snare was unset and removed. By the way, a snare cannot be left unset in position—it must be removed. All that has to be recorded with a global positioning system reference and a reference on a map, so that anyone can identify the area. There are also complete guides about how to set snares.

I know that some people find it difficult to understand why snares have to be set, but if we remove snares, there are no other ways for controlling foxes and rabbits. Live traps can be used for rabbits, but foxes are going to be shot. I have yet to see any reliable way of catching a fox in a live trap. It just does not seem to work; they seem to understand that the trap is there.

What should have happened here is that, before the bill was introduced, the Government should have proposed a proper licensing scheme that would have allowed snares to continue, subject to licensing. I would like such a scheme to come about, which is why I want section 3A to be removed from the bill, as that would allow the Government to go back and consider a licensing scheme. We want to limit the ability of people to control foxes, especially next to urban conurbations. Do we want rifles being used closer and closer to urban conurbations, or do we want traps to be used to hold the animals so that they can be humanely destroyed if they are, in fact, the species that is being targeted?

**Colin Smyth:** Far be it from me to be sceptical about why Edward Mountain wants to remove completely the ban on snaring but, if his argument is that he wants snaring to be licensed even though he supports a ban, why did he not lodge amendments at this stage for a licensing scheme instead of bringing an amendment that is clearly designed to wreck the ban on snaring, which, frankly, is long overdue to be outlawed?

**Edward Mountain:** I do not support a ban on snaring and I never said that I did. I want an effective licensing scheme, and I think that the licensing scheme that was brought in by this Government is pretty effective. However, I would support tightening it up if it meant that we could keep snaring.

I point out to Mr Smyth, as I did to the minister and other members in the committee at stage 2, that I do not know how we expect those people who manage wildlife in the countryside to be able to do other things if they are chasing foxes around, trying to remove them from areas where they are not wanted and can damage wildlife, including ground-nesting birds. They cannot do that 24/7—they cannot be out every hour of every day trying to control foxes. They have to be able to do other things, which is why there should be a trapping system.

I know that the organisations that are involved in the management of wildlife are quite happy with a more tightened-up licensing scheme, and I am disappointed that the Government has not considered that. The Government has listened to some organisations that have used pretty dubious propaganda images and pretty dubious information to support their case to ban snaring,

and that is not justified. That is why I seek to remove the ban on snaring from the bill.

**Ariane Burgess (Highlands and Islands) (Green):** It is an important day for improving animal welfare in Scotland, and I am very pleased that the ban on snares was included in the bill at stage 2. The Parliament is sending the message that an inhumane and indiscriminate tool has no place in wildlife management and that the welfare of all wildlife species is taken seriously.

I thank campaigners and animal welfare stakeholders who have worked tirelessly for the ban, alongside Scottish Green Party colleagues past and present. It is disappointing that Conservative members are seeking to undo this progress. All Rural Affairs and Islands Committee members agreed in our stage 1 report that traditional snares should be banned. Amendment 45, in the name of Edward Mountain, would overturn that entirely. I support the minister's amendments 12 and 37, which address concerns that stakeholders raised following stage 2.

**Christine Grahame:** I confirm to the minister that I fully support an outright ban on snaring.

**Jim Fairlie:** I thank Christine Grahame for that reassurance.

At stage 2, the Rural Affairs and Islands Committee voted on and agreed to amendments that would ban the use of snares in Scotland. Edward Mountain's amendment 45 seeks to remove the effect of those amendments and put us right back to where we started.

The decision to ban the use of snares is not one that has been taken lightly. Indeed, there are many people, including those who use them, who are surprised that their use has not been banned before now. The decision takes into account a wealth of evidence and opinion that has been presented to the Parliament over the years on the matter. The Parliament can no longer ignore the weight of that evidence, which shows that snares lead to unacceptable levels of suffering for any animal that is caught by one.

Even where snares are used in strict accordance with the conditions that are set out in the Wildlife and Countryside Act 1981, they remain, by their nature, indiscriminate. As such, they pose unacceptable risk to non-target species, including endangered wild animals and domestic animals such as cats, all of which can be caught in them. The Scottish Animal Welfare Commission found that the proportion of animals caught in snares that are non-target species is estimated to be between 21 and 69 per cent, which is simply unacceptable. It is for those reasons that the ban on snaring was agreed to at stage 2 and why it will remain in the bill at stage 3.

I know from first-hand experience that control of predators is necessary to protect livestock and agriculture, as well as vulnerable species, and that land managers must be allowed to take effective action to manage wildlife for those purposes. I am also aware that some people have claimed that the removal of snaring as an option might reduce the ability of land managers to protect ground-nesting birds—in particular, curlew, lapwing and other wader species of serious conservation concern. I remain confident, however, that there are sufficient alternative methods of predator control that can and will be used.

15:30

**Finlay Carson:** Will the minister suggest how foxes may be controlled in circumstances where biodiversity must be protected and they cannot be shot? Will he explain what it was about the proposed licensing scheme that ministers did not support?

**Jim Fairlie:** We did not support the licensing scheme because of the overwhelming evidence that the public simply will not accept snares any more. They will therefore be banned if the bill passes.

A number of conservation organisations, including the RSPB, already ban their use. They have policies to prohibit the use of snares and believe that they can still undertake sufficient predator control to protect vulnerable species. That was also the view reached by the Welsh Parliament when it banned the use of snares in the Agriculture (Wales) Act 2023.

I am confident that a ban on the use of snares would not prevent anyone from undertaking necessary wildlife management. Snares are already banned in many other European countries and land managers have adapted to that. We can ensure that we learn from that and can provide advice and information, where that would be helpful.

For those reasons, I cannot support amendment 45 and I also encourage members not to support it.

In my view, although humane cable restraints might be an incremental improvement on traditional snares, they do not lead to a significant reduction in the adverse welfare outcomes experienced by animals caught in those devices, nor would their use eliminate the capture of non-target species, including protected species such as badgers and mountain hares, and domestic animals, such as cats.

The public consultation on snaring also showed that 70 per cent of respondents supported a complete ban on the use of all snares, including

humane cable restraints, so there is clearly widespread support for that.

**Rachael Hamilton:** Does the minister agree that humane cable restraints offer a unique management system to control predators and that those restraints could be useful when it is not possible to use a gun to control or shoot predators?

**Jim Fairlie:** The vast majority—more than 70 per cent—of foxes are still controlled by shooting and night shooting, which is known as lamping. More humane methods of wildlife control, such as shooting and trapping, are available to land managers. As I just said, shooting foxes at night by using lamps or thermal scopes remains the predominant method of fox control by a considerable margin.

Alternatives, such as live capture traps, are also still available and I accept that they have been shown to work better in urban areas, where the lack of a suitable backstop can mean that shooting is not appropriate in certain circumstances.

I am convinced that keepers will find better methods of live trap capture, because necessity is the mother of invention.

**The Deputy Presiding Officer (Liam McArthur):** The question is, that amendment 12 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Bill Kidd (Glasgow Anniesland) (SNP):** On a point of order, Presiding Officer. My system seems to have stopped working. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Kidd. I can confirm that your vote was, indeed, 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 82, Against 30, Abstentions 0.

*Amendment 12 agreed to.*

*Amendment 45 not moved.*

#### **Section 4—Regulation of certain wildlife traps**

**The Deputy Presiding Officer:** Group 3 is on wildlife traps. Amendment 46, in the name of Edward Mountain, is grouped with amendments 47 to 53, 13 and 54. I point out that, if amendment 48 is agreed to, I will be unable to call amendment 49 due to a pre-emption.

**Edward Mountain:** I will speak to my amendments in the group first. Amendments 46 and 47 are technical amendments to help the Government to understand that it is illegal to kill a wild bird by trapping it, which is why I want to amend the bill to prevent that bit from being in it. People cannot do that, so why is the Government suggesting that they can? I am trying to be helpful. I will be interested in seeing whether the minister thinks that that is the case.

Amendment 48 is on grandfather rights, as they are called—I suppose that we should say “grandparent rights”. It is about not teaching your granny to suck eggs. I was told not to do that when I was younger. If someone has been around for a bit and they understand what they are doing, we should not make them go and do a course to do it. At stage 2, I suggested that there was no requirement to send somebody who is over 40 years old and has been trapping for 10 years on a course to learn how to do that.

Having spent 12 years in the Army and having been taught how to fire a rifle, I found it somewhat odd that I was made to carry out a shooting test to see whether I was capable of shooting a deer. I was allowed to shoot in the Army and I was considered proficient at it, but it seemed that I was not allowed to shoot deer.

My amendment 48 is an attempt to stop that happening. I have taken into account the fact that the Government does not like the suggestion that people should not have to go on a course to do everything nowadays. I have suggested that, when someone reaches the age of 50—not 40—and they have been doing the activity for 10 years and can prove it as part of their employment, they do not need to go off and do a course to learn how to do it. The course would probably be taught by a person of 22 or 23 years old who had been authorised to teach it.

At stage 2, the Government said that the organisations were quite happy with its approach, but some of them were happy because they were told that, if people did not go off and do the courses, they would not be given the right, so it was slightly disingenuous to say that they were happy with it. I note that some of the organisations—such as the British Association for Shooting and Conservation—do not support my amendments. That does not surprise me, because they would be running the courses. Why would they cut off an income stream for themselves by allowing people who have experience to carry on doing what they are doing?

Amendment 50 seeks to allow the Government to oversee training courses and make sure that the content is correct. That seems sensible to me.

Amendment 51 seeks to ensure that a trapping licence may not be withheld from anyone on a matter of hearsay. The relevant authority would have to be satisfied beyond reasonable doubt that an offence had been committed.

That is what my amendments say. They seem to me to be perfectly reasonable, unless we have an interest in making everyone do a course to do everything and we do not accept that some people know more about what they are doing, having done it for a considerable time, than others.

The other amendments in the group are interesting. I am interested to hear what the members who lodged them have to say, so I will leave it at that and comment on them when I sum up at the end of the debate on the group.

I move amendment 46.

**Rachael Hamilton:** I am grateful for the opportunity to speak to my amendments and the other amendments in the group. It is worth stating at the outset that I consider the use of wildlife

traps to be critical for conservation. I commend the excellent work of land managers, especially gamekeepers, who already operate those traps to a highly professional standard. It is no accident that land that is actively managed using wildlife traps, such as Scotland's grouse moors, often boasts extremely significant populations of red and amber-listed ground-nesting birds, including curlew, lapwing and golden plover. I have seen that for myself. Some of the other species that I saw when out on a grouse moor were the whinchat, meadow pipit, various corvids, red-legged partridge, heron, snipe and oystercatcher. That decisive contribution to combating biodiversity loss ought to be recognised and celebrated.

I will turn first to my amendments 49 and 52—minor and technical amendments that will improve the operational effectiveness of the trap licensing scheme for both prospective licence holders and NatureScot.

Amendment 49 would create a rebuttable presumption in favour of granting licences. In no way would that detract from the discretion of NatureScot to refuse licences if it considered it appropriate to do so. The wording of the amendment reflects sentiments that have been trailed extensively by ministers and officials. We have been repeatedly assured that the starting point in respect of the new licensing scheme is that licences will be granted. Changing the word from “may” to “must” puts that expectation beyond doubt and, in doing so, provides prospective licence applicants and stakeholders with greater certainty.

Amendment 52 would compel NatureScot to specify reasons for modifying, suspending or revoking licences. One of my firm and foremost criticisms of the bill is that it empowers NatureScot to modify licences “at any time”. I do not think it proportionate or reasonable to empower an accountable public body to act with impunity in relation to licence modification, particularly when the livelihoods of land managers are dependent on having a personal licence to use wildlife traps. At the very least, NatureScot should be compelled to provide reasons for modifying a licence. Thankfully, the thresholds that need to be crossed in relation to licence suspension and revocation are considerably higher, but I still think it important that reasons for such actions be prescribed. Amendment 52 would ensure that that was the case, and I hope that members will support it.

The only other amendment in the group that I will speak to is amendment 53, in the name of Colin Smyth. It is simply not our place to decide or prescribe what content should eventually feature in training courses for using wildlife traps. As far as I am concerned, that is a matter for NatureScot

and training organisations. For that reason, I encourage members to vote against amendment 53.

**Colin Smyth:** The sentience of wild mammals and birds is recognised across the scientific community. Amendment 53 is a minor amendment that simply states that NatureScot should consider including independent animal welfare expertise when determining the content of the trap training courses, in recognition of that sentience.

Some groups, such as the Scottish Gamekeepers Association, argue that that is not necessary, because animal welfare is considered when specific traps are approved for legal use. At best, that ignores the fact that different legally approved traps can have different impacts on the welfare of animals. Information on that should be part of any training.

It is also a fact that the design and the use of legal traps have not kept up with animal welfare science. In the Scottish Animal Welfare Commission's letter to the Rural Affairs and Islands Committee on 10 November 2023, it noted that the agreement on international humane trapping standards has

“relatively low animal welfare performance thresholds of killing trap acceptance”

and does

“not reflect state-of-the-art trapping technology”.

Although methods of killing farmed and companion animals or animals that are used in research are tightly specified and regulated—aiming for a humane death that is as near instantaneous as possible—the legislation on trapping and killing wild animals has some catching up to do. Including animal welfare expertise in trap training would not change the poor standard of legal traps, but it would be a very small first step forward in ensuring that trap users were at least aware of how to minimise, as best they could, the harm caused by the traps that are permitted.

The implementation of amendment 53 would be straightforward, with an independent veterinary adviser, an independent academic or the Scottish Animal Welfare Commission being asked to review the animal welfare aspects of course content. I disagree with Rachael Hamilton that that is prescriptive. It simply asks for that independent verification of any training that is prepared by NatureScot.

I support amendment 13, in the name of the minister, but I cannot support amendment 48, in the name of Edward Mountain, particularly the rather bizarre inclusion of a birth date, which excludes people from training on the basis of their being a certain age. That completely ignores the

fact that trap users and manufacturers should continue striving to reduce the negative impact on animals. We need to take account of the fact that technology can and does change and that the training should, too, as the years go on.

15:45

I also cannot support amendments 49 and 51, which would place unreasonable requirements on NatureScot, including by requiring a criminal standard of proof for licensing, unlike for any other licensing scheme. As is the case for many of the amendments from Edward Mountain and Rachael Hamilton, those amendments are clearly designed simply to water down the bill.

However, we will support amendments 46, 52 and 54, from both of those members. Like my amendment 53, those amendments would introduce minor changes to the bill, but they are reasonable and would improve it.

**Jim Fairlie:** Amendments 46 and 47 seek to change the wildlife trap licensing scheme to make it apply to traps with the purpose of “taking” a wild bird or “killing or taking” a wild animal. I appreciate that Edward Mountain has lodged those amendments—as he did at stage 2—to reflect the fact that there are currently no traps that can be legally used to kill wild birds.

Leaving proposed new section 12A(1) of the 1981 act as it is would have no immediate effect, as there are no traps that can be used for the purpose of killing wild birds. The Werritty report recommended that traps that are used to take wild birds should be subject to greater regulation due to the strong links between the misuse of that activity and raptor persecution. It has also been made clear that the bill should be future-proofed, so that we have enabling powers to amend by secondary legislation the types of traps to which the licence applies. It stands to reason that, if any traps are ever allowed to be used to kill wild birds, they, too, should be subject to the licensing scheme.

Edward Mountain’s amendments would mean that if, in the future, a trap were devised that could legally be used to kill wild birds, a licence would not be required to kill the birds—it would be required only to take them. As a result, there would be a higher level of oversight of using traps to take wild birds than there would be of using traps to kill them. That would be problematic. For those reasons, I cannot support amendments 46 and 47, and I encourage members to vote against them.

I am surprised that Edward Mountain lodged amendments 48 and 50, which would have the effect of requiring NatureScot to grant a wildlife trap licence if the applicant had completed the

training or was born after 31 December 1973 and had used the type of trap in question professionally for at least a decade. If an applicant met the age and professional experience criteria, they would be exempt from any requirement to undergo training. I encourage members to reject those amendments. The wildlife trap training requirement is not just about telling people how to do their job; it is about recognising that the use of wildlife traps requires an appropriate level of skill and training if we want to avoid any adverse welfare outcomes in the future.

The requirement in the bill that wildlife trap users should undergo appropriate training has been largely supported by stakeholders. During the passage of the bill through Parliament, land managers have said that they already undertake a lot of training, and I am conscious that there are many involved in grouse moor and wildlife management with significant knowledge and experience. The purpose of the training requirement is to incorporate all of that experience and learning and to ensure that everyone who uses wildlife traps has the highest standards across the board.

When Alex Hogg, the chairman of the Scottish Gamekeepers Association, gave evidence during stage 1, he stated:

“We are up for doing the trap training ... Whatever you decide on, we will comply with it”.—[*Official Report, Rural Affairs and Islands Committee*, 14 June 2023; c 43.]

That contradicts what Edward Mountain said.

With regard to the exemption based on age, we cannot assume that, because someone is over the age of 50, they will automatically have the right skills. They might have been using a trap incorrectly for that entire period of time, or they might not be aware that there are new legal requirements such as a change to a baffle size.

The purpose of the training requirement is to ensure that high standards are maintained and are consistent through continuous professional development. The bill also requires that a person use a trap in accordance with the approved training course, or they will have committed an offence. By not requiring certain people to undergo training and refresher training, there is the potential that they might not have the knowledge to comply with the requirements to operate the trap in accordance with the approved training course. That would potentially set them up to fail.

For those reasons, I cannot support amendments 48 and 50, and I encourage members to vote against them.

Rachael Hamilton’s amendment 49 would require NatureScot, as the licensing authority, to grant a wildlife trap licence if the applicant had completed the approved training and NatureScot

was satisfied that it was appropriate to do so. Although I understand the reasons for the amendment and I am sympathetic to it, I have concerns about the unintended consequence that the amendment may introduce.

It is impossible to predict every circumstance that could arise in relation to an application for a licence. Therefore, it is important that NatureScot has some discretion when considering whether to grant licences. That is especially important when we consider that a wildlife trap licence will be valid for 10 years. Although traps are an essential component of wildlife management, if they are not used appropriately they can have significant negative implications for wildlife, animal welfare and biodiversity. I fear that, by setting out in the bill that NatureScot

“must ... grant ... a wildlife trap licence”,

amendment 48 would risk creating the expectation that gaining such a licence was simply a tick-box exercise. I appreciate that that is not the intention behind the amendment, but I remain concerned that it could remove the element of discretion that NatureScot must have in assessing the various factors.

**Rachael Hamilton:** NatureScot is an experienced and knowledgeable organisation. Can the minister set out the criteria that NatureScot will use in exercising its discretion in whether to grant a licence?

**Jim Fairlie:** NatureScot is the licensing authority. It will be for it to decide, with input from practitioners, what the criteria will be.

For the reasons that I have just mentioned, I cannot support amendment 49, and I encourage members to vote against it.

Section 4 provides that the licensing authority can

“suspend or revoke a wildlife trap licence if ... it is satisfied”

according to the civil standard of proof—that is, on the balance of probabilities—that a relevant offence has been committed. Edward Mountain’s amendment 51 would raise the standard of the test applied by the licensing authority to “beyond reasonable doubt”, which is the criminal standard of proof. Historically, it has been very hard to demonstrate to the criminal standard of proof that a wildlife crime has taken place, and the number of successful prosecutions remains low. The purpose of the licensing scheme is to ensure that wildlife trapping is undertaken in accordance with the law and the best possible practice, with due consideration of all possible consequences.

I believe that, if it were to be agreed to, amendment 51 would weaken the licensing scheme and reduce the licensing authority’s ability

to take necessary and appropriate action when there was strong evidence to suggest that a person operating under the trap licence had committed an offence. For those reasons, I cannot support amendment 51, and I encourage members to vote against it.

As NatureScot is a public body, I would always expect it to give reasons for any decision that it makes to modify, suspend or revoke a licence. I will therefore be happy to support Rachael Hamilton’s amendment 52, and I encourage members to agree to it.

I do not believe that Colin Smyth’s amendment 53 is necessary, as the existing provisions in the bill allow NatureScot the flexibility to include

“independently validated guidance on the animal welfare impact of each type of trap”

in the training requirements. I expect the training to be based around the existing conditions for the use of each type of trap—for example, those set out in the Spring Traps Approval (Scotland) Order 2011. Those aspects of best practice on trapping will include the required training courses. Therefore, I cannot support amendment 53, and I encourage members to vote against it.

My amendment 13 will enable the Scottish ministers to require that, if a training provider charges a fee for a training course, that fee must be reasonable. During stages 1 and 2, concerns were raised that the requirement to undertake an approved wildlife trap training course must not place an undue burden on trap operators. As was set out during the stage 2 debate, in developing the framework for training courses, the Scottish Government and NatureScot will work with stakeholders to ensure that, if a fee is to be charged for such a course, the cost is accessible, and consideration will be given to providing for exemptions in certain circumstances. Having listened to members’ concerns, I am happy to set that out clearly in the bill. I encourage members to agree to amendment 13.

Amendment 54 would require that, before determining any wildlife trap training requirements, NatureScot

“must consult such persons as they consider likely to be interested in or affected by wildlife trap licensing, including land managers.”

In practice, it is likely that NatureScot might wish to consult relevant parties when creating and approving the training courses. However, as it is the relevant licensing authority, it is chiefly responsible for ensuring that any approved training courses cover the standards that are required by the bill and other pieces of legislation. Amendment 54 would simply bring an additional level of bureaucracy into the training course creation and approval processes. It would also

create delays and an additional administrative burden at the point when any of the training courses required to be updated. I therefore cannot support amendment 54, and I encourage members to vote against it.

**Finlay Carson:** I will comment briefly on amendment 53, in the name of Colin Smyth. As we have heard, the amendment seeks to include

“independently validated guidance on the animal welfare impact of each”

wildlife trap. I feel that the amendment is unnecessary. In addition, while Mr Smyth may be skilled in many areas of policy, as far as I am aware, he is not an expert in such matters, so telling accredited training providers what should and should not be included in their syllabus for—

**Colin Smyth:** I am certainly not an expert in training. However, does Finlay Carson accept that others, such as the Scottish Animal Welfare Commission, are experts on that type of information? Why is he opposed to their being able to consider what the training consists of?

**Finlay Carson:** I am not opposed to there being oversight, but it would be far more credible and appropriate if it came from NatureScot.

In addition, I highlight that it is not in the interests of operators, practitioners and professionals in the field, in any way, shape or form, not to ensure that their traps are working efficiently. They strive to ensure that the highest standards of animal welfare are maintained at all times.

I believe that amendment 53 is unnecessary; in addition, as we heard previously, it is prescriptive. In my view, it should not be supported.

**The Deputy Presiding Officer:** I call Edward Mountain to wind up and to say whether he wishes to press or withdraw amendment 46.

**Edward Mountain:** Thank you, Presiding Officer.

I think that I have heard it all now. We are going to future proof a bill to make it illegal to do something that is illegal now, in case it becomes legal in the future. That was the minister's argument on amendments 46 and 47. Well, goodness me, that is future proofing. In fact, it is double future proofing—it is future proofing future proofing. I do not see the logic of it.

The argument that I laid out is simple: amendments 46 and 47 say that it is illegal to use a trap to kill a wild bird at the moment, so why do we need to say in the bill that we are going to make it illegal? Surely that is the law already.

I absolutely understand that there is a requirement for training. I accept the minister's

point, and I hope that he heard what I said: organisations have said that they would be up for training because they were told that if they did not do the training, they would not have the ability to set the traps. It is a slightly “arm up behind your back” principle. I am saying that, if somebody has done something for a considerable period of time, they should be allowed to get on with it without being taught how to do it by somebody who has read about it in a book.

I have given the Government the ability, in amendment 50, to set down what should be in the training course and to ensure that it is sensible. I am surprised at the minister; I thought that he would accept that the “beyond reasonable doubt” approach is actually about fixing the legislation to make an offence more than hearsay and more than an allegation—more than somebody just waving a finger and saying, “I think you did that, so therefore you can't do this.” I have included that wording in my amendment because I think that it would protect people.

The minister should be aware—as I am sure he is and would be prepared to admit outside the chamber—that this issue is quite contentious outside the Parliament. There are a lot of people who go out in the countryside and wave their finger and accuse people of doing things that they have not done because it suits their story to do so.

**Jim Fairlie:** Edward Mountain has just made an accusation about people going out and doing stuff in the countryside that he says will be detrimental to those who set traps. That is why, at stage 2, an amendment was agreed to create a new offence of illegal tampering with traps. Does he accept that that was the right way to go about it?

**Edward Mountain:** I absolutely do. With the minister making the very point that we need to protect people who do things legally, I cannot understand why he would not go with the “beyond reasonable doubt” approach. The two seem to be linked, as far as I can see.

I turn to amendment 53 in Colin Smyth's name. I can understand why Colin Smyth might feel that it is necessary. However, traps such as the mark 6 Fenn trap and the DOC 150 trap—I am sure that he knows them all—have been designed for a specific purpose, which is to kill the animal that they capture as quickly as possible. No one goes out and designs traps to cause unnecessary suffering. Designing a trap, getting it to market and getting people to use it and to have confidence in it would suggest that the trap does exactly what it says on the tin.

I agree with amendment 13, in the name of the minister.

I did not mention my amendment 54 at the outset because it seems reasonable that one

would include land managers in consulting on and drawing up the plans. However, it appears that the minister thinks that land managers should not be included, which is why he wants me to drop the amendment.

I press amendment 46.

16:00

**The Deputy Presiding Officer:** The question is, that amendment 46 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

I call Michael Marra. You will need to put your own card in, Mr Marra, rather than pretending that you are Richard Leonard.

**Members:** Oh!

**Michael Marra (North East Scotland) (Lab):** On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

**The Deputy Presiding Officer:** I will make sure that that is recorded, Mr Marra.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 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)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (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, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 46, Against 66, Abstentions 0.

*Amendment 46 disagreed to.*

*Amendment 47 moved—[Edward Mountain].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 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)  
 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 West) (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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 66, Abstentions 0.

*Amendment 47 disagreed to.*

**The Deputy Presiding Officer:** I call amendment 48 in the name of Edward Mountain. I remind members that, if amendment 48 is agreed to, I cannot call amendment 49.

*Amendment 48 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 48 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West 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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 84, Abstentions 0.

*Amendment 48 disagreed to.*

*Amendment 49 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** The question is, that amendment 49 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Paul Sweeney (Glasgow) (Lab):** On a point of order, Presiding Officer. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Sweeney. I will ensure that that vote is recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 49 disagreed to.*

**Edward Mountain:** Amendment 50 is consequential to an earlier failed amendment, so I will not move it.

*Amendment 50 not moved.*

*Amendment 51 moved—[Edward Mountain].*

**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 closed.

**The Deputy Presiding Officer:** I call Clare Adamson for a point of order. However, I can advise you, Ms Adamson, that your vote was recorded.

**Clare Adamson (Motherwell and Wishaw) (SNP):** That is fine, Presiding Officer. I have received that message now, too. Thank you.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 83, Abstentions 0.

*Amendment 51 disagreed to.*

*Amendment 52 moved—[Rachael Hamilton]—and agreed to.*

*Amendment 53 moved—[Colin Smyth].*

**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)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (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)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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, Siobhan (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)

Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 95, Abstentions 0.

*Amendment 53 disagreed to.*

*Amendment 13 moved—[Jim Fairlie]—and agreed to.*

*Amendment 54 moved—[Edward Mountain].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Dey, Graeme (Angus South) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 62, Abstentions 0.

*Amendment 54 disagreed to.*

**Section 6—Killing and taking of certain birds permitted only on land with section 16AA licence**

16:15

**The Deputy Presiding Officer:** Group 4 is on section 16AA licences: offence. Amendment 55, in the name of Rachael Hamilton, is grouped with amendments 56 to 58, 14, 59, 60 and 62.

**Rachael Hamilton:** I rise to speak to the amendments in my name while everybody else goes off for a nice cup of tea.

My amendments in this group are about one thing: proportionality. Ministers are on record stating that the primary focus of a section 16AA licence is to tackle the issue of raptor persecution in relation to grouse moors in Scotland. We do not accept that licensing is needed, given that successive wildlife crime reports have demonstrated that there has been a substantive and meaningful decline in raptor persecution over the years. However, if we accept for a moment the premise for licensing, it would be right that that should apply to land over which red grouse are taken or killed. That reflects the evidence and reviews that have ultimately led ministers to believe that there is no correlation between grouse moors and raptor persecution. There is no evidence to suggest that such a relationship exists between the shooting of other game birds and raptor persecution.

Amendments 55, 56, 58 to 60 and 62 would ensure that the remit of section 16AA licensing is confined to red grouse. For reasons best known to themselves, ministers have given themselves enabling powers to add other game birds to the licensing scheme. The argument appears to be predicated on the view that red grouse might be replaced by other game birds. There is no credible evidence to support that supposition. The notion that red grouse, which is a wild game bird that is native to Scotland, could be replaced by reared and released game birds is nonsense. Notwithstanding that heather moorland habitat is unlikely to be suitable for such birds, ministers do not seem to get it that the shooting of red grouse specifically is what in part motivates landowners to invest in moorland management—alongside the tangible benefits that that delivers for landowners who are seeking to increase biodiversity, to which the birds are a threat.

Red grouse are wild. The experience of sustainably harvesting them for the food chain is like no other, and international visitors spend significant amounts of money to come to Scotland to experience the particular country sport of grouse shooting. To suggest that they could be replaced by released red-legged partridges or pheasants, which, by comparison, are widely accessible game birds, is just nonsense.

I cannot think of any circumstance in which it would be reasonable or proportionate for ministers to add other game birds to the section 16AA licensing regime. As I said, the focus of the scheme is raptor persecution, and it should start and stop there. It is not in the spirit of good law making to go beyond what is required to address the policy aim, which, in this case, has been tightly defined with reference to grouse moors. On that basis, I encourage members to support my amendments.

Turning to other amendments in the group, I ask members to support amendment 14, in the name of Rhoda Grant, in the event that my amendments fall. That would at least guarantee some meaningful scrutiny in the event that ministers decide to add other game birds to the scheme.

I move amendment 55.

**Edward Mountain:** I have lodged amendment 57 to help the Government. The bill is meant to be about grouse moor licensing and we should be aiming for it to do what it says on the tin. My amendment seeks to ensure that it does what it says on the tin and that game birds cannot be added to the schedule of birds that are protected by the bill unless they are on the amber or red list—that is, they are in significant danger of going extinct.

The Government has simply put grouse into part 1B of schedule 2 to the 1981 act and it can add whatever other species it wants to. That sends out the wrong message if the bill is about grouse moor licensing. If the bill is about licensing all forms of field sports in Scotland, it should say that, but I do not believe that that is what was consulted on or what people are expecting the bill to do.

My amendment is straightforward, the provision is easily quantifiable and there is an accepted way of getting species on to the amber and red list, which allows the Government to ensure that any species that need protection are protected.

Rachael Hamilton's amendments go somewhat further, and I commend her for them. I will support them if my amendment 57 is unlikely to find favour.

By lodging amendment 57, I am saying to the Government that, if it means what it has said that it will do in the bill, it should stick to that and should

not add other species. The way to do that is to ensure that other species cannot be added unless that is for conservation reasons.

**Rhoda Grant (Highlands and Islands) (Lab):** My amendment 14 seeks to create greater scrutiny of and consultation on the secondary legislation and activities that will flow from the bill. Much of the bill relates to enabling powers, so it is important that any secondary legislation comes under scrutiny.

Currently, the bill lists only red grouse as birds for which a section 16AA licence is required. However, other birds could be added to the list in the future. My amendment stipulates that the relevant committee of the Parliament must be consulted and given time to take evidence before reporting back to the Scottish Government on any additions of birds to the schedule. Thereafter, the Scottish Government could lay its legislation while explaining what consideration it had given to the committee's report.

I am trying to create a super-affirmative procedure to provide greater scrutiny, which I believe is essential, given the increase in the amount of enabling legislation that comes to the Parliament from the Scottish Government. I have lodged similar amendments to different sections of the bill to provide for such scrutiny.

The bill needs to be future proofed, so it is right to allow for the list of birds that can be taken under a section 16AA licence to be amended, but that should not simply happen without consultation.

I lodged a similar amendment at stage 2. I listened carefully to the concerns of the minister, who suggested that 120 days was too long a period for a draft order to be laid before the Parliament and that that might unduly delay the process. Amendment 14 therefore cuts that time in half, to 60 days. Although that is a shorter period, it allows for greater scrutiny than is currently proposed in the bill.

Rachael Hamilton's amendments seek to ensure that no other birds can be added to the list, and Edward Mountain's amendment 57 suggests that only birds on the UK birds of conservation concern red or amber list can be added. Surely a bird that is categorised on the red or amber list should not be hunted at all, so I cannot support their amendments.

**Edward Mountain:** Amendment 57 relates not to any birds but to game birds that are recognised under the Game (Scotland) Act 1832, as amended. Those are the birds that could not be added to the list unless they met a high conservation standard or required conservation. Could Rhoda Grant support the amendment on that basis?

**Rhoda Grant:** No, because a bird being on the red or amber list means that it is endangered. We cannot accept that an endangered bird, albeit a game bird, should be hunted at all.

**Jim Fairlie:** Amendment 57 seeks to severely restrict or outright remove the power to add other bird species to the licensing scheme that will be established by section 7. As I am sure Edward Mountain is well aware, the power to add any other species to the list of birds that are allowed to be taken only under licence is a mechanism not to protect that species but to protect other wildlife that predate on that species.

Rachael Hamilton's amendments would go even further by removing the powers of the Scottish ministers to add other species of birds to the licensing scheme. The scheme needs to protect raptors and other wildlife, so the regulation-making power to add other bird species to the licensing scheme needs to remain as it is.

However, I want to be clear that the powers would be used only if we had robust evidence that wildlife crimes such as raptor persecution were being committed to facilitate the management of other game bird species. In those circumstances, I do not think that it is unreasonable to be able to regulate the management of those birds.

When Rachael Hamilton and Edward Mountain lodged similar amendments at stage 2, the majority of members on the Rural Affairs and Islands Committee voted against them, and I encourage all members to vote against their amendments today.

Rhoda Grant's amendment 14 would add an unnecessary additional burden on the Scottish Parliament given that established procedures are already in place for changes through secondary legislation. Any regulations to add a new type of bird species to the proposed part 1B of schedule 2 to the 1981 act would be subject to the affirmative procedure, under which the convention is that the instrument is laid in draft with the Parliament for 54 days. That is the correct procedure for any such amending instruments and will give Parliament sufficient opportunity to consider an instrument in draft, take evidence on it and then vote on it.

The Delegated Powers and Law Reform Committee and the Rural Affairs and Islands Committee agreed with that approach in their stage 1 reports. If agreed to, the amendment could lead to unnecessary delays in adding or removing birds from the list, which could have consequences for the natural environment. I listened carefully to what Rhoda Grant said today and during stage 2, when she lodged a similar amendment. However, I do not believe that she has made a compelling case that any future use of the enabling powers should be subject to greater

scrutiny or that the standard parliamentary process for considering a Scottish statutory instrument would not be sufficient.

**Rhoda Grant:** The minister is quibbling over six days. The only difference between our suggested approaches is that the minister talks about a convention of laying instruments before Parliament, whereas I am talking about putting that process in law. There is not a huge difference, but at least it would future-proof the legislation.

**Jim Fairlie:** We have rehearsed these arguments time and again. There is already a system in place to allow the Parliament to do its job. Therefore, I will not support amendment 14 and I encourage members not to support it, either.

There is one last point that I would like to make. Rachael Hamilton said that it is ludicrous to think of partridges being released in a hill setting. I have to say that, in my personal experience, I have seen thousands of partridges released on a grouse moor to make sure that there was shooting in that area. There is a collective responsibility on the sector and practitioners. If an operator tries to get round a licence refusal that has been made for legitimate reasons, they will in fact jeopardise the entire sector, because new legislation will be nationwide. Therefore, there is an even greater imperative for members of the industry to work together to ensure best practice and that that does not happen.

**The Deputy Presiding Officer (Annabelle Ewing):** I call Rachael Hamilton to wind up the debate and to say whether she wishes to press or withdraw amendment 55.

**Rachael Hamilton:** We are privileged to represent our constituents, especially those of us who represent rural areas, including areas that will be significantly impacted by certain measures in the bill. It is important that we recognise that it is not acceptable to give ministers an enabling power that goes way beyond the policy intent of the Werritty report, which the Government accepted. I do not accept Jim Fairlie's arguments for not accepting my amendments in this group. The focus of the bill and the scheme is on raptor persecution in relation to the management of grouse moors. The Government seems to have veered dramatically away from that intention, for the reason that I have identified.

**Jim Fairlie:** Does the member not agree that, in circumstances in which raptor persecution is taking place, whether on grouse moors or in a pheasant shoot, it is right that the Government has the ability to take away the licence?

**Rachael Hamilton:** The Government is giving itself enabling powers to add game birds—

**Jim Fairlie:** Only in extreme circumstances.

**Rachael Hamilton:** As Jim Fairlie knows from his experience of land management—he has said a lot of times in the committee that he was an upland farmer—*[Interruption.]*

**The Deputy Presiding Officer:** Minister.

**Rachael Hamilton:** He knows the areas and he knows that game birds such as pheasants would never be on a grouse moor. Those birds are not wild. They are reared and released. Jim Fairlie has absolutely no idea, even though he says that he does, why the enabling power is relevant at all. *[Interruption.]*

I did not think that we would get to a point where the minister is chuntering away on the sidelines, believing that he knows what my amendments are about. The bill is about raptor persecution on grouse moors; it is not about giving ministers enabling powers to add other species to the list.

16:30

**The Deputy Presiding Officer:** Do you wish to press amendment 55 or to withdraw it?

**Rachael Hamilton:** I wish to press it.

**The Deputy Presiding Officer:** The question is, that amendment 55 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Joe FitzPatrick (Dundee City West) (SNP):** I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr FitzPatrick. Your vote will be recorded.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 76, Abstentions 0.

*Amendment 55 disagreed to.*

*Amendment 56 moved—[Rachael Hamilton].*

**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.

The vote is closed.

**Christine Grahame:** On a point of order, Presiding Officer. My app froze. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Ms Grahame. Your vote will be recorded.

**Joe FitzPatrick:** On a point of order, Presiding Officer. I would like to vote no.

**The Deputy Presiding Officer:** Thank you, Mr FitzPatrick. Your vote will be recorded.

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 56 disagreed to.*

*Amendment 57 moved—[Edward Mountain].*

**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.

The vote is closed.

**Rachael Hamilton:** On a point of order, Presiding Officer. I could not connect. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Ms Hamilton. Your vote will be recorded.

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 57 disagreed to.*

*Amendment 58 moved—[Rachael Hamilton].*

**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

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
Boyack, Sarah (Lothian) (Lab)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
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)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
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)  
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)  
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) (Alba)  
Rennie, Willie (North East Fife) (LD)

Robison, Shona (Dundee City East) (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)  
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)  
Whitfield, Martin (South Scotland) (Lab)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 58 disagreed to.*

*Amendment 14 moved—[Rhoda Grant].*

**The Deputy Presiding Officer:** The question is, that amendment 14 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** On a point of order, Presiding Officer. I was not able to connect. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Ms Robison. Your vote will be recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
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)  
Eagle, Tim (Highlands and Islands) (Con)  
Findlay, Russell (West Scotland) (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)  
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)  
 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)  
 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)  
 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)  
 Dorman, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 52, Against 62, Abstentions 0.

*Amendment 14 disagreed to.*

*Amendment 59 moved—[Rachael Hamilton].*

**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

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 84, Abstentions 0.

*Amendment 59 disagreed to.*

### **Section 7—Licensing: land on which certain birds may be killed or taken**

*Amendment 60 moved—[Rachael Hamilton].*

**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.

### **For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Doney, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 60 disagreed to.*

**The Deputy Presiding Officer:** I advise members that we will now have a short comfort break of five minutes' duration.

16:43

*Meeting suspended.*

16:56

*On resuming—*

**The Deputy Presiding Officer:** I hope that we are about to get started, now that we have our minister back—a bit later than we had anticipated, I think, which only adds on time at the end of the day. We will deal with that when we get to it.

Group 5 is on section 16AA licences—grant, suspension et cetera, appeals. Amendment 61, in the name of Rachael Hamilton, is grouped with amendments 63 to 67, 67A, 68, 69, 15, 16, 70, 77 and 79.

**Rachael Hamilton:** I think that we should give Jim Fairlie, the minister, a little leeway, because it is his first time at this thing.

**Members:** Aw!

**Jim Fairlie:** Right—enough of that.

**Rachael Hamilton:** Throughout stage 1, we heard about the fundamental importance to Scotland of grouse shooting and moorland management. According to Scottish Government-commissioned research, it provides the highest level of employment, when compared with other upland land uses, and simultaneously generates the highest levels of the local investment and regional investment that are crucial underpinnings of rural economies. The sector is financed almost exclusively by private capital and gives rise to demonstrable net gains for nature and biodiversity—at least, we hope so.

To put it bluntly, I say that a huge amount rides on seamless issuing of licences. It is also important that suspension of and revocation of

licences are confined to circumstances in which there is robust evidence of raptor persecution. My amendments in group 5 seek to ensure that that is the case.

Amendment 61 would create a rebuttable presumption in favour of granting licences. In no way will that detract from the discretion of NatureScot to refuse licences when it considers it to be appropriate to do so. The amendment's wording reflects sentiments that have been trailed extensively by ministers and their officials. We have been repeatedly assured that the starting point in respect of the new licences is that they will be granted. Changing the wording of proposed new section 16AA(1) of the Wildlife and Countryside Act 1981 from "may" to "must" would put that expectation beyond doubt, and would provide prospective licence applicants and stakeholders with greater certainty.

Amendments 63, 64 and 65 would compel NatureScot to specify its reasons for modifying, suspending or revoking licences. One of my foremost criticisms of the bill is that it will empower NatureScot to readily modify licences at any time. It is neither proportionate nor reasonable to empower an accountable public body to act with impunity in relation to licence modification, especially given that so many downstream consequences will be associated with a Wildlife and Countryside Act 1981 proposed new section 16AA licence—for example in relation to jobs, investment, biodiversity and the public good. NatureScot should, at the very least, be compelled to provide its reasons for modifying a section 16AA licence.

17:00

**Edward Mountain:** Amendment 63 says that if the relevant authority refuses a licence, it

"must give written notice to the applicant of the reasons for doing so."

Can Rachael Hamilton think of a single reason why it would not want to do that in the first place?

**Rachael Hamilton:** No, I cannot. I agree with Edward Mountain that that is important. The minister reflected in earlier comments that NatureScot almost has an obligation to the Scottish Government to ensure that it fulfils its role properly and, in the circumstances that Edward Mountain mentioned, it must give reasons for doing so.

At the very least, NatureScot should be compelled to provide reasons for modifying a Wildlife and Countryside Act 1981 proposed new section 16AA licence. I am thankful that the thresholds that must be crossed for licence suspension and revocation are considerably higher. However, I still think that it is important that

reasons for such actions be prescribed. My amendments in the group would ensure that that would be the case.

Amendment 67A is designed to make it clear that offences that have been committed prior to

"the initial grant of the licence"

would not be considered to be relevant offences for the purpose of Wildlife and Countryside Act 1981 proposed new section 16AA licensing. In other words, the amendment is to make it clear that the law's effect would not be retrospective, which would be unlawful.

It is clear from how the scheme has been designed that amendment 67A is consistent with the intention of ministers, which is to empower NatureScot to bear down on crime, once the scheme is up and running, by suspending or revoking licences, as opposed to refusing them at commencement of the scheme.

Indeed, evidence at stage 2 suggested that ministers expect a relatively fast and unbureaucratic procedure for granting licences. However, I believe that NatureScot and people who engage with the licensing scheme would benefit from that intention being put beyond doubt in the letter of the law.

Amendments 68 and 69 are designed to tackle what I consider to be disproportionality at the heart of Wildlife and Countryside Act 1981 proposed new section 16AA licensing. The single driver for licensing of grouse shooting is raptor persecution. Although Conservative members do not accept that premise, in the light of the fact that raptor persecution is at an historic low it should follow that raptor persecution ought to be the only type of relevant offence that could result in a licence being suspended or revoked.

Sadly, ministers have blown the scope of the licensing framework wide open by including relevant offences that have no historical or current connection to Scotland's grouse moors. Chief among the relevant offences are those that are listed under the Protection of Badgers Act 1992 and the Hunting with Dogs (Scotland) Act 2023.

It is quite appalling that operators of Scotland's grouse moors are, in effect, and without a shred of supporting evidence, being singled out as being more culpable of such offences. Ministers should remember that badgers do not generally occupy heather moorland habitats, and that so far there have been no prosecutions under the Hunting with Dogs (Scotland) Act 2023, although I recognise that it is relatively new. It is simply not credible to suggest that grouse moor operators are likely to be more culpable than most. My amendments would, in an effort to refocus the scheme back on

the matter at hand, remove the outrageous and disproportionate relevant offences.

On other amendments in the group, I am very supportive of amendments 15 and 16, in the name of the minister, which will put beyond doubt the ability for a sheriff hearing an appeal to make interim orders and to ensure that the provision of notice of a licensing scheme is what initiates the timeline to appeal.

I am also firmly in support of amendment 17, in the name of my colleague Edward Mountain, which would give a sheriff the option of awarding expenses against the relevant authority if a licence refusal is overturned at appeal. Given the immediate financial consequences of not having a Wildlife and Countryside Act 1981 proposed new section 16AA licence in place during the grouse shooting season, that strikes me as an extremely sensible amendment.

I move amendment 61.

**Colin Smyth:** Amendment 66 and consequential amendments 77 and 79 seek to close a potential loophole in the bill whereby estates that lose their licence for grouse shooting due to criminality could seek to get round the loss or suspension of their licence by releasing non-native red-legged partridges or pheasants as alternatives to grouse, thereby allowing shooting to continue.

Amendment 66 would disapply the exemption for those two species in a very focused fashion, by covering only a landholding that has lost its grouse shooting licence. It would allow the Scottish ministers or NatureScot to act to prevent the establishment of alternative shooting-based recreation in circumstances where there has been a suspension or revocation of a grouse shooting licence.

When we considered group 4, the minister acknowledged that it is a possibility that estates could substitute other species for grouse if they were to lose their shooting licences. I hope that, at the very least, he will set out the action that the Government would take to tackle what would be a clear attempt to get round a grouse shooting licence sanction and to go against the spirit of the bill.

That loophole in the bill also exposes the fact that, following the passing of the Wildlife and Natural Environment (Scotland) Act 2011, Scotland's rules on game bird releases are among the weakest in the UK. I hope that if evidence were to emerge that estates were carrying on driven shooting despite having lost their grouse licences, that matter would be investigated further and the Government would address it during consideration of the forthcoming natural environment bill.

I do not support amendments 67 to 69, which, in my view, seek to reduce the relevant offences that could lead, as was accepted at stage 2, to suspension or revocation of a licence. They represent yet another attempt to water down the bill. I hope that members will reject the amendments and instead support amendment 66 and the consequential amendments in my name.

**The Deputy Presiding Officer:** I call the minister to speak to amendment 15 and other amendments in the group.

**Jim Fairlie:** Rachael Hamilton's amendment 61 would require that, as the licensing authority, NatureScot "must" grant a Wildlife and Countryside Act 1981 proposed new section 16AA licence if it is satisfied that it is appropriate to do so. Although I understand the reasons for the amendment and am sympathetic to them, I have concerns about unintended consequences that that amendment might cause.

It is impossible to predict every circumstance that could arise in relation to licence applications. As such, it is important that NatureScot has discretion in assessing whether to grant a licence. That is especially important when we consider that a grouse shooting licence will be valid for five years. I fear that, by setting out in the bill that NatureScot "must" grant a licence, amendment 61 risks creating an expectation that gaining such a licence is simply a tick-box exercise. Although I appreciate that that is not the intention behind amendment 61, I remain concerned that it could remove the element of discretion that NatureScot must have in assessing the various factors, including the applicant's background and compliance history. It would also impact on NatureScot's ability to refuse a licence in a situation where it has good reason to do so.

For those reasons, I cannot support amendment 61, and I encourage members to vote against it.

On amendments 63 and 64, as NatureScot is a public body I would always expect it to give reasons for refusing a licence application. I am therefore happy to support Rachael Hamilton's amendments 63 and 64, and I encourage members to vote for them.

Amendment 65 would require that notice of any modification, suspension or revocation of a licence must include the reasons for doing so, together with

"information about the process for appealing the decision"

to a sheriff under proposed new section 16AB of the Wildlife and Countryside Act 1981.

Information about the appeals process against licensing decisions will be included in the licensing guidance that will be developed. I would expect that, before making an appeal to the sheriff, the

applicant would first go through NatureScot's internal appeals process. It is likely that a sheriff would require that the applicant first make an attempt to resolve the dispute outside the courts, by using that internal appeals process, before appealing to the sheriff. Amendment 65 overlooks the internal appeals process provided by NatureScot. For that reason, I cannot support amendment 65, and I encourage members to vote against it.

Colin Smyth's amendments 66, 77 and 79 would allow for section 14(2A) of the Wildlife and Countryside Act 1981 to be disapplied in relation to land where a proposed new section 16AA licence has been modified, revoked or suspended. The effect of disapplying section 14(2A) of the 1981 act would be to prevent the release of non-native species such as pheasant or red-legged partridge for the purposes of shooting. Although I would be concerned if a grouse moor licence scheme proved not to be a deterrent to raptor persecution, I believe that it would not be a simple measure for grouse moor estates to change the quarry that they offer for sport shooting. I know that it does happen but, to put in context the matter that Colin Smyth has spoken about, I say that it is highly unusual.

Additionally, as grouse habitat is heather moorland, any sport shooting of other game species on moorland that is not covered by a Wildlife and Countryside Act 1981 proposed new section 16AA licence runs the risk of flushing and shooting grouse. That would constitute an offence under section 1 of the 1981 act, with the possibility of vicarious liability also applying to the landowner or the land manager. Currently, the bill provides that both of those species can be added to the 1981 act proposed new section 16AA licence scheme by regulation in the future, if evidence were to support a link between management of those species and illegal killing of birds of prey. At present, however, we do not have the evidence base to link the release of those game birds to raptor persecution.

For those reasons, I cannot support the amendments, and I encourage members to vote against them.

**Colin Smyth:** The minister said that what I suggested would be "unusual", but it would not be impossible. If it becomes clear that people are seeking to get round the loss of a licence, what action does the minister propose to take to clamp down on that? It is not clear.

**Jim Fairlie:** We dealt in the previous group with an amendment by which we would have the ability to bring in legislation, if we got to that stage. I go back to my earlier point to Mr Smyth. The industry must work together to ensure that those types of

actions are not taken, so the Government will have no need to legislate for that.

The effect of amendments 67 and 67A would be that only wildlife offences

"committed after the initial grant of"

a 1981 act proposed new section 16AA licence could be taken into account when deciding whether to suspend or revoke the person's section 16AA licence. I understand the impetus behind the amendments, as I would not expect the licence to be revoked on the basis of historical wildlife crimes.

However, I believe that amendments 67 and 67A could cause an issue in relation to investigation of relevant offences. We all know the nature of wildlife crimes: they are often committed with no witnesses, and they are often not discovered until some time has passed. If a wildlife crime is discovered, and it comes to light that it was committed before a 1981 act proposed new section 16AA licence had been granted, the amendments would mean that NatureScot could not suspend the licence to allow a proper investigation to be carried out.

I think that it is entirely reasonable that NatureScot should be allowed to suspend a licence if necessary, for however brief a period, to allow investigation. To do otherwise might create a loophole whereby individuals would be able to commit relevant offences such as raptor persecution on land that is not currently licensed, and any future licence could not be revoked on the basis of those crimes.

I therefore cannot support amendments 67 and 67A, and I encourage members to vote against them.

Amendments 68 and 69 would have the effect of reducing the range of offences that the relevant authority can take into account when deciding to suspend or revoke a 1981 act proposed new section 16AA licence. The purpose of the licensing scheme is to address the on-going issue of raptor persecution. Therefore, the relevant offence is closely linked to management of grouse moors or causing the suffering of a wild mammal. In fact, at stage 2, the list of relevant offences was expanded to include offences under the Animal Health and Welfare (Scotland) Act 2006, on the recommendation of the Rural Affairs and Islands Committee.

I cannot support the amendments, therefore, and I encourage members to vote against them.

My amendment 15 will make a change to the provisions relating to the appeals process, and will provide that an appeal must be made within 21 days of the

“notice of the decision being ... given”.

The bill currently sets out that a person may appeal to the sheriff against NatureScot’s decision to refuse, modify or revoke a licence, and that an appeal must be made within 21 days of

“the day on which the decision ... was made.”

I heard concerns from stakeholders that the current wording could cause issues if there were to be a delay between the decision having been made and notice of that decision having been given. I believe that it is only fair that a person should have the full 21 days from when they are notified of the licence decision, not from when the decision is made. I therefore encourage members to support amendment 15.

Amendment 16 will allow summary sheriffs

“to have the same power”

as sheriffs to make interim orders in relation to appeals against licence decisions. Proposed new section 16AB of the 1981 act will allow a person to appeal to a sheriff against a decision that is made by NatureScot in relation to a proposed new section 16AA licence. Sheriffs have the power to make an interim order, for example, to temporarily suspend the licence revocation so that it would still be in effect. Summary sheriffs, however, do not have that power.

When new powers are being created for sheriffs, the standard approach is that those powers should also be capable of being exercised by summary sheriffs, unless there is a good reason for that not to happen. There are also practical benefits to summary sheriffs having wider powers, as it provides more flexibility in court programming, in particular in rural settings. When a matter can be heard by as wide a range of judges as possible, that is a good thing.

For those reasons, I encourage members to support amendment 16.

Amendment 70 would provide that where an appeal on the granting of a licence is made to the sheriff, who then directs the relevant authority to grant a licence,

“the sheriff must consider making an award of expenses”

to be paid to the applicant by the relevant authority. Amendment 70 is unnecessary, because it is common in litigation that expenses follow success. That means that a person who successfully appeals could expect an award of expenses in their favour. It would be for the successful party to request an award of expenses once the appeal had concluded. It is not common for a sheriff or summary sheriff to consider the matter of their own accord. I do not support amendment 70, therefore, and I encourage members to vote against it.

17:15

**The Presiding Officer (Alison Johnstone):** I call Edward Mountain to speak to amendment 70 and other amendments in the group.

**Edward Mountain:** I will start by speaking to amendment 70. There was I, hopeful that, because Colin Smyth had not mentioned amendment 70, he would support it. He has not said that he will not support it, so I am still hopeful, but I am disappointed that the minister will not.

When I raised this issue at stage 2, the minister said that the amendment was wrong for the simple reason that it would force sheriffs to consider awarding costs. He did not say that it was not necessary, so I went to a great deal of time and trouble to amend the amendment, having listened to what I had been told at stage 2, to say that the sheriff must consider awarding costs. That does not mean that they have to award costs—it means that they must consider doing so. The minister now says that that is not needed—I disagree with him. If it is not there in black and white, the sheriff does not necessarily have to consider awarding costs. If it is there in black and white, he or she has to consider doing so, and therefore it is right and proper that it is in there.

I have been through the licensing process with NatureScot, and I found it particularly difficult and torturous, because NatureScot often takes the opinion, “If in doubt, do nowt.” That is why I support Rachael Hamilton’s amendments to make sure that it makes a decision within the timescale or gives its reasons for not doing so.

I have also fallen foul of the fact that NatureScot is judge, jury and executioner when it comes to making decisions and the only way to appeal is to take out an expensive legal challenge. Although it may be open to many people to make legal challenges, many people will not be able to do so. Therefore, I like the idea of it not just being NatureScot that holds all the powers in its hands.

Colin Smyth’s amendments are quite cynical, if I may be so bold. I do not believe that anyone will deliberately say, “Stuff it—I haven’t got the grouse shooting licence, so I am just going to go on and do another type.” I think that people will review their position on whether they will continue shooting if they have been found guilty of an offence, and if they do not, my message to them is that they should. I commend Colin Smyth for trying, but I think that his amendments are unnecessary.

As far as amendment 70 is concerned, I hope that the minister will think about what I have said, because it is not good enough to say one thing at stage 2 and then say something completely different at stage 3—I think that it is disrespectful to members and to Parliament.

**Finlay Carson:** Amendments 66, 77 and 79, in the name of Colin Smyth, constitute an attack by Scottish Labour on rural communities. The effect of those amendments would be that the suspension of a section 16AA licence would remove the ability for a landowner, potentially while still being investigated, to operate a pheasant or partridge shoot and maintain an income.

The member well knows that the defined aim of the bill is to deter raptor persecution in relation to grouse moor management. Such a disproportionate power would blow open the scope of the bill—in effect, the bill would also focus on regulating game shooting in the broadest sense. It would be hugely irresponsible for such a substantive amendment to be approved at stage 3, especially given that it has received zero public consultation or scrutiny by the committee.

**Colin Smyth:** Does Finlay Carson therefore believe that an estate that has lost its grouse licence due to being linked to criminality should be able to carry on business as usual by simply offering sporting clients an alternative quarry? That is exactly what he is saying.

**Finlay Carson:** If the member listened to the earlier part of my contribution, he would know that this is about the potential for a suspension during an investigation to lead to the removal of an estate's ability to carry out a legal activity that has nothing to do with deterring raptor persecution on a grouse moor.

I am not surprised that you are doing that—

**The Presiding Officer:** Through the chair, please.

**Finlay Carson:** —because at every turn Scottish Labour appears to want to completely close down Scotland's world-class country sports sector. To see that highlighted in such a disproportionate amendment at stage 3, without any indication of the long-term impacts on rural communities, is very disappointing. I encourage members to vote down the amendments.

**The Presiding Officer:** I call Rachael Hamilton to wind up and press or withdraw amendment 61.

**Rachael Hamilton:** I thank the minister for supporting amendments 63 and 64. I will press my amendments on specifying reasons for modifying, suspending or revoking licences.

I was slightly confused by what the minister said about not having evidence at the moment to link raptor persecution to game bird shooting. That flies in the face of wanting to add species through enabling powers to the licensing scheme. Are ministers just using that as a threat? Do they mistrust the industry, which manages our land

responsibly and then becomes victim to those who spoil it for others and those who are bad actors?

My starting point is trust. I also want to ensure that people who practise persecution are punished. Beyond that, I believe that we should not go beyond the relevant offences. Again, that begs the question whether, both in fact and in law, the approach is informed by necessity and proportionality. I do not believe that it is.

**The Presiding Officer:** The question is, that amendment 61 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 30, Against 84, Abstentions 0.

*Amendment 61 disagreed to.*

*Amendment 62 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 62 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** On a point of order, Presiding Officer. I would have voted no.

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
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 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
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 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
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 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
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 Whittle, Brian (South Scotland) (Con)

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 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)

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 McNair, Marie (Clydebank and Milngavie) (SNP)  
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 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 30, Against 85, Abstentions 0.

*Amendment 62 disagreed to.*

*Amendments 63 and 64 moved—[Rachael Hamilton]—and agreed to.*

*Amendment 65 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 65 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Presiding Officer:** The result of the division is: For 51, Against 63, Abstentions 0.

*Amendment 65 disagreed to.*

*Amendment 66 moved—[Colin Smyth].*

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

**Members:** No.

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

The vote is closed.

**Jamie Hepburn:** On a point of order, Presiding Officer. I would have voted no.

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

**Joe FitzPatrick:** On a point of order, Presiding Officer. I would have voted no as well.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (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)  
 Whitfield, Martin (South Scotland) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Martine, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 18, Against 97, Abstentions 0.

*Amendment 66 disagreed to.*

17:30

*Amendments 67 and 67A moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 67A be agreed to. Are we agreed?

**Members:** No.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 Burgess, Ariane (Highlands and Islands) (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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

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

*Amendment 67A disagreed to.*

*Amendment 67, by agreement, withdrawn.*

*Amendment 68 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 68 be agreed to. Are we agreed?

**Members: No.**

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)

Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 30, Against 85, Abstentions 0.

*Amendment 68 disagreed to.*

*Amendment 69 moved—[Rachael Hamilton].*

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

**Members:** No.

## For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 30, Against 85, Abstentions 0.

*Amendment 69 disagreed to.*

*Amendments 15 and 16 moved—[Jim Fairlie]—and agreed to.*

*Amendment 70 moved—[Edward Mountain].*

**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)

Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Presiding Officer:** The result of the division is: For 48, Against 67, Abstentions 0.

*Amendment 70 disagreed to.*

**The Presiding Officer:** Group 6 is on section 16AA licences—code of practice. Amendment 71, in the name of Colin Smyth, is grouped with amendments 72 to 75. I point out that, if amendment 73 is agreed to, I will not be able to call amendment 74 due to a pre-emption.

**Colin Smyth:** Amendments 71 and 72, in my name, relate to the code of practice for a section 16AA licence. In proposed new section 16AC(2) of the 1981 act, which outlines what the code

“may, in particular, provide guidance on”,

paragraph (a) states:

“how land should be managed to reduce disturbance of and harm to any wild animal, wild bird or wild plant”.

That is positive, but paragraphs (b) and (c) then contradict paragraph (a), as they refer to how wild birds and predators should be killed. The current wording assumes that killing wild birds and predators should be the default position, which is questionable ethically and ecologically. My amendment 71 would change the wording from

“how the taking or killing of any wild birds should be carried out”

to “whether, when and how” birds and predators should be killed. That would mean a shift from killing as the first resort to asking whether that is necessary and, if so, how to do it in the least harmful way. Those questions should be asked routinely in any wildlife management.

Contrary to what the minister said at stage 2, the amendments are not prescriptive; in fact, they are less prescriptive than the current wording, as they would give land managers more options rather than restricting them to the ethically and ecologically dubious route of routine killing without evidence of necessity or efficiency.

I move amendment 71.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Amendment 73 would clarify the consultation requirements in relation to preparing, reviewing or revising the code of practice. It seeks to ensure that the Scottish ministers or NatureScot consult people whom they consider are

“likely to be interested in or affected by the management of land to which a section 16AA licence relates”,

whereas, currently, the requirement is to consult

“any other person they consider appropriate.”

The purpose of the code of practice is to provide guidance about managing land to which a section 16AA licence relates, so it is fair to have a requirement that the people who have to use the code should have a hand in developing it. I understand that that is already the case, to an extent. NatureScot is already taking a collaborative approach to developing the code of practice, and a working group has been established to that end. Amendment 73 would simply make sure that that collaborative approach continues.

**Edward Mountain:** Amendment 73, as articulated by Dr Allan, sounds eminently sensible. In fact, it is so sensible that it is almost exactly the same as my amendment 74. It looks suspiciously like an amendment that the Government offered to me to lodge prior to this meeting, but I decided not to do that, because I think that my amendments 74 and 75 are better, in that they include a reference to land managers.

The simple reason for wanting to put a reference to land managers in the bill is that they

are the people who work on and use the land. It does not matter what they are using it for; it could be any group of land managers. The approach in amendment 73 is a bit like trying to rewrite a health plan without including doctors. My amendments 74 and 75 would bring land managers into the bill. It is a toss-up between amendments 73 and 74, and I think that amendment 75 is eminently reasonable.

I am afraid that Mr Smyth and I are going to disagree on amendments 71 and 72. Sometimes, there are no other options, which is why people go out and legally remove predators by killing them—it is not possible to relocate, as that just creates additional problems for other people or exacerbates the problems. It would be a bit like trying to move mustelids from Orkney on to the mainland. I am not sure that people on the mainland would necessarily approve of that.

I urge the Parliament to vote for my amendments 74 and 75; not to vote for amendment 73; and to see amendments 71 and 72 as wrecking amendments and not to vote for those either.

**Finlay Carson:** Amendments 71 and 72, in the name of Colin Smyth, are overprescriptive. The Scottish ministers have—rightly, in my opinion—specified the broad area of focus that the statutory code of practice will cover. Adding specific requirements for the code to specify methods that have the “least ... animal welfare impact” would add a degree of prescription that is not for us in this place to provide.

NatureScot, as the regulator, is best placed and most qualified to understand, with input from practitioners, what the code should and should not say. Amendments 71 and 72 constitute yet another example of the Labour Party trying to frustrate the statutory code to the detriment of grouse moor managers. Members should trust NatureScot and have confidence that it is the correct arbiter of the code and that it will ensure that its contents set out the statutory obligations on those who manage moorland for grouse shooting. NatureScot does not need Scottish Labour, with an ulterior motive, to make its job harder. I urge members to vote against amendments 71 and 72.

**Jim Fairlie:** The bill as drafted states that the code of practice on grouse moor management may provide guidance on

“how the taking or killing of any wild birds should be carried out”

and

“how predators should be controlled.”

Colin Smyth’s amendments 71 and 72 seek to change that, so that guidance must be provided on

whether, when and how the taking or killing of any bird and predator control

“should be carried out, prioritising methods with the least negative animal welfare impact”.

17:45

As I said when Colin Smyth proposed similar amendments at stage 2, I understand the intentions behind them. However, I expressed concerns about those amendments at stage 2, and I have the same concerns now.

The code of practice is being developed by NatureScot in collaboration with a wide range of stakeholders, including animal welfare and conservation groups such as the Scottish Society for the Prevention of Cruelty to Animals and the RSPB. It will draw on the range of experience that those stakeholders have, and they will be able to put forward what they consider to be the best practice. It is better to leave the details of the code of practice to that group rather than being prescriptive on the face of the bill. Therefore, I will not support amendments 71 and 72, and I encourage members to vote against them.

I have listened carefully to Alasdair Allan’s reasons for lodging amendment 73, and I am happy to support it. I appreciate that Edward Mountain’s amendment 74 is similar to Alasdair Allan’s amendment, and I am therefore supportive of the intentions behind it. However, of the two amendments, amendment 73 is preferable, as it mirrors the wording in the bill that sets out that the code of practice is

“for the purpose of providing guidance about managing land to which a section 16AA licence relates.”

Therefore, I encourage members to support amendment 73 and to reject amendment 74.

Amendment 75, in the name of Edward Mountain, specifies that, where the Scottish ministers delegate the drafting and publication of the code of practice to NatureScot, the agency

“must consult such persons as it considers likely to be interested in or affected by the code of practice, including land managers.”

Amendment 75 is not needed, as there is already a requirement in the bill for the Scottish ministers—or NatureScot, if the function is delegated to it—to consult any other person they consider appropriate when making, reviewing or revising the code. If Alasdair Allan’s amendment 73 is agreed to, the requirement to consult would include

“such other persons as they consider likely to be interested in or affected by the management of the land”.

Amendment 75 is therefore unnecessary, and I encourage members to vote against it.

**Colin Smyth:** It is important to point out that amendments 71 and 72 would not stop anybody doing what they do at present, including killing. They would simply ensure that questions that should routinely be asked as part of any wildlife management in a civilised society are asked and that all options are considered. I say to the minister that that is not a prescriptive approach; it is less prescriptive, because it emphasises more options.

When those questions are asked, killing will still be the chosen method on occasion, but the claim that there are never any viable alternatives or, as Edward Mountain said, that the alternative is relocating the species is simply not what is being suggested. The fact is that there are viable alternatives in many circumstances. To be frank, opposition to that comes from a narrow perspective that nothing must change, and therefore that predators must routinely be killed as a first choice.

I have previously spoken in the chamber about the ethical principles in wildlife management. When I did so, the minister said that the Government would consider that approach carefully. I have to say that the Government's opposition to many amendments, including amendments 71 and 72, suggests that that statement was little more than empty words.

For the benefit of Edward Mountain, I point out that alternatives are not about relocating species. I suggest that he looks at NatureScot's work on capercaillie conservation, in which it is trying various innovative approaches rather than simply having a default position of predator killing. That shows that alternative approaches can be explored. However, as the bill stands, there is no requirement even to ask whether there is an alternative, never mind to use one to seek to reduce impacts on animal welfare.

In the previous group, the Conservatives could not make up their minds about how they wanted to attack my amendments. Edward Mountain said that an estate that had lost its grouse licence should not be prevented from offering an alternative quarry because that would never happen, then Finlay Carson said that my amendments should be stopped because they should be allowed to make that happen. There was complete confusion from the Conservatives on that, but at least they are being consistent on this occasion. Their opposition is simply a case of, "Nothing must change—it should be business as usual."

On that basis, I press amendment 71.

**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)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (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)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 17, Against 97, Abstentions 0.

*Amendment 71 disagreed to.*

*Amendment 72 moved—[Colin Smyth].*

**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.

The vote is closed.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** On a point of order, Presiding Officer. I would have voted no but, unfortunately, my system did not connect.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (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)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 18, Against 97, Abstentions 0.

*Amendment 72 disagreed to.*

**The Presiding Officer:** I call amendment 73, in the name of Alasdair Allan. I remind members that, if amendment 73 is agreed to, I will not be able to call amendment 74 due to a pre-emption.

*Amendment 73 moved—[Alasdair Allan]—and agreed to.*

*Amendment 75 moved—[Edward Mountain].*

**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.

The vote is closed.

**Craig Hoy (South Scotland) (Con):** On a point of order, Presiding Officer. My app has frozen. I would have voted yes.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 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)  
 Dowe, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 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)

**The Presiding Officer:** The result of the division is: For 51, Against 64, Abstentions 0.

*Amendment 75 disagreed to.*

**The Presiding Officer:** Before we move on to the next group of amendments, I will briefly

suspend proceedings so that members can have a comfort break, but I ask everyone to be back within five minutes.

17:57

*Meeting suspended.*

18:07

*On resuming—*

**The Deputy Presiding Officer (Liam McArthur):** Group 7 is on a review of section 16AA licences. Amendment 76, in the name of Emma Harper, is grouped with amendments 78 and 80.

**Emma Harper (South Scotland) (SNP):** As we discussed at stage 2, the need for monitoring and reporting must be balanced with the resources that are available to the Scottish Government and other stakeholders. In response to the stage 1 report, the then lead minister for the bill, Gillian Martin, emphasised the Government's commitment to additional reporting where that would be beneficial, and I welcomed that. Amendments 76, 78 and 80 seek to require the monitoring of section 16AA licences and their impact.

One of the key objectives of the bill is to tackle raptor persecution on grouse shooting estates through the implementation of section 16AA licensing provisions. The Werritty review highlighted the significant impact of criminal activities on certain grouse moors on the populations of three raptor species: the golden eagle, the hen harrier and the peregrine falcon. Indeed, there have been criminal investigations recently into the missing female golden eagle called Merrick in part of my South Scotland region. The merlin has also been identified as being impacted by increased rotational burning, and, as a significant proportion of the merlin population nests on moorland, it may be affected by the land management activities that are covered in the bill.

Regular monitoring is therefore essential to assess the bill's effectiveness in curbing such persecution. Considering the evidence that has been presented throughout the bill's passage through Parliament, I strongly believe that it is important to have a requirement to undertake raptor population assessments.

I move amendment 76.

**Finlay Carson:** Amendment 76, in the name of Emma Harper, is well intentioned, but the wording is a matter of concern. I do not disagree with the intention to assess the effectiveness of section 16AA licences, but to do so on the premise of the conservation of certain raptors is concerning. I say

that because we heard during our evidence taking on the bill that a diversity of factors, including food availability, habitat favourability, disease, conditions and disturbance, all have a bearing on the conservation status of certain raptors. Therefore, a broad-brush assessment of conservation status is not an assessment of the effectiveness of section 16AA licences. There should be a forensic interpretation of the data before such conclusions are drawn.

Given the open endedness of the wording in the amendment, I do not think that it should be supported.

**Jim Fairlie:** I put on record my sincere thanks to the Presiding Officer for taking that five-minute break—it was much needed.

Tackling raptor persecution is one of the central aims of the bill. I agree with Emma Harper that, in order to assess the bill's effectiveness, it will be necessary to conduct monitoring and surveillance of the species that we are aiming to protect. Her amendment, which provides for reasonable and proportionate reporting, will help to ensure that Scottish ministers can assess the effectiveness of the licensing scheme on certain raptor populations. I will therefore support the amendment, and I encourage all members to do the same.

**The Deputy Presiding Officer:** I call Emma Harper to wind up and to press or withdraw amendment 76.

**Emma Harper:** It is absolutely necessary that we monitor what is happening with our raptor species in rural areas. I know that members from all parties agree that raptor persecution is a despicable act that is carried out by very few people.

The bill seeks to support the fact that most wildlife management is conducted lawfully and contributes so much to the rural economy. I am pleased that the minister supports my amendment, and I encourage other colleagues to do so.

I press amendment 76.

**The Deputy Presiding Officer:** The question is, that amendment 76 be agreed to. Are we agreed?

**Members:** No.

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

**For**

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)

Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)

(SNP)  
Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Dowey, Sharon (South Scotland) (Con)  
Eagle, Tim (Highlands and Islands) (Con)  
Findlay, Russell (West Scotland) (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)  
McCall, Roz (Mid Scotland and Fife) (Con)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Robison, Shona (Dundee City East) (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)

**The Deputy Presiding Officer:** The result of the division is: For 78, Against 29, Abstentions 0.

*Amendment 76 agreed to.*

*Amendment 77 not moved.*

*Amendment 78 moved—[Emma Harper].*

**The Deputy Presiding Officer:** The question is, that amendment 78 be agreed to. Are we agreed?

**Members:** No.

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

**For**

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)  
Boyack, Sarah (Lothian) (Lab)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
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)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
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)  
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)  
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) (Alba)  
Rennie, Willie (North East Fife) (LD)  
Robison, Shona (Dundee City East) (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)  
Stevenson, Collette (East Kilbride) (SNP)  
Stewart, Kaukab (Glasgow Kelvin) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sweeney, Paul (Glasgow) (Lab)  
Swinney, John (Perthshire North) (SNP)  
Thomson, Michelle (Falkirk East) (SNP)  
Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Tweed, Evelyn (Stirling) (SNP)  
Whitfield, Martin (South Scotland) (Lab)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 83, Against 30, Abstentions 0.

*Amendment 78 agreed to.*

*Amendment 79 not moved.*

*Amendment 80 moved—[Emma Harper].*

18:15

**The Deputy Presiding Officer:** The question is, that amendment 80 be agreed to. Are we agreed?

**Members:** No.

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

**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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)

Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 84, Against 30, Abstentions 0.

*Amendment 80 agreed to.*

### **Section 8A—Powers to inspect and investigate certain wildlife offences**

**The Deputy Presiding Officer:** Group 8 is on animal welfare inspectors' powers. Amendment 81, in the name of Edward Mountain, is grouped with amendments 82 and 17.

**Edward Mountain:** I will not do what I normally do, which is to open on my amendment. I start by saying that I would much rather that amendment 81 was not needed and that amendment 82 was agreed to. As I do not think that that is likely, I intend to press amendment 81. If amendments 81 and 82 fail, amendment 17 in the name of Rhoda Grant is an amendment that I would be happy to support. Ms Grant does not look surprised, nor should she be, because it is a sensible and reasonable amendment.

Amendment 81 says that those people who are appointed as inspectors should do a course. I am sure that the minister will support that. The Government makes keepers do courses, even if they have been doing it all their lives, and it makes other people do courses. My point is that an animal inspector who is drafted in as a result of this legislation should do a course. The Government could set the course content that it wants, but the inspectors should do a course. I would be highly surprised if the minister were to vote against that, having spoken so eloquently about why courses are required for everyone else. However, I will listen to hear how he manages to do that.

I move amendment 81.

**Rachael Hamilton:** My colleagues in the Scottish Conservatives and I find section 8A extremely disconcerting. We argue that evidence-based policy making is the duty of Government, particularly when we are dealing with issues of power, trust and enforcing the law.

The Scottish Government commissioned an independent task force to examine whether the Scottish SPCA, a charitable organisation, should be afforded enhanced powers with respect to wildlife crime. The outcome of the review could not be more clear. The report states:

"It is evident that without the full institutional support of" the Crown Office, Police Scotland and the National Wildlife Crime Unit

"an extension of powers, whatever the scope of those might be, to the SSPCA would be fraught. Such institutional support is not readily forthcoming due particularly ... to concerns over primacy of responsibility, access to intelligence or interference with other cases and health and safety risks to personnel."

Enhanced partnership working is therefore the recommended course of action. It is absolutely astonishing that ministers have ploughed on and are seeking to extend powers to the SSPCA in spite of the outcome of that review. That shows the complete disdain that the Government has for the considered opinion of the experts whom it commissioned, most likely at significant cost to the taxpayer.

In addition, we heard evidence that there is a complete deficit of trust and confidence on the part of land managers when it comes to the SSPCA. Ross Ewing of Scottish Land & Estates told us that, in a recent survey of 129 land managers, 97 per cent did not have confidence in the SSPCA's ability to investigate wildlife crime in an unbiased and impartial way.

With the extended investigatory powers in the bill, the SSPCA would oversee evidence gathering in relation to potential offences. I do not see how any such evidence could be deemed to be independent, given the SSPCA's clear and strong opposition to game shooting. The SSPCA is a non-neutral, non-statutory charity that would have a vested interest in the outcome of such investigations.

As a relevant example, I note that the Post Office Horizon scandal highlights the risks of injustice that can be created when we give investigatory powers, including involvement in evidence gathering and disclosure, to a party that is not independent of the subject matter. Such powers should be reserved to Police Scotland and the Crown Office to ensure procedural fairness. That view is shared by the Law Society of Scotland, which, in relation to the SSPCA, said:

“we would not generally consider it appropriate that wider criminal investigation powers would be extended to it, particularly given its role and function as a registered charity.”

Amendment 82, in my name, would remove section 8A in the light of what we have just heard about the Scottish Government’s disregard for the very review that it commissioned to examine this question, the clear lack of institutional support from key statutory agencies and the deficit of trust and confidence on the part of land managers. In the event that my amendment or amendment 81, in the name of my colleague Edward Mountain, should fail to be agreed to, I strongly recommend that members vote for amendment 17, in the name of Rhoda Grant, which would ensure that a review of said powers took place within five years.

**Rhoda Grant:** Amendment 17 would allow for a review of the SSPCA’s powers. I have several concerns about the powers that will be given to the SSPCA under the bill. I have heard clearly the frustration that is felt by SSPCA officers who, when they are called out due to animal welfare concerns, are unable to record illegal activity or even to intervene to stop it. Police Scotland does not have the resources to police wildlife crime to any extent, let alone to the extent of providing a deterrent.

However, there are concerns about empowering a third sector organisation to provide law enforcement. One concern is about setting a precedent for third sector organisations to carry out police investigations. There are also concerns about training, governance, independence, resources—both financially and physically—and staffing.

Amendment 82 would leave out section 8A to reflect some members’ concerns. Through amendment 17, I have tried to find some middle ground. I listened to the minister at stage 2, when he suggested that a review after one year would not give enough time to review the process. Therefore, my amendment would ensure that the SSPCA’s powers were reviewed after five years and that the findings of that review were laid before the Scottish Parliament. That would give the Scottish Government the opportunity to review the extent to which the powers were being used, whether the courts were accepting the standard of evidence that was being provided and whether the SSPCA should continue to have those powers.

Edward Mountain’s amendment 81 says that the Scottish ministers must make regulations regarding the training of officers who are given the powers. I am unsure that that would be wise, because surely it should be the police who train officers in evidence-gathering techniques. Such techniques change from time to time, so having to regulate at every turn would be counterproductive

for those officers. We should leave it to the police to provide such training to ensure that the skills are up to date.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I warmly welcome the inclusion in the bill of new powers for the SSPCA to tackle wildlife crime. I thank those who have worked on that and built up the evidence base over the past 13 years. Many of them are in the public gallery. It is testament to them that the case has won through and is now in legislation.

During those 13 years, disgraceful wildlife crimes have gone unpunished in Scotland because of the inability of the police to gather the evidence to secure successful prosecutions. Welfare inspectors have had their hands tied when called to the scene of wildlife crimes. For example, I am sure that many members will be familiar with cases in which inspectors have been called to a live animal that is caught in an illegal trap, only to find themselves unable to gather the evidence of other illegally set traps nearby. Given that such crimes occur in remote areas, that evidence has often disappeared by the time that Police Scotland officers can reach the scene—sometimes, days later. SSPCA officers have an important role to play in ensuring that the evidence of wildlife crime can be included in an official police investigation and a potential prosecution.

For years, I have called for an extension to SSPCA powers. In the previous session of the Parliament, I called for a Government task force to review existing powers. On entering the Government, Green MSPs ensured that that task force would report back in time to allow its recommendations to be taken forward in the bill. That is exactly what the bill does. It sets up a proportionate way forward on SSPCA powers—not replicating but enhancing the work of the police. The SSPCA does a fantastic job at present, but the extension of its powers will enable it to fill the gap in the existing law and aid the police in their investigation of wildlife crime offences.

If the members opposite are in any doubt about the absolute professionalism of the SSPCA, I urge them to go out with an SSPCA inspector, to see them at work and to see how they discharge their responsibilities. If they do that, they will see that the powers are proportionate and that the SSPCA is a professional body.

I look forward to the SSPCA discharging those new powers in Scotland. I urge all members to reject every amendment in group 8.

**Jim Fairlie:** Before I directly address each of the amendments in group 8, I will make two points about the decision to extend the powers of Scottish SPCA inspectors to investigate specified wildlife crimes. First, as Mark Ruskell said, the

issue is not new; the Scottish Government and the Scottish Parliament have been considering and debating it for more than a decade. It was first proposed that the Scottish SPCA be given new powers to tackle wildlife crime during parliamentary discussion on the Wildlife and Natural Environment (Scotland) Bill, in 2011. Then, during the passage of the Animal and Wildlife (Penalties, Protections and Powers) (Scotland) Bill, during the previous session of the Parliament, the then Minister for Rural Affairs and the Natural Environment, Mairi Gougeon, announced the formation of a task force to consider the role of the SSPCA in relation to the investigation of wildlife crime.

My second point is about the appropriateness of those powers. As a specialist reporting agency, the SSPCA is one of more than 50 agencies other than Police Scotland that report cases to the Crown Office each year. It already has the power to investigate any animal welfare case and to submit such cases directly to the Crown Office—which it does every day. That includes the investigation of the unnecessary suffering of wild animals.

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

**Jim Fairlie:** I will come back to you.

I say again: the Scottish SPCA already investigates wildlife crime in cases in which the wild animal is found alive. Such cases could involve badger baiting or hen harriers being caught in spring traps.

Rachael Hamilton, I will take your intervention.

**The Deputy Presiding Officer:** Speak through the chair, please, minister.

**Rachael Hamilton:** Police Scotland has objected to those powers and has cited the potential for wildlife crime investigations to be compromised. I ask the minister to comment on that.

In addition, Mark Ruskell said that the extension of the SSPCA powers was because of the SNP-Green coalition, in the Bute house agreement. Is that true?

18:30

**Jim Fairlie:** The additional powers in the bill will just mean that, when authorised inspectors are investigating cases that they already have the power to investigate, they can collect evidence in relation to other wildlife crime offences. For example, if they are responding to a live hen harrier that has been caught in a spring trap, they would also be able to pick up any illegal traps

sitting next to it, which is something that they cannot do at the moment.

However, the powers would not let inspectors respond to any new offences that they cannot already respond to. This is not about allowing them to take on more cases; it is about allowing them to collect more evidence when they are doing what they already do.

**Finlay Carson:** First, I put on record my respect for Mike Flynn and other members of the SSPCA for the work that they do in preventing cruelty to animals. However, does the minister think that it is appropriate for SSPCA staff to express personal opinions on issues such as muirburn, as I believe happened today in an interview with ITV Border? That is certainly not being impartial. Should the public, and the minister, not expect a higher degree of impartiality, given the potential future role of the SSPCA?

**Jim Fairlie:** I cannot comment on something that I have not seen.

I apologise for not answering Rachael Hamilton's question about the relationship between the police and the SSPCA. I will come to that.

Amendment 81 would require an SSPCA inspector using the extra powers to be trained before being authorised to do so. It also includes an enabling power to make regulations relating to "approved training courses". The amendment is unnecessary because, as I have just said, SSPCA inspectors have been carrying out their existing functions effectively, under the Animal Health and Welfare (Scotland) Act 2006, without any specific requirement for them to undergo training being set out in primary legislation.

As a specialist reporting agency, the SSPCA must already follow Crown Office guidelines for such agencies and the disclosure of evidence guidance. Those guides provide important safeguards and training on how evidence is collected, corroboration, the time limits for submission of a case to the Crown Office and care regarding the identification of individuals identified as the perpetrator in a case. Any additional training that may be required in order to undertake the additional functions will be set out in the working protocol that will be developed by Police Scotland and the SSPCA prior to the provisions coming into force.

For those reasons, I cannot support amendment 81 and I encourage members to vote against it.

The effect of amendment 82 would be that no additional powers would be conferred on SSPCA inspectors under the Animal Health and Welfare (Scotland) Act 2006. Those powers were put into the bill at stage 2 and have been widely

supported. The 2023 consultation received more than 5,000 responses and 71 per cent of respondents agreed with the proposals. I therefore cannot support amendment 82 and I encourage members to vote against it.

Amendment 17 creates a new requirement to review the SSPCA's powers after five years. I understand where Ms Grant is coming from and agree that there is a need to review the provisions. However, I do not believe that the review requirement, as proposed by Ms Grant, is necessary. With regards to reporting offences and prosecutions, there is already a statutory review requirement in section 26B of the Wildlife and Countryside Act 1981, which requires Scottish ministers to lay a report before Parliament on the annual incidence and prosecution of wildlife offences. We do that every year: the "Wildlife Crime in Scotland" annual report includes a section dedicated to the Scottish SPCA's investigation of wildlife crime. That information is broken down into wildlife crime priority areas, the number of cases being reported to the Crown Office and Procurator Fiscal Service, the number being investigated solely by the SSPCA and the number of investigations being led by Police Scotland. Amendment 17 would require the duplication of that effort every five years.

Regarding any wider review of the operation of the Scottish SPCA's powers, Elena Whitham has lodged an amendment to require a review of the operation and effectiveness of the bill, which includes the extension of the SSPCA powers. I therefore believe, and hope that Ms Grant will agree, that the existing statutory review and the one proposed by Ms Whitham make amendment 17 unnecessary. I therefore ask Ms Grant not to move her amendment and, if it is moved, I encourage members to vote against it.

**The Deputy Presiding Officer:** I call Edward Mountain to wind up and to press or withdraw amendment 81.

**Edward Mountain:** I have listened to the debate with interest. I say to Mr Ruskell, who made comments about whether we on this side of the chamber believe that the SSPCA does a good job, that I have no doubt that it does. I see its officers at the mart and looking at farmers, and I have respect for the way in which they go about their duty. In most cases, they take a gentle and non-accusatory approach, and they try to find a solution. That is not what the SSPCA is being asked to do here. The circumstances would be very different and the SSPCA would be put on the front line, which I think is dangerous and could bring it into conflict.

Am I surprised that the minister does not believe that SSPCA officers need to go on a course? Not really. Everyone else has to, but not the SSPCA,

because it is already trained. The fact that keepers and land managers have been on courses seems to matter now. I will remind members of my entry in the register of members' interests that shows that I am part of a family farming partnership—*[Interruption.]*

I am sorry, Presiding Officer, but I could not hear.

**The Deputy Presiding Officer:** Mr Stewart, could we not have interventions from a sedentary position, please?

**Edward Mountain:** I mention that for two reasons. First, I suspect that, if the Agriculture and Rural Communities (Scotland) Bill is passed, I will be sent for continuing professional development on how to be a farmer, despite having been doing it for 40 years. I will have to do a course while the people who are being appointed as inspectors will not.

On the minister's comments in answer to Rhoda Grant's request, I thought that it was a reasonable request. To review the powers once every five years would not be a great difficulty. Let us get on and be reasonable. Let us get the inspectors doing courses and let us get a report on what is going on.

**The Deputy Presiding Officer:** The question is, that amendment 81 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Alex Rowley (Mid Scotland and Fife) (Lab):** On a point of order, Presiding Officer. I would have voted no.

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowe, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 79, Abstentions 0.

*Amendment 81 disagreed to.*

*Amendment 82 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** The question is, that amendment 82 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Alex Rowley:** On a point of order, Presiding Officer. I would have voted no.

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

**Craig Hoy:** On a point of order, Presiding Officer. My app is playing up. I would have voted yes.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 McKee, Ivan (Glasgow Provan) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 79, Abstentions 0.

*Amendment 82 disagreed to.*

### After section 8A

*Amendment 17 not moved.*

### Section 9—Requirement for muirburn licence

**The Deputy Presiding Officer:** Group 9 is on muirburn—requirement for licence and purposes. Amendment 18, in the name of the minister, is grouped with amendments 83, 19, 84, 85, 20, 102 and 105.

**Jim Fairlie:** I will first speak to my amendments in the group and then listen to what other members say on their amendments before I respond.

Throughout the progress of the bill, we have heard about the importance of muirburn practitioners going through training to ensure that they conduct muirburn in line with best practice. Amendment 18 will clarify how the offence relates to those who are taking part in such training. The amendment will make it clear that a person who makes muirburn during a training course does not commit an offence, as long as the land is subject to a muirburn licence. I encourage members to support the amendment.

Amendment 19 will add a purpose to the list of purposes for which muirburn on non-peatlands

may be made. Throughout the bill's passage through Parliament, we have heard extensively about the dangers of wildfire and how devastating it can be to people and communities, to protected species and to the wider environment that we are trying to protect. I have heard at first hand the accounts of gamekeepers who, through their management of the land, work to prevent wildfire and who often risk their life when one breaks out. I place on record my grateful thanks to them for doing so.

The bill has always included provisions to allow a muirburn licence anywhere for the purpose of preventing wildfires but, at stage 2, there were useful discussions about why it would be helpful to have an explicit provision on that in the bill. I want muirburn practitioners to be under no doubt that the Scottish Government understands that, when undertaken appropriately, with caution and planning, muirburn is a useful tool to prevent and reduce the risk of wildfire. My amendment 19 will also aid in understanding the extent to which muirburn is used to prevent and mitigate wildfire, as we will be able to collect data on the number and location of licences that are issued for that purpose. For those reasons, I encourage members to support amendment 19.

I move amendment 18.

**Edward Mountain:** I remind members of what I just said about my entry in the register of members' interests. As a farmer, I manage grassland and heathland, which are relevant in this group, as I am seeking to make a split between muirburn and burning of heath, which, in my mind, is totally different.

I remind members that the definition of muirburn is that it is

"intentional and controlled burning of moorland vegetation to encourage new growth (either heather or grassland) for the management of moorland game and wildlife or for improving the grazing potential of the moorland for livestock or deer."

With amendment 83, I am trying to take heath out of the scope of the bill. Some areas of heath will be burned. Members who have travelled from Edinburgh to Perth will have seen that, about halfway between the two, on the right, there is a big area of broom and gorse that has been burned. It is natural to try to remove that scrub, because it is very difficult to stop it spreading. Even if it is cut, it will come back, so burning is a valuable tool.

With amendment 83, I am trying to split muirburn—meaning burning on heather—from burning heath, which is scrub and which does not necessarily grow on acidic soils. There could be huge damage from overreach in the bill. I have not yet heard a definition that convinces me, as a

farmer, that I will not end up not being able to burn areas of grassland. Grassland may be damaged, killed or eaten by leatherjackets, and the only reasonable way to deal with that, rather than spray it, which is pretty invasive and unhelpful, is to burn it and then reseed patches. The bill could make that impossible, and that concerns me slightly.

18:45

Amendment 84 acknowledges that muirburn is not only about improving land for game but about improving land for wildlife. Game can produce more wildlife. We all know that eagles predate on hares and peregrines predate on grouse, so increasing stocks of both are good for our predators. Therefore, we should not be frightened about allowing burning.

I support Mr Fairlie's amendment 18, which is about defining who can burn, but amendment 19 needs to go further to include wildlife in game. What is in amendment 85 seems like common sense. I am unclear about amendment 20, but I will wait to hear about that.

This is a one-off chance to ensure that the bill does not overreach from heather into lowland farm management when it comes to burning.

**Rachael Hamilton:** I, too, put on record my thanks to land managers and gamekeepers for putting their lives on the line to help the Scottish Fire and Rescue Service in the event of wildfires, such as those that took place in Cannich last year. Those fires would have been much more devastating if they had not put their lives on the line and used their experience.

The minister will be aware that some concerns have been raised about inconsistency with respect to licensable purposes for muirburn in the bill. Notwithstanding my colleague Edward Mountain's comments, I was pleased to see the minister lodge amendment 19, which addresses an issue highlighted by stakeholders by ensuring that preventing or reducing the risk of wildfire on non-peatland habitats is a stand-alone licensable purpose, as it is for peatland habits. I also support Edward Mountain's practical amendments 83 and 84.

Amendment 85, in my name, seeks to address inconsistency across licensable purposes, which I feel needs to be rectified. In its current form, the bill enables the making of muirburn on peatland to restore the natural environment. That is at odds with the similar, but broader, licensable purpose for non-peatland habitats, which enables muirburn to be made to conserve, restore, enhance and manage the natural environment. Ministers have not provided any substantive rationale for differentiating in that way.

I am advised that a considerable body of scientific evidence suggests that muirburn has conservative, restorative and environmental enhancement. We heard about the Peatland-ES-UK study from Dr Andreas Heinemeyer and a number of cross-party colleagues at a recent event in Parliament. The study suggests that muirburn plays a role in retaining and enhancing the wetness of peatland habitats by reducing the extent to which evapotranspiration—a combination of evaporation and transpiration—takes place. Similarly, it purports that muirburn can be conservative and restorative by reducing the extent to which methane is produced while simultaneously locking up more carbon and providing more nutrients.

Given the long-term and rigorous nature of that research, I do not think that ministers can credibly say that muirburn does not have those properties, particularly the conservation and restorative properties, and enhancement value for peatland. For that reason, I hope that members across the chamber will be minded to support amendment 85 in my name.

**Rhoda Grant:** My amendment 20 seeks to put in place a super-affirmative process for laying regulations to modify the purposes for muirburn under section 10(5). It will ensure that any regulations that modify the list of purposes for muirburn are subject to fuller consultation and scrutiny by a committee of the Parliament.

It was clear when we took evidence that the science around muirburn is not clear. Well-managed peatland can tolerate muirburn without any harm to the peat, but degraded peatland can be badly damaged.

It was also clear that wildfires are devastating to both peat and the natural environment in releasing a large amount of carbon into the atmosphere. We saw that in Cannich recently.

When a fuel load is left on moors, the risk of wildfire is raised. Climate change also creates the risk of wildfire. We need to monitor the use of muirburn as a tool and as a risk. Therefore, we need to be able to modify the purposes for which it can be used.

That said, such changes need consultation and scrutiny, and that is what my amendment 20 seeks to provide for. I lodged a similar amendment at stage 2, but I listened carefully to what the minister said then about the time proposed. In his estimation, 120 days was too long. Amendment 20 would therefore change the period for which the regulations are laid to 60 days, which is half of what was previously asked for. I hope that that will meet with Government approval.

**Jim Fairlie:** Amendments 83, 102 and 105 would change the definition of land for muirburn

from moorland and heath to just moorland. The definition of muirburn in the bill has been taken from the Hill Farming Act 1946, and that definition has been fit for purpose for nearly 80 years. Changing the definition of muirburn to remove heath is completely unnecessary, and it would remove heathland from any of the bill's provisions, including the requirement for training. Therefore, I encourage members to vote against the amendments.

Edward Mountain's amendment 84, to allow muirburn to be undertaken on peatland to manage habitats for game birds and other wildlife, does not take into account the value of Scotland's peatland. The amendment was lodged at stage 2 and was voted against then for good reason. As I set out at stage 2, the purposes currently listed in the bill for undertaking muirburn on peatland are limited in recognition of the risk of serious and significant carbon emissions when burning either damages the peat or interferes with the natural carbon sequestration process that occurs on functioning peatland.

The bill seeks to balance the potential damage to peatland from muirburn that is carried out incorrectly against the damage to peatland that might result from wildfires. That means that the process of undertaking any muirburn on peatland needs to be much more thoughtful and should be undertaken only in limited circumstances. I believe that allowing muirburn on peatland to manage habitats for game birds and other wildlife cannot be justified against the risk of damage to that peatland. I encourage members to vote against amendment 84 on that basis.

Amendment 85 would add "conserving" and "enhancing" the natural environment to the purposes for muirburn on peatland. The current provision allows for just "restoring the natural environment". As I explained in speaking about Edward Mountain's amendments, the provisions for muirburn on peatland are about reaching a balanced position. The increased purposes for undertaking muirburn proposed by amendment 85 are broader than just restoring and therefore would open the scope of when muirburn could take place on peatland. For example, conserving the natural environment may allow muirburn on peatland to conserve it as moorland for the benefit of game birds. I think that we can all agree that that would not be appropriate. It would put the peatlands at unnecessary risk, and it would not align with our commitments to address climate change. Our peatlands have suffered decades of poor management, and they are a precious resource in our fight against climate change. I encourage members to vote against amendment 85 on that basis. We have 2 million hectares of peatland in Scotland, and it is estimated that 75 per cent of it is degraded.

Amendment 20 is unnecessary. As I previously mentioned when a similar amendment was lodged at stage 2, established procedures are in place for laying affirmative Scottish statutory instruments, which include laying the instrument in draft before Parliament for 54 days normally. That gives Parliament the opportunity to consider the draft instrument, take evidence and vote on it. That is the correct procedure for any such amending instrument, and the Delegated Powers and Law Reform Committee and the Rural Affairs and Islands Committee agreed with that approach in their stage 1 reports. In addition, the bill already contains a requirement to consult before making regulations to change the purposes for which muirburn may be carried out under licence. Adding a further requirement, as described in Rhoda Grant's amendment, would substantially delay the making of regulations needed to introduce urgent further protections for peatland, muirburn or similar. I encourage members to vote against amendment 20 on that basis.

*Amendment 18 agreed to.*

*Amendment 83 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 83 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Michael Marra:** On a point of order, Presiding Officer. My app did not connect. I would have voted no.

**The Deputy Presiding Officer:** I will make sure that that vote is recorded, Mr Marra.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** On a point of order, Presiding Officer. My app would not refresh. I would have voted no.

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

**Clare Adamson:** On a point of order, Presiding Officer. My app would not connect. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Ms Adamson. I will make sure that that is recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 82, Abstentions 0.

*Amendment 83 disagreed to.*

### **Section 10—Application for muirburn licence**

*Amendment 19 moved—[Jim Fairlie]—and agreed to.*

*Amendment 84 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 84 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Clare Adamson:** On a point of order, Presiding Officer. I had trouble with my app disconnecting again. I would have voted no.

**The Deputy Presiding Officer:** I can tell you that your vote was recorded, Ms Adamson.

### **For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 83, Abstentions 0.

*Amendment 84 disagreed to.*

*Amendment 85 moved—[Rachael Hamilton].*

19:00

**The Deputy Presiding Officer:** The question is, that amendment 85 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 83, Abstentions 0.

*Amendment 85 disagreed to.*

#### After section 10

*Amendment 20 moved—[Rhoda Grant].*

**The Deputy Presiding Officer:** The question is, that amendment 20 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)

Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (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)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 64, Abstentions 0.

*Amendment 20 disagreed to.*

### Section 11—Grant of muirburn licence

**The Deputy Presiding Officer:** Group 10 is on muirburn licences—grant and conditions. Amendment 86, in the name of Emma Harper, is grouped with amendments 87 to 92 and 21 to 23. I point out that, if amendment 89 is agreed to, I cannot call amendment 90, as a result of pre-emption.

I call Emma Harper to move amendment 86 and speak to the other amendments in the group.

**Emma Harper:** Thank you, Presiding Officer—I know that time is getting on, so I willnae be speaking too long.

The need for a muirburn season is well understood and was set out in the Hill Farming Act 1946. It ensures that muirburn is carried out only when the risk of economic, social and environment damage is at a minimum. For example, the muirburn season ends in spring in order to ensure that protected ground-nesting birds are not disturbed during their breeding season.

There are different permitted reasons for carrying out muirburn—

**Finlay Carson:** Will the member take an intervention?

**Emma Harper:** Give me a wee second to finish that thought, please, given that it is 19:03.

There are different permitted reasons for carrying out muirburn, depending on whether it is on peatland and whether it is carried out during the muirburn season.

I give way to Mr Carson.

**Finlay Carson:** I thank the member for giving way. She referred to nature, conservation and whatever. Can she quantify the impact to which she alluded in respect of muirburn on merlin?

**Emma Harper:** I do not really understand what the member meant by “whatever”, but I am sure that the member, and all members, would agree on the principle of minimising the risk of economic, social and environmental damage to our peatland and grouse areas. Licences will be granted appropriately in season, and will be granted outside the season only if the licensing authority is satisfied that it is absolutely necessary to do so.

Section 11 already restricts when the Scottish ministers—or NatureScot, if the function is delegated to it—can grant a muirburn licence. My amendment 86, alongside amendments 88 and 89, adds further restrictions, which would mean that a muirburn licence could not be granted to burn on non-peatland outwith the muirburn season for the purpose of managing the habitats of moorland game or wildlife or for the purpose of improving the grazing potential of moorland for livestock.

My amendments would also mean that a licence could be granted to burn on non-peatland outwith the season for the purposes of

“conserving, restoring, enhancing or managing the natural environment ... preventing, or reducing the risk of, wildfires ... or ... research”,

but only if it is considered

“that it is necessary to do so.”

That is in line with the principle of minimising the risk of economic, social and environmental damage, and it reflects what is currently set out in the 1946 act. I believe that there are important safeguards to ensure that the bill operates as intended.

I move amendment 86.

**Rachael Hamilton:** I will respond to Finlay Carson’s intervention on Emma Harper and the reference that she made regarding muirburn. We do not understand what she means by the environmental impact that it may have on species such as merlin. That was the crux of Finlay Carson’s question. I would ask the same thing,

and I ask Emma Harper to address that in her closing remarks.

Amendment 87 is as previously set out. It serves the same purposes as amendments 49 and 61 in my name, which were debated previously, and creates a rebuttable presumption in favour of granting licences. Changing the word from “may” to “must” provides prospective licence applicants and stakeholders with greater certainty.

**Edward Mountain:** Good news, I think: I will not move amendment 92, for the simple reason that I have considered the rationale behind it and have taken advice. I am pleased to understand that it is not the Government’s intention to issue muirburn licences for set periods of time. My concern was that it was going to. A muirburn procedure for an area of ground could last for a long time.

We will come on to the reasons for muirburn and how and why it is carried out later, but it is done on a rotational basis, and eight years would be the minimum time, to my mind. As the Government has not set a target length, I do not propose to move amendment 92.

Amendments 90 and 91 were consequential amendments to an amendment of mine that failed earlier, so I have no wish to push them.

**Alasdair Allan:** The requirement for muirburn practitioners to be trained was widely discussed and widely supported at stages 1 and 2. There was near-universal agreement from stakeholders that, due to the risks and the potential for widespread damage when muirburn is not done correctly, anyone involved should be trained. Notwithstanding Mr Mountain’s stated scepticism about all forms of training in general, I understand that it was anticipated that being suitably trained would always be a requirement for the muirburn licence.

My amendment 21 sets out that expectation in the bill by making training a condition of every muirburn licence. I believe that it is reasonable to set out that condition, so that muirburn licence holders understand what is expected of them. That would make it easier, in turn, to comply with the legislation.

**Jim Fairlie:** Amendments 86, 88 and 89 were all lodged in a previous form by Kate Forbes at stage 2, and I asked her not to press them at that stage. I am very happy to see them come back at stage 3 in the name of Emma Harper. As she has set out, amendments 86, 88 and 89 make it clear that a licence must not be granted outwith the muirburn season for certain purposes, and that it should be granted for other purposes outside the muirburn season only if it is “necessary to do so.”

As I have said throughout the process, I recognise the importance of muirburn in

preventing wildfires, and that purpose, alongside other limited purposes, continues to be allowed under licence outside the muirburn season under amendments 86, 88 and 89. I would encourage members to support those amendments.

I come back to the point that Finlay Carson and Rachael Hamilton have just made. The issue of the protection of merlin is about their nests being caught up in fires, but I think that Finlay Carson was a bit late in coming in on the previous group of amendments.

Amendment 87 would provide that the licensing authority, on receiving an application that meets the requirements in section 10, “must” grant a muirburn licence, rather than “may” grant one. As a public body, NatureScot is required to act reasonably and will be granting muirburn licences when it is appropriate to do so. However, I recognise that some people would like there to be increased assurance that they would be granted a licence if they met the eligibility criteria, which the bill makes extensive provision for, and I am happy to support amendment 87.

Edward Mountain’s amendments 90 and 91 would restrict the purposes for which muirburn can be carried out during the muirburn season. The amendments would allow a licence to be granted during the season only for the management of the habitats of moorland game or wildlife, or for improving the grazing potential of moorland for livestock. I am not sure whether that was Edward Mountain’s intention, but it is completely at odds with everything that he has discussed throughout the bill, and I am glad that he will not press amendments 90 and 91.

Amendment 92 would insert a condition to require that a muirburn licence must be for eight years and can be shorter than that only if it is deemed appropriate for environmental reasons. As I set out at stage 2, when Edward Mountain lodged a similar amendment, our climate is changing continually, as we have all witnessed in the past year, and we need the ability to respond to that. The changing climate and weather has resulted in more wildfires, including on peatland.

Amendment 92 would defeat one of the core purposes of the bill, which is to allow us to regulate and control, in a much more orderly fashion, the making of muirburn. The current provisions allow NatureScot the flexibility to issue licences for periods that are thought to be appropriate in individual circumstances. It will be granting licences based on burning plans. I expect that some applicants will submit longer-term burning plans and that NatureScot will approve them. However, for other applicants, a long-term plan may be quite onerous and, therefore, amendment 92 would work against them. Again, I

am glad that Edward Mountain will not press his amendment.

As Alasdair Allan has set out, amendment 21 makes it clear to applicants what is expected of them. There has been near-unanimous agreement on the need for a requirement for an individual who is involved in making muirburn to undergo training, so I will therefore support amendment 21, and I encourage members to vote in favour of it.

Amendment 22 is a technical amendment that simply corrects a typo in section 13A(1) of the bill by replacing the word “require” with “requiring”. To ensure that there is clarity in the wording of the bill, I encourage members to support the amendment.

Amendment 23 inserts into section 13A the requirement that

“any fee payable in connection with”

a muirburn training

“course is reasonable”.

As a public body, NatureScot is required to act reasonably, which includes in relation to fees. However, I listened closely to what was said at stage 2, and amendment 22 looks to provide reassurance that those making muirburn will not be expected to pay unreasonable fees to undertake a training course. For that reason, I encourage members to support the amendment.

**Emma Harper:** I apologise for not picking up the essence of Mr Carson’s first intervention, but Rachael Hamilton helped to clarify it, as did the minister. My understanding is that merlin breed on grouse moors. Sometimes, when muirburn is carried out, that can affect those birds and their ability to survive. I will not rehearse what I said, but I am glad to hear that the minister agrees with my reasons for lodging those amendments.

*Amendment 86 moved—[Emma Harper]—and agreed to.*

*Amendment 87 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer (Annabelle Ewing):** The question is, that amendment 87 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)  
 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)  
 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)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (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) (Alba)  
 Robison, Shona (Dundee City East) (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)

### Against

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 90, Against 21, Abstentions 0.

*Amendment 87 agreed to.*

19:15

*Amendment 88 moved—[Emma Harper]—and agreed to.*

**The Deputy Presiding Officer:** I remind members that, if amendment 89 is agreed to, I cannot call amendment 90, by way of pre-emption.

*Amendment 89 moved—[Emma Harper]—and agreed to.*

*Amendment 91 not moved.*

### Section 12—Muirburn licences: content and conditions

*Amendment 92 not moved.*

*Amendment 21 moved—[Alasdair Allan]—and agreed to.*

### After section 13

**The Deputy Presiding Officer:** Group 11 is on muirburn register and notice. Amendment 93, in

the name of Edward Mountain, is grouped with amendments 96 and 101.

**Edward Mountain:** These amendments are my attempt to move the Government and NatureScot into the 21st century by establishing a register of licences, which, in my mind, should be done online. That should allow people to interrogate the register, and the register should include a name and description of the land to which the licence that has been granted applies. It will, of course, be up to Scottish ministers to determine the form and manner in which the register is to be kept, but it must be accessible online at all times. That seems fairly straightforward and open. My amendment also allows for public inspection.

The other thing that the amendment would do is allow us to move away from what the Government is trying to stick to. Every time somebody wants to do a bit of muirburn, they have to place an advert in the local paper. That costs £500 every time. During Covid, I think that the Government kept many of the local papers going by paying for the adverts. However, when it comes to other areas where that was required, such as under the crofting legislation, which Dr Allan would know all about, crofters objected—and still object—to the adverts having to be placed in local papers because of the expense involved. That is what my amendment would try to avoid.

Amendment 93 is about establishing a register, making it available to the public, allowing the public to interrogate it and keeping costs down for all involved. I am not sure what is not to like about it, but I am sure that there will be something.

I move amendment 93.

**Jim Fairlie:** As I said when Edward Mountain lodged nearly identical amendments at stage 2, I am sympathetic to the intention behind them. I agree that transparency is important not just in the way that these licences will operate, but for all the licences operated by NatureScot. That is why, under the Bute house agreement, we have made the commitment to review the wider species licensing systems and the introduction of a public register of licences to improve transparency, bearing in mind the data protection and safety of licence holders.

That review is now well under way, and it would be better to wait for it to conclude, as that would allow Scottish ministers to consider all the options for creating a register, or registers, that could potentially cover a range of licences. That would seem to be more appropriate than providing a register only for muirburn licences that are granted under the bill. It would also allow the Scottish Government to fully consider the general data protection regulation implications of creating a public register.

For those reasons, I hope that Edward Mountain will not press amendment 93 and will not move the other amendments in the group. If he does, I encourage members to vote against them.

**The Deputy Presiding Officer:** I call Edward Mountain to wind up and to press or withdraw amendment 93.

**Edward Mountain:** The minister is not in favour of a register that can be openly interrogated by the public and that would allow people to see what is being offered as far as licences are concerned—there's a surprise. Truthfully, I am at a loss, Presiding Officer, to understand why the Government is not prepared to embrace that proposal. Rather, it has said that there will be nothing today but that there might be something tomorrow.

I press amendment 93.

**The Deputy Presiding Officer:** The question is, that amendment 93 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
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 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 Robison, Shona (Dundee City East) (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)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 61, Abstentions 0.

*Amendment 93 disagreed to.*

### Section 13A—Approved training courses

*Amendments 22 and 23 moved—[Jim Fairlie]—and agreed to.*

### Section 14—Muirburn Code

**The Deputy Presiding Officer:** Group 12 is on the muirburn code. Amendment 24, in the name of Rhoda Grant, is grouped with amendments 25, 26, 94, 95 and 28. I point out that, if amendment 26 is agreed to, I will not be able to call amendments 94 and 95 due to pre-emption.

**Rhoda Grant:** Currently, the muirburn code does not have to be laid before Parliament. At stage 2, I lodged amendments that sought to enable the code to be scrutinised under the super-affirmative procedure, but the Government rejected them.

All significant delegated powers should be properly scrutinised. Therefore, my amendment 26 seeks to insert a procedure that mirrors the Government's process for agreeing the code of practice on deer management. That means that ministers must approve NatureScot's code and lay it before Parliament under the negative procedure.

Amendment 28 seeks to remove the function relating to the code from the functions that ministers can delegate to NatureScot, as that would not be appropriate, given that NatureScot would develop the new procedure.

Amendments 24 and 25, which are consequential to amendment 26, would give initial responsibility for preparing and reviewing the muirburn code to NatureScot instead of the Scottish ministers.

As the process that I propose is one that the Scottish Government has used before, I hope that it will accept my amendments.

I move amendment 24.

**Alasdair Allan:** The bill sets out that people who are interested in or affected by the making of muirburn will be consulted when the muirburn code is being prepared or reviewed. In practice, that would probably also include when it is being revised but, for the avoidance of doubt, my

amendment 94 seeks to set that out clearly in the bill.

**The Deputy Presiding Officer:** I call Edward Mountain to speak to amendment 95 and other amendments in the group.

**Edward Mountain:** Thank you, Presiding Officer. *[Interruption.]* There are so many papers on my desk, and there are so many amendments. I will get to the right one, which I hope is one that the Government will allow.

Amendment 95 is intended to ensure that the Government consults land managers, which I have been asking all along for it to do. It is a simple amendment to allow land managers to have input into the muirburn code. I suspect that that is not appropriate, but I wait to hear the answer.

**Jim Fairlie:** I cannot support Rhoda Grant's amendments 24 to 26 or her amendment 28, as they would remove the ability of the Scottish ministers to delegate the preparation of the muirburn code to NatureScot. Instead, they would require that NatureScot be responsible for that and that the Scottish ministers must approve the code. They also state that the code must be laid before the Scottish Parliament, which can determine that the code should not come into effect. However, they do not provide any insight into or direction on what would happen if the Parliament determined that the updated code should not come into effect.

If Rhoda Grant's proposed changes are agreed to, they would create an unnecessary additional burden that would slow down the process of updating the muirburn code considerably. As I set out in response to a similar amendment from Rhoda Grant at stage 2, the code is meant to be a practical working document that provides up-to-date guidance for licence holders, and it is not clear to me what laying the muirburn code before Parliament would achieve. The muirburn code will be published on the NatureScot website, and we will ensure that Parliament is kept updated on the processes of development when it is published.

Rhoda Grant's amendments would create an unnecessary statutory requirement for what is meant to be active, up-to-date guidance. Although I understand the intent for the first updated version of the code following the passing of the bill, it would not make practical sense for every future iteration of a document that is intended to respond to circumstances—and, in some cases, to do so nimbly and flexibly—to be put through such a statutory process.

For all those reasons, I encourage members to vote against amendments 24 to 26 and 28.

As Alasdair Allan stated, amendment 94 clarifies that, when the muirburn code is being revised, people who are interested in or affected by the

making of muirburn will be consulted. We can all agree that it is a sensible amendment, and I encourage members to vote for it.

Amendment 95 provides that the consultation on the development of the muirburn code must include people who are involved in land management. NatureScot is working with a wide range of stakeholders on the development of the codes that are included in the bill, and I hope to join one of the working group sessions. I encourage members to vote in favour of the amendment—much to Mr Mountain’s surprise, I imagine.

**The Deputy Presiding Officer:** I invite Rhoda Grant to wind up and to press or withdraw amendment 24.

**Rhoda Grant:** I might be disappointed, but I am not totally surprised that the minister has rejected my amendments. His criticism of amendment 26, which mirrors the procedure for the deer management code of practice, is amazing and startling. The Government has legislated along those lines, and it now criticises its own legislation. I will press amendment 24.

**The Deputy Presiding Officer:** The question is, that amendment 24 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 62, Abstentions 0.

*Amendment 24 disagreed to.*

19:30

*Amendment 25 not moved.*

**The Deputy Presiding Officer:** I remind members that, if amendment 26 is agreed to, I will not be able to call amendments 94 or 95 because of pre-emption.

*Amendment 26 not moved.*

*Amendment 94 moved—[Alasdair Allan]—and agreed to.*

*Amendment 95 moved—[Edward Mountain]—and agreed to.*

### Section 15—Notice of muirburn activity

*Amendment 96 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 96 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)

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) (Alba)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 62, Abstentions 0.

*Amendment 96 disagreed to.*

### Section 16—Muirburn season

**The Deputy Presiding Officer:** Group 13 is on the muirburn season. Amendment 97, in the name of Edward Mountain, is grouped with amendments 98, 99, 100 and 27. I call Edward Mountain to move amendment 97 and to speak to all the amendments in the group.

**Edward Mountain:** Around two weeks ago, my wife asked me what we were going to do for my 63rd birthday. I said, “Well, you can do what you want, but that night I’ll be talking in the Scottish Parliament about something really important—the muirburn bill.” So, here I am talking about it—*[Interruption.]* I might get one more than one vote.

I want to talk, if I may, about how the parts of Scotland are very different. They are different from one end to the other. I tried to make that point during stage 2, but it was not accepted and Scotland was considered to be all the same. I tried to explain that warmth heads northwards from the south and that when things warm up in the Borders, it can still be cold in the north. In fact, differences can be much more local than that. In the low-lying hills around Tomintoul, it can be positively warm at an altitude of 1,000 feet, but further up into the hills—Ben Avon, for example, at 1,800 feet—it can still be cold, with the ground covered in snow.

That is why having only one season—a bland season that covers the whole of Scotland—is wrong, and why amendments are needed to allow muirburn to be carried out outwith a defined

period. Funnily enough, I seem to remember the minister arguing that point at stage 1, as well. He seems to have changed his tune since he became a minister. I am not quite sure why that has happened. No doubt he will enlighten us.

Amendment 97 gives the Scottish Government the chance to extend the period of muirburn to 15 April. That would happen not just on a whim, of course, but would happen with the approval of the experts whom we heard about earlier—NatureScot. That would give a little flexibility, so that if, for example, as happened not many years ago, all the high hills were covered in snow until early April, burning could be done once that snow had lifted. It cannot be guaranteed that snow will have cleared in March.

I have listened to the arguments that have been put forward by organisations. For example, RSPB Scotland says that breeding seasons come earlier. I am pretty sure that not many birds breed in snow. They do not lay their eggs as the snow melts; they wait a bit before they move into the habitat. Extending the season by a mere 15 days, with the approval of NatureScot, seems to be appropriate.

Amendment 98 takes into account the annual variations in weather conditions in particular geographical areas. In some years, I plant by the Moray Firth as early as the middle of February, but in other years that happens as late as the middle of April. It depends on what rain and other weather conditions we have. I cannot make the same decision every year; I know that, eventually, things will dry out and I will get a chance to carry out the operations that are needed. We need to allow keepers to do that. We need that flexibility.

Amendment 99 would ensure that land managers would be included and consulted in the process.

I feel sure that amendment 100 will reach the minister, for the simple reason that it gives scope for NatureScot to suggest to the minister that the season could be extended for up to 20 days. That gives the minister time to consider whether that would be appropriate. As we have heard, NatureScot is the expert, and the Government would only have to “have regard” to its recommendation—it would not have to carry out the recommendation, but if it did not do so it would have to explain why it had not. That seems to be a situation in which everyone would co-operate and work together in the Scottish climate’s difficult conditions, which are different at different levels.

The other day, I spoke to somebody who said that they had seen their first osprey of the year, but not for at least another 20 days—probably, nearer a month—will we see the first ones back

with us at home. That is just because of the different climatic conditions.

My amendments seek to bring out that Scotland is not all the same. We are diverse and our country is diverse; therefore, we need flexibility within what will otherwise be a very rigid plan. That is why I look to Parliament to support the amendments in my name.

I move amendment 97.

**Rhoda Grant:** My amendment 27 would ensure that any changes to the muirburn season would be properly scrutinised. As I did on other amendments, I listened to the minister at stage 2, and I seek to amend the length of time for which the regulations must be laid.

Amendment 27 is required because climate change is already impacting on bird nesting seasons, and that is likely to continue. Therefore, we might need to change the muirburn season timing, but that must be consulted on and proposals must be laid before Parliament to ensure that the changes are necessary and that there would be no unintended consequences. It is difficult to understand why the minister is so averse to that kind of scrutiny. One would almost think that he believes that the Government will be in power forever.

**Jim Fairlie:** Amendment 97 would allow the muirburn season to be extended to 15 April, with the permission of NatureScot. We had good reason to bring forward the end of the muirburn season to protect ground-nesting birds, so the bill was amended to that effect at stage 2. To accept an amendment that would push the season back to the middle of April, albeit that that would happen only in limited circumstances, would not be appropriate or good practice.

I understand, however, that the science around muirburn is constantly evolving and that the impacts of climate change mean that we might need to adapt our approach in the future. That is why the Scottish ministers already have a power in section 16 to amend the muirburn season if they think that that is necessary or expedient for the purposes of

“conserving, restoring, enhancing or managing the natural environment”

or

“preventing ... the risk of ... wildfires”,

or in relation to climate change.

To answer Edward Mountain’s question, the benefit of being in government is that we get access to much more information, including the statistic that, of the 2 million hectares of peatland in Scotland, 75 per cent is degraded. However, as I have said, NatureScot has provision to extend

the muirburn season if it is deemed to be necessary to do so for the reasons that I have just talked about.

It is important that that power be subject to affirmative procedure, which gives Parliament an enhanced scrutiny role. There is a requirement to consult those who are likely to be interested in or affected by the making of muirburn, which will ensure that the power is used proportionately. Amendment 97 would provide for no such scrutiny. For those reasons, I cannot support the amendment and I encourage members to vote against it, if it is pressed.

Amendment 98 would change the regulation-making power in section 16 so that, if the Scottish ministers wanted to amend the muirburn season dates through secondary legislation for the purpose of preventing or reducing the risk of wildfires causing harm to people or damage to property, they would need to take into account

“annual variations in weather conditions in particular geographic areas.”

The amendment is unnecessary, because the bill already sets out that regulations to change the muirburn season dates can make

“different provision for different purposes”,

including for different land and for different years. That would naturally take into account the weather conditions across the land.

The bill therefore already provides the ability to lay regulations to set different muirburn season dates depending on weather conditions and geography, which could, for example, include land that is or is not at a high risk of wildfire. Therefore, amendment 98 is not necessary. I cannot support it and I encourage members to vote against it.

I would like to say that I was pleased to work with Mr Mountain on amendment 99, but he never came to see me, despite the fact that every other member who I have dealt with and whose amendments have been agreed did so.

**Edward Mountain:** I really do not mind if you want to throw stones at me, Mr Fairlie, but the reason why I did not come to see you is that I happened to be in Australia for my son’s wedding. If you begrudge my going to my son’s wedding, so be it. I thought that you were bigger than that.

**Jim Fairlie:** Mr Mountain, I absolutely take on board that you might have been out of the country. However, you have said on various occasions throughout the debate that you were not able to talk to me or to make recommendations. However, I will be happy to support your amendment 99.

**The Deputy Presiding Officer:** Minister, members must speak through the chair.

**Jim Fairlie:** Amendment 100 would allow NatureScot to recommend that the muirburn season be extended by up to 20 days. In that situation the Scottish ministers would have to either do so or give reasons why they will not. As I have just explained, the power to change the muirburn season dates by regulation already includes a requirement to consult NatureScot as well as people who are interested in or affected by muirburn.

NatureScot is an executive non-departmental public body—an organisation that carries out administrative, commercial, executive or regulatory functions on behalf of the Scottish Government. However, it is not part of the Scottish Government or the Scottish Administration. Although NatureScot provides essential advice to the Scottish ministers, as an unelected body it is not its role to set the direction of policy, which is what the recommendation that is referred to in amendment 100 would be, in effect. I cannot support that amendment and I encourage members to vote against it.

As I have said on similar amendments that Ms Grant lodged, amendment 27 would place an unnecessary additional burden on the Scottish Parliament when there are already established procedures in place to make changes through secondary legislation.

19:45

Any regulations to change the muirburn season will be subject to affirmative procedure, under which an instrument will be laid in draft form before Parliament for, normally, 54 days. That will give Parliament the opportunity to consider the draft instrument, take evidence on it, then vote on it. That is the correct procedure for any such amending instrument, and both the Delegated Powers and Law Reform Committee and the Rural Affairs and Islands Committee agreed with that approach in their stage 1 reports.

If agreed to, amendment 27 could lead to unnecessary delays in changing the dates of the muirburn season, which could have consequences for the natural environment. I have listened very carefully to what Rhoda Grant said today and during stage 2, when she lodged similar amendments. However, I do not believe that she has made a compelling case to support future use of enabling powers being subjected to greater scrutiny, or for why the standard parliamentary process for considering an instrument would not be sufficient. Therefore, I will not support amendment 27 and I encourage members not to support it.

**Edward Mountain:** I am disappointed that the minister keeps going back to the figure of 75 per

cent of Scotland's peatland being degraded. This might have been before his time, but I certainly remember when grants were made by the Scottish Office, as it was in those days, to drain peatland with grips. We have learned a lot since then, but it is not all down to how moorland has been managed for wildlife. In fact, we know that wet moorland is probably better than dry moorland for grouse and wildlife, but the then Scottish Office encouraged us to degrade peatland. That is why there is so much degraded peatland.

I do not accept the minister's points about amendments 97 and 98. I believe that parts of Scotland are very different from one another, which is why I made my point about coming up with a general code.

I accept that the minister will support amendment 99. He asked me to lodge it, and I was happy to do so.

As far as amendment 100 is concerned, I do not believe that there would be anything wrong with giving NatureScot the power to apply to ministers to extend the season. That would show that the powers were not all with the Government but with some of its agencies, which could be approached by land managers on the ground.

I press amendment 97.

**The Deputy Presiding Officer:** The question is, that amendment 97 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Mark Ruskell:** On a point of order, Presiding Officer. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Ruskell. Your vote will be recorded.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 66, Abstentions 0.

*Amendment 97 disagreed to.*

*Amendment 98 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 98 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 62, Abstentions 0.

*Amendment 98 disagreed to.*

*Amendment 99 moved—[Edward Mountain]—and agreed to.*

**The Deputy Presiding Officer:** I call Edward Mountain to move or not move amendment 100.

**Edward Mountain:** In the spirit of co-operation, I will move amendment 100.

*Amendment 100 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 100 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Doney, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 47, Against 66, Abstentions 0.

*Amendment 100 disagreed to.*

### After section 16

*Amendment 27 moved—[Rhoda Grant].*

**The Deputy Presiding Officer:** The question is, that amendment 27 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 62, Abstentions 0.

*Amendment 27 disagreed to.*

#### Section 17—Delegation

*Amendment 101 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 101 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)

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)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 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) (Alba)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 51, Against 62, Abstentions 0.

*Amendment 101 disagreed to.*

*Amendment 28 not moved.*

### Section 18—Interpretation of Part

*Amendment 102 moved—[Edward Mountain].*

**The Deputy Presiding Officer:** The question is, that amendment 102 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Deputy Presiding Officer:** The result of the division is: For 30, Against 83, Abstentions 0.

*Amendment 102 disagreed to.*

**The Deputy Presiding Officer:** Group 14 is on the definition of peat and peatland. Amendment 103, in the name of Edward Mountain, is grouped with amendments 104 and 106 to 109. I remind members that amendments 103 and 104 are direct alternatives, which means that they can both be moved and decided upon but that the text of whichever amendment is the last to be agreed to is the text that will appear in the bill.

**Edward Mountain:** The debate on the subject of peat depth has been interesting, but it has shown up a great deal of misinformation that shallow peat is better than deeper peat for burning on. As a generalisation, that is entirely wrong. It depends on the peat and the schist below it, and the peat can actually get much thinner as we go higher up the hill. At 1,800 feet, the peat may be quite thin and the regrowth period for heather on that peat will be extremely long. The heather will be wind clipped. Burning on higher bits of the hill, certainly at 1,900 feet or above, should be an absolute no-no, despite the fact that the bill says that it would be fine because the peat is shallow enough. That is why the figure is arbitrary.

20:00

In an amendment that I lodged at stage 2, I suggested a greater depth than the one that I am suggesting today. I have reduced the depth to encourage debate on the subject. It is not actually the peat that we are burning; it is the matter on top of the peat. Members who have taken time to go out and see muirburn taking place will know that there is a great difference in how we burn bits of hill and the speed with which fires pass over them. I remember being involved in burning a bit of hill in an area in Caithness where the fire got away from us, got out of control and went through a relatively newly planted woodland. The speed of the fire, because it was through grassland, was such that, funnily enough, it did not damage the trees, the fence posts or the fence around it. In fact, it moved through so quickly that there was no damage at all. It is interesting to note that the trees grew better afterwards, because they were not crowded out by vegetation.

The point of my amendment 103 is to force a debate on the subject. I will be interested to hear why Colin Smyth believes that moving to an even shallower depth is the way forward. With a shallower depth, we would probably end up with just pioneer and plagioclimax vegetation—that is, short vegetation rather than the climax vegetation such as the old, rank heather that we are trying to get rid of in order to stimulate regrowth and encourage birds and mammals to use the area.

I could talk for hours on this, Presiding Officer, but it is late in the evening and I am sure that everyone is looking forward to going home. I will leave it there and I will make a summation of the points that I hear at the end of the debate on this group.

I move amendment 103.

**The Deputy Presiding Officer:** There are too many conversations going on, and members' backs should not be turned to the chair. Thank you.

I call Colin Smyth to speak to amendment 104 and other amendments in the group.

**Colin Smyth:** One of the bill's key aims is to protect our peatlands by limiting burning on them, so the definition of peatland matters. The bill contains this definition:

“land where the soil has a layer of peat with a thickness of more than 40 centimetres.”

The consequence of that is that extensive areas of shallow peat with a depth of less than 40cm will be treated as not being peatland, even though they are functionally areas of peatland and are often the most vulnerable parts.

If we are to have depth in the definition and that is to be in the bill, I believe that the scientific evidence points to the need for a reduction to 30cm, which is an internationally recognised level and would offer more protection. A peat depth of 30cm is the definition that is used in the peatland code and the UK peatland strategy, and Natural England will be applying it to common standards monitoring. Scottish Forestry has also recognised the importance of limiting damaging practices on peat, and it is not accepting any forestry grant scheme applications that include ploughing on soils where peat depth exceeds 10cm.

Reducing the depth in the definition to 30cm, as is proposed in my amendment, would have the effect of increasing the area of land that is treated as peatland under the terms of the bill and so include some of the shallower peatland areas, which are themselves important large carbon stores. There is almost universal opposition to the Government's approach of setting the depth at 40cm. There is no scientific basis for that depth; it is entirely arbitrary—an international outlier that

seems to be based on little more than splitting the difference between 50cm and 30cm.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** The member used the word “arbitrary”. However, would he come to the conclusion that 30cm also sounds fairly arbitrary? Secondly, does he agree that any bill is only as good as its ability to be enforced and that, for a practitioner, it is extremely difficult to measure to a degree of centimetres?

**Colin Smyth:** The first point that I would make is that there is—absolutely—an international precedent for the depth being 30cm, which is not the case for its being 40cm. Secondly, Kate Forbes's Government is proposing a depth of 40cm, which needs to be measured as well. So, if there are difficulties in measuring 30cm, there are equal difficulties in measuring 40cm.

The 40cm figure is, frankly, the equivalent of making policy on the basis of tossing a coin. It is simply splitting the difference, and there is no scientific basis for that. Setting the level at 40cm is a backward step, but reducing the depth to 30cm would improve the protection of peatlands at a time when we need to be doing everything that we can to protect and restore these important areas.

The bill allows ministers to amend the definition by regulation, which it would have to consult NatureScot and others on. However, as it stands, there is no requirement for it to do so on a regular basis. If the minister is adamant that the Government will stick to the arbitrary 40cm figure, amendments 106, 107, 108 and 109 would require a regular review of the definitions of peat and peatland—every five years at the very least—taking into account relevant scientific expertise.

If, as it seems, the minister is not minded to take a more scientific approach to the setting of peat depth in the definition in the bill, I hope that, at the very least, he will commit to a regular review of that definition.

**Ariane Burgess:** I have sympathy with Colin Smyth's amendments and I thank him for following up on the stage 2 debate on the issue.

As committee members know, we heard evidence from stakeholders—including the International Union for Conservation of Nature's international peatland programme—that defining peat on the basis of its depth is arbitrary. The definition stems entirely from policy that was developed immediately after world war two, when Britain was concerned with mapping, and maximising its use of, domestic natural resources. It is not related to our current problems of reducing our impact on the climate and reversing the decline of nature.

Right now, the evidence base is not strong enough, and it is good to hear the minister's assurance that the matter will be reconsidered as the evidence base develops and that the Government will support research to improve our understanding of peatland ecosystems and how to protect them.

**Rachael Hamilton:** Although I have not lodged amendments in this group, I am keen to put on record my support for amendment 103, in the name of my colleague Edward Mountain. It is worth stating at the outset that we do not support using a below-ground metric—peat depth—to regulate an above-ground activity, namely muirburn. The approach is illogical and at odds with the evidence that we received from practitioners and experts on the topic. If peat depth is going to be used, we would support defining peatland as where the peat is deeper than 50cm.

There is a very important reason for that. National peat depth survey data is available at the 50cm threshold. Such data could be instrumental in informing which areas constitute peatland and which areas constitute non-peatland, making things easier for both practitioners and the regulator. The importance of that data has been recognised elsewhere, too. The then Secretary of State for Environment, Food and Rural Affairs ensured that such data was available before implementing the Heather and Grass etc Burning (England) Regulations 2021, which impose similar requirements on designated sites. For that reason, we support retaining the 50cm depth.

I have significant concerns about Colin Smyth's amendments in the group. It is clear that his intention is to render the making of muirburn as difficult as possible for practitioners, without properly understanding the interactions between muirburn and peatland. If he took the time to familiarise himself with the long-term science that is set up to deal with this complex issue, he would understand that there is no scientific basis for the position that he is adopting in respect of 30cm. I am concerned that his other amendments, amendments 106 and 109, are being moved with a view to leveraging a change to 30cm within five years.

**Colin Smyth:** If the requirement that I propose is to look at the scientific evidence, why is Rachael Hamilton running scared of having a regular review every five years that takes into account such evidence? I presume that she is doing so because she knows that her argument for 50cm has no scientific basis whatsoever. Why is she scared of having a review every five years to put 50cm to the test, rather than simply leaving the definition at 40cm, as the bill is drafted at the moment? What is wrong with a review?

**Rachael Hamilton:** The proposal that Colin Smyth has made has no scientific basis. My point is that there is already national peat depth survey data available for the 50cm threshold. In her intervention, Kate Forbes was absolutely correct. The use of an arbitrary peatland depth lacks scientific reasoning, as peatland is not burned down by muirburn. Furthermore, it is impractical for land managers to be expected to measure peat depth across the land as part of a licensing regime.

**Jim Fairlie:** This group of amendments has been a doozie.

Amendments 103 and 104 offer alternatives for what the definition of peat should be for the purposes of muirburn licences. I thank Colin Smyth and Edward Mountain for lodging the amendments, which have allowed us to have this debate. The approach that is taken in the bill, in line with the wider muirburn provisions, follows the precautionary principle, and the depth of 40cm came from that principle.

Amendments 103 and 104 demonstrate that there are opposing views on what the definition of peatland should be. As we have seen throughout the passage of the bill, some people would like it to be shallower and some would like it to be deeper. That still leads me to conclude that 40cm is the correct definition to use in relation to the potential risks that are associated with muirburn on peatland.

Public consultation responses on the definition of peatland were similarly divided, with 38 per cent of respondents saying that it should be 40cm, and those who disagreed with 40cm split between those wanting to keep it at 50cm and others arguing that it should be 30cm or less. As noted at stage 2, 40cm is the depth that is being moved to in England.

However, in recognition of the divergence of views, and to ensure that the definition keeps pace with scientific research, the bill allows the Scottish ministers to amend the definition of peatland by regulations. That must be done in consultation with NatureScot and any other person who they consider likely to be interested in or affected by making muirburn. Any regulations that are developed to amend the definitions would be subject to consultation and enhanced parliamentary scrutiny in the form of the affirmative procedure. I therefore hope that amendment 103 is not pressed and that amendment 104 is not moved, but if they are, I urge members to vote against them.

Amendments 106 to 109, in the name of Colin Smyth, require the Scottish ministers to review the peat depth every five years, and amendment 106

requires that, when undertaking the review, the Scottish ministers must consult NatureScot and

“individuals or organisations with relevant scientific expertise”.

I whole-heartedly agree with the underlying principle of amendment 106. There is still significant scientific development happening in this area. The Scottish Government has been clear that, if new evidence emerges that a different approach is required, it will reconsider the definition of peat that is used in the bill. However, the bill did not include a statutory review period by which such a review should be undertaken, because the Scottish Government believes that the timing of any future review should be informed by the latest scientific developments and the publication of any new and relevant scientific research. I consider that that is the correct approach to take, rather than the one that is proposed by amendment 106, which would simply tie future reviews to an arbitrary five-year cycle.

**Colin Smyth:** Does the minister accept that, actually, the amendments say that such a review would be within five years? There could be a review at any time that scientific evidence comes forward, and we would not have to wait for five years. Does he accept that there is concern that there is an ability in the bill for ministers to change the depth by regulation but that there is not a requirement to do so? My amendments would put a requirement on ministers to do so, and it could be at any time within that five-year period.

20:15

**Jim Fairlie:** Our landscape is changing, and we are going to get better at understanding the science through the procedures that are involved in the licensing scheme that we have brought forward. We can use that data to better regulate as necessary, which is why we are committed to reviewing the bill in its entirety, as will be seen in the amendment that Elena Whitham has lodged, which we will consider later. I therefore ask members to vote against Mr Smyth's amendments 106 to 109.

**The Presiding Officer:** I call Edward Mountain to wind up and say whether he wishes to press or withdraw amendment 103.

**Edward Mountain:** That was an interesting debate in which we worked out that the figure for the depth of peat is almost arbitrary, and that someone drew it out of a hat to come up with a figure that seemed to be right. Colin Smyth thinks that it was me who drew a figure out of a hat; I think that it was him. The minister thinks that he drew a figure out of a hat but he got the right one, which is right in the middle. However, it is totally arbitrary and is not based on science.

I say to the minister, and to members, that muirburn is all about using a rotational system. If you are managing a bit of hill, you work out how much muirburn is required. Some hills can stand muirburn every four to five years and will be completely regrown in that period, but in other areas, such as those on higher ground, it will take significantly longer. It is not all about peat depth—it is as much about weather conditions, which way the slope faces and the overall fertility of the peat and the schist below it. That all adds up to how quickly the vegetation grows.

I truly believe that my figure is the right one, so—much to the minister's probable annoyance, and not to the surprise of Colin Smyth—I will press amendment 103.

Colin Smyth's amendments are interesting, but this time I agree with the minister: I think that they are not needed in the bill, as those matters will be covered elsewhere. On that happy note, I can sit down.

**The Presiding Officer:** I remind members that amendments 103 and 104 are direct alternatives. The text of whichever is last to be agreed to will appear in the bill.

The question is, that amendment 103 be agreed to. Are we agreed?

**Members:** No.

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

I ask members to bear with us for a moment, as we are aware that there is a technical hitch.

Thank you, colleagues. I will call the vote again.

The question is, that amendment 103 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed. I call Sue Webber for a point of order.

**Sue Webber (Lothian) (Con):** Presiding Officer, I was going to make a point of order when I thought that there was an issue, but the issue was resolved and I have managed to vote successfully.

**The Presiding Officer:** Thank you, Ms Webber. I confirm that your vote has been recorded.

I call Clare Adamson for a point of order.

**Clare Adamson:** Presiding Officer, I was in the same position as Sue Webber. I believe that my vote has been cast.

**The Presiding Officer:** Thank you, Ms Adamson. I confirm that your vote has been recorded.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

**The Presiding Officer:** The long-awaited result of the division is: For 33, Against 80, Abstentions 0.

*Amendment 103 disagreed to.*

*Amendment 104 moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 104 be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (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)  
 Whitfield, Martin (South Scotland) (Lab)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)  
 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)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 17, Against 95, Abstentions 0.

*Amendment 104 disagreed to.*

*Amendment 105 moved—[Edward Mountain].*

**The Presiding Officer:** The question is, that amendment 105 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (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)  
 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)  
 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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)  
 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)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 28, Against 83, Abstentions 0.

*Amendment 105 disagreed to.*

*Amendment 106 moved—[Colin Smyth].*

**The Presiding Officer:** The question is, that amendment 106 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (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)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
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 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)  
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 Mountain, Edward (Highlands and Islands) (Con)  
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 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 17, Against 96, Abstentions 0.

*Amendment 106 disagreed to.*

*Amendments 107 to 109 not moved.*

#### **Section 20—Powers of entry, search and seizure with warrant**

*Amendments 29 to 31 moved—[Jim Fairlie]—and agreed to.*

#### **After section 21**

*Amendments 32 to 34 moved—[Jim Fairlie]—and agreed to.*

#### **Section 22—Individual culpability where organisation commits offence**

*Amendment 35 moved—[Jim Fairlie]—and agreed to.*

#### **After section 24**

**The Presiding Officer:** We now move to group 15, on review of act provisions. Amendment 110, in the name of Elena Whitham, is the only amendment in the group.

20:30

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** At stage 2, there was much discussion about the importance of ensuring that the bill's provisions do what they set out to do. That is only natural, given that it is a landmark bill for animal welfare and wildlife protection.

The bill extends the powers of Scottish SPCA inspectors to investigate wildlife crimes, bans the use of snares and glue traps, and puts in place new regulation on wildlife trapping, grouse shooting and muirburn. Throughout its passage through the Parliament, concerns have been raised about the effect of the new provisions and

how they will be used—in particular, concerns in relation to the impact of the muirburn provisions on mitigating wildfires and the extension of powers to Scottish SPCA officers. I therefore echo Emma Harper's comment, when she spoke to amendment 76, that regular monitoring is essential to assess the bill's effectiveness.

My amendment 110 adds a statutory requirement to review and report on the operation and effectiveness of the provisions in the bill within five years of its receiving royal assent. It sets out that the review must in particular consider the parts of the bill that relate to glue traps, snares, Scottish SPCA inspectors and muirburn. It also sets out that the Scottish ministers must prepare and publish a report of the review and lay that report before Parliament.

I believe that that review will facilitate the Scottish Government's commitment to an open and transparent approach to legislation. I also think that it will help to allay some of the concerns that have been expressed by members of the Parliament today. I would welcome the minister's comments on this important amendment to review and report on the operation of the bill.

I move amendment 110.

**Rhoda Grant:** Amendment 110 will also ensure that the Scottish SPCA powers are reviewed, which I tried to ensure with a previous amendment of mine. We need to evaluate third sector organisations' involvement in detecting crime and gathering evidence. My concern is not about the Scottish SPCA itself, which does a wonderful job; it is about the precedent that is set.

I welcome the amendment, and I hope that the powers will be reviewed and that the review will ensure that other third sector organisations are not involved in crime detection or prosecution.

**Jim Fairlie:** The bill has been a long time coming. It introduces some fundamental changes to wildlife management and grouse moor practices, and I believe that they are the right changes. However, it is important that, when new legislation is passed, the Scottish Government continues to monitor its impact to ensure that it is working in the way that was intended.

I thank Elena Whitham for lodging the amendment, which is a very helpful addition to the bill. I hope that the requirement to undertake a review of the provisions of the bill will help to allay some of the concerns that have been raised about the effect of the new powers in it and how they will be used.

There is a video out today of a man called Dee Ward up on Rottal estate, who does an amazing job on an upland estate. He manages to do commercial business at the same time as

conserving wildlife, restoring peatland and doing all the things that we want to do in the bill. He is an exemplar of how that is being done. I hope that the bill is the start of many other estates doing exactly the same thing.

I will therefore vote for the amendment, and I encourage all members to support it.

**Elena Whitham:** I thank Rhoda Grant for her comments, and I am pleased to hear that the minister agrees with my reasons for lodging amendment 110 and that he will support it. I urge colleagues to do the same. I will press amendment 110.

*Amendment 110 agreed to.*

### After section 28

*Amendment 36 moved—[Jim Fairlie]—and agreed to.*

### Long title

*Amendment 37 moved—[Jim Fairlie].*

**The Presiding Officer:** The question is, that amendment 37 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Shona Robison:** On a point of order, Presiding Officer. I was not able to connect to the app. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** On a point of order, Presiding Officer. I had the same issue; I could not connect to the app. I would have voted yes.

**The Presiding Officer:** Thank you, Mr MacGregor.

### 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
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 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)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (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)  
 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)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West 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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 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 85, Against 28, Abstentions 0.

*Amendment 37 agreed to.*

**The Presiding Officer:** I would like to advise members that the result of the division on amendment 82 was: For 30, Against 80, Abstentions 0. It was not: For 30, Against 79, Abstentions 0. As previously advised, the amendment was not agreed to.

That ends consideration of amendments.

## Decision Time

20:37

**The Presiding Officer (Alison Johnstone):**  
There are no questions to be put as a result of today's business.

That concludes decision time.

*Meeting closed at 20:37.*

## Correction

Angela Constance has identified an error in her contribution and provided the following correction:

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):**

*At col 8, paragraph 6—*

*Original text—*

“The final overall cost of operations at HMP Kilmarnock will depend on a variety of factors but is currently estimated at £11.6 million for 2024-25.”

*Corrected text—*

“The final overall cost of operations at HMP Kilmarnock will depend on a variety of factors but is currently estimated at £18.6 million for 2024-25.”



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

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