



# Meeting of the Parliament

Thursday 27 November 2025

Session 6



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Pàrlamaid na h-Alba

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# Scottish Parliament

Thursday 27 November 2025

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

## General Question Time

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time.

### Police Officers (Edinburgh and the Lothians)

**1. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what assessment it has made of the number of police officers in Edinburgh and the Lothians, in light of the growth in the population of south-east Scotland and any additional policing duties in the capital. (S6O-05206)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The deployment of officers is a matter for the chief constable based on operational priorities. In the previous financial year, the Scottish Government's record investment in policing enabled Police Scotland to take on more recruits than at any time since 2013. As of 30 September, 1,106 officers were deployed to Edinburgh and 888 to Lothian and Borders. In both divisions, that is more than in the previous quarter and broadly similar to the figures at the same time last year. A range of regional and national resources is also available to assist local officers following the creation of the single service.

**Miles Briggs:** The cabinet secretary will be aware that, as I have raised on several occasions, Edinburgh has one of the lowest police to population ratios in Scotland. That has been the case for years now, at a time when the population has been growing three times faster than the Scottish average. It is also resulting in many of our police stations having to close their public counters more and more regularly and in Edinburgh's city division having fewer officers available now than it had in 2017.

It is clear that pressures in Edinburgh are impacting on our police services and their ability to police the capital, so will the cabinet secretary agree to meet Lothian MSPs to consider the developing challenges that our police service faces, especially given the capital status of Edinburgh?

**Angela Constance:** As a West Lothian MSP, I am very aware of the growing population across the Lothians. That, of course, has a bearing on a range of public services.

On policing, as I said in my original answer, such matters are operational ones for the chief constable, who can move resources as she sees fit according to threat, harm and vulnerability. I am pleased that, due to the Government's investment, police numbers have stabilised.

I am of course happy to meet Mr Briggs and other colleagues, as long as they are very aware of the clear divide between ministerial responsibilities and operational matters.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** The number of police officers per capita is higher in Scotland than in England and Wales. Will the cabinet secretary provide details of the pressures that Police Scotland faces as a result of the United Kingdom Government's hike in employer national insurance?

**Angela Constance:** This year's record police funding of £1.64 billion supports police capacity and capability and ensures that our police officer numbers per 10,000 of the population in Scotland remain considerably higher than those in England and Wales.

As members will be aware, we have continually urged the UK Government to fully fund the £400 million additional cost in employer national insurance contributions that it imposed on Scotland's public services, including Police Scotland. That was not done for this financial year and, as yesterday's chaotic mess of a UK budget confirmed, the increase remains in place. I note that the increase in funding for Scotland's budget will not cover even half the shortfall from the costs of that hike on Scotland's public services.

### Scottish Government Bonds

**2. Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government whether it will provide an update on progress made towards issuing Scottish Government bonds, in light of Scotland's recent high credit ratings. (S6O-05207)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Following the excellent credit rating results, the Scottish Government is making all necessary preparations to ensure that a multiyear bond programme can commence in 2026-27. As the First Minister announced earlier this month, the total size of the programme is expected to be £1.5 billion over the next parliamentary session, subject to in-year borrowing requirements and market conditions.

**Jackie Dunbar:** The positive credit ratings are testament to Scotland's track record of responsible fiscal management, and it is welcome that the Government remains on track to commence the bond programme in 2026-27. Can the Deputy First Minister say any more about how the programme

is expected to support the Scottish Government's investment in key infrastructure?

**Kate Forbes:** The credit rating results are absolutely excellent for Scotland, and they confirm that this country is high investment grade. As the independent investor panel pointed out, a credit rating and a bond issuance can act as a means of increasing investor engagement in Scotland. It is a gateway to broader investment, enhanced visibility in global capital markets and a stronger platform for economic diplomacy. I am delighted that we have been able to deliver on the recommendation made to us in the report of the investor panel.

**Paul Sweeney (Glasgow) (Lab):** It is welcome that the Scottish Government is exploring innovative ways of raising extra capital in addition to the normal method of raising it through the national loans fund. In what scenarios does the Deputy First Minister envisage bonds being issued? Will they be issued in cases where there are high returns, such as investment in Clyde metro or expansion of the Scottish Event Campus? Could they also be used for national health service projects such as the new institute of neurological sciences in Glasgow?

**Kate Forbes:** I am pleased by Paul Sweeney's welcome of this step, and it is important for me to state on the record that it is about borrowing better, not borrowing more. It is about borrowing within the limits that are set through the fiscal framework.

The member is absolutely right to say that the programme can be used to fund infrastructure development. It will be used for capital infrastructure, which he cited some examples of, and as we go through the process, decisions will be taken on what infrastructure will be funded through it.

### Historic Buildings (Town Centres)

**3. George Adam (Paisley) (SNP):** To ask the Scottish Government what action it is taking to preserve and enhance historic buildings in Scotland's town centres. (S6O-05208)

**The Cabinet Secretary for Climate Action and Energy (Gillian Martin):** The Scottish Government is supportive of historic buildings in town centres being preserved and regenerated. We provide support for our historic environment through sponsorship of Historic Environment Scotland, which received £74.2 million in grant in aid funding in 2025-26. That funding helps Historic Environment Scotland to maintain properties in its care, deliver grants to the heritage sector, undertake research on the effects of climate change on historic buildings, and fulfil advisory and regulatory functions.

HES also provides advice to property owners, local authorities, developers and community groups. That helps to protect our historic environment while supporting jobs, skills and vibrant communities.

**George Adam:** Does the cabinet secretary agree that actions to preserve historic buildings, such as those undertaken at Paisley's museum, library and town hall, help retain a cultural focus as well as create economic footfall in town centres? Do such actions represent a way forward for town centre regeneration while making historic buildings fit for purpose for the 21st century?

**Gillian Martin:** I agree with all of that. I thank the member for mentioning the projects in Paisley, because the Scottish Government is pleased to see the cultural investment being made there. It is a good example of culture being a tool for driving the economy, with a wide range of engaging and enjoyable cultural experiences being provided for our citizens, too. I am particularly glad to see the focus on accessibility in such projects, allowing more of the local community to participate in and benefit from cultural activities.

### Mossmorran

**4. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will provide an update on its just transition plan for the Mossmorran petrochemical site. (S6O-05209)

**The Cabinet Secretary for Climate Action and Energy (Gillian Martin):** The Scottish Government is focused on securing a just transition for workers to avoid jobs being lost and a repeat of the industrial devastation that was inflicted on Scotland by Margaret Thatcher in the 1980s. There is no doubt, however, that the closure at Mossmorran is a profound challenge to that just transition approach, and our focus is rightly on the workers and the communities who will be affected by ExxonMobil's shock announcement.

Within our limited economic powers, the Scottish Government is focused on securing new opportunities for those workers. Our work at Grangemouth means that we have a strong foundation to build on. We have line of sight to businesses that may wish to invest and understand the needs of workers and communities. Scottish Enterprise has the unique expertise to secure new investment at both Mossmorran and Grangemouth.

It is important to note that the site in Mossmorran consists not only of the Fife ethylene plant. We have assurances that the Shell natural gas liquids plant will remain in operation.

**Alexander Stewart:** Four hundred employees and contractors face redundancy at Mossmorran,

but the transition plan that the Scottish Government promised in early 2025 has still not materialised. Instead of there being a blame game between both Governments, when will the Scottish Government take responsibility for protecting the sector and end its presumption against oil and gas in order to prevent job losses in the oil and gas sector supply chain?

**Gillian Martin:** There are two parts to that question. First, I want to outline what we committed to do. On 19 March 2024, I discussed with ExxonMobil decarbonisation projects that would provide the impetus for a just transition plan at the site. Dr Alasdair Allan followed that up with ExxonMobil on 28 October 2024, but since then it has been very difficult to engage with. Our officials have engaged with the business since June to try to secure time. We have always said that, once the Grangemouth just transition plan was out, we would work on a Mossmorran one. Of course, the Grangemouth just transition plan has come out only in the past couple of months.

Alexander Stewart blames the Scottish Government for the issues, but the business has been clear that United Kingdom Government policy, particularly on energy prices and carbon taxation, has added to the market challenges that it faces.

#### A720 Sheriffhall Roundabout

**5. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it will provide further details of the progress on the A720 Sheriffhall roundabout project. (S6O-05210)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Scottish Government continues to support the promotion of improvements to Sheriffhall roundabout as part of its £300 million commitment to the Edinburgh and south-east Scotland city region deal.

As the member will be aware, a public local inquiry was held to consider the significant number of objections that were received, and the independent reporter has since submitted her conclusions and recommendations. Those are under consideration. Advice will be provided following that and a decision will be made by Scottish ministers on whether to complete the statutory process. Although I am keen for there to be progress, it is essential that due process is followed and that careful consideration is given to the substantial volume of information that will inform ministers' decisions.

**Colin Beattie:** Many of my constituents are growing increasingly concerned about the delay in the progress of the Sheriffhall interchange project. Will the cabinet secretary give my constituents in

Midlothian North and Musselburgh any comfort regarding timelines for the delivery of the scheme?

**Fiona Hyslop:** I reassure the member that the Scottish Government remains committed to delivering improvements at Sheriffhall. Although I cannot give a definitive timeline today, I reassure him that ministers recognise it as a priority, and my officials are reviewing the reporter's report, along with the considerable number of objections, to inform next steps. Funding for the project remains part of the city region deal.

#### Critical National Infrastructure

**6. Beatrice Wishart (Shetland Islands) (LD):** To ask the Scottish Government what measures it can take to ensure that critical national infrastructure serves the local communities hosting it and is built safely, securely and in a way that is sensitive to the landscape around it. (S6O-05211)

**The Cabinet Secretary for Climate Action and Energy (Gillian Martin):** Critical national infrastructure refers to assets that are assessed to be critical to the functioning and security of the country. That process enables the Government and its partners to prioritise, better understand and mitigate the risks that threaten those critical sites.

There are currently 13 officially designated CNI sectors, and responsibility for them is split between relevant devolved Governments and the United Kingdom Government. Scottish devolved CNI sectors include Government; transport, including roads and bridges; emergency services; health; water; food; and chemicals. UK Government reserved CNI sectors in Scotland include energy; transport, including aviation, rail and ports; emergency services, including HM Coastguard; communications; finance; civil nuclear; defence; and space.

Due to their criticality, the details and locations of CNI assets are classified and not publicly available. As CNI assessments are carried out on existing infrastructure, all building, environmental, planning or related regulations or legislation should be adhered to during the planning and build phase. CNI owners and operators are given extra support for that.

**Beatrice Wishart:** Today, in Shetland, another major developer is hosting a local event about future energy connections across Shetland. The oil and gas industry has been a critical part of Shetland's economy for the past 50 years. Shetlanders are not against innovation, but many have raised with me a feeling that our islands are being swamped with new energy developments. People who tolerated the divisive Viking wind farm development are now pushing back against what is described as the continual and creeping industrialisation of Shetland, including proposals

for more pylons across the landscape and a green ammonia plant.

One constituent, who asks for all cables to be underground, writes:

"The push for renewable energy is attributed to providing a future plan to tackle climate change, but will there be a future for Shetland if all proposed developments go ahead as planned?"

Does the cabinet secretary agree that, when communities such as Shetland host significant national energy generation but continue to have high levels of fuel poverty, there is something wrong with the system? Does she agree that local communities—

**The Presiding Officer:** Thank you, Ms Wishart.

**Gillian Martin:** I absolutely agree with Beatrice Wishart. There is something very wrong with a system in which communities are asked to host critical infrastructure but are still paying the highest electricity prices in the UK. That is why I have been advocating for a number of reforms at UK Government level. The first of those is decoupling the electricity price from the gas price, which was taken off the table as part of the review of electricity market arrangements—REMA—consultation and was never brought back when the new UK Government came in. Secondly, I am advocating for a social tariff, which should make a difference to those in particularly vulnerable households.

This morning, I met the leaders of Shetland Islands Council to discuss the need for more community benefits, not just from critical infrastructure but from energy development in general. We are updating our good practice principles on that, but I am pleased to say that, although the previous UK Government was not interested in having enhanced community benefits mandated in law, the current Government is consulting on the issue.

**Alexander Burnett (Aberdeenshire West) (Con):** My constituent Matthew Gready of Dunecht will incur a £125,000 loss on the sale of his property. That is all evidenced by qualified chartered surveyors, and it is all because of a proposed Kintore to Tealing pylon route. What assessment has the cabinet secretary made of the financial impact of those pylon routes on home owners, and will she establish a compensation scheme for residents who can demonstrate material financial loss arising from the pylons that will lead to the destruction of rural Scotland?

**Gillian Martin:** Mr Burnett is referring to an application that has not been put into the Scottish Government's energy consents unit. Even when it is a live application, he knows full well that I cannot discuss it in public. [Gillian Martin has corrected this contribution. See end of report.]

## Video Games Sector

### 7. Michael Marra (North East Scotland) (Lab):

To ask the Scottish Government how it is supporting stability and growth in Scotland's video games sector, including what engagement it has had with Rockstar Games, in light of reports of recent staff dismissals. (S6O-05212)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Before I answer, I hope that the member will indulge me in welcoming pupils from Fortrose academy, who have just arrived in the gallery.

We are fully committed to supporting Scotland's thriving games ecosystem. This year, we supported the prestigious DICE Europe conference in Edinburgh, which maximised benefits for Scotland's games ecosystem and showcased our industry to the world. We have engaged with Rockstar Games and reiterated that we expect all employers to treat staff respectfully and engage openly with workers and trade unions.

**Michael Marra:** I know that the Deputy First Minister will stand with me when I say that our thoughts are with the staff who are affected by the redundancy dismissals at Rockstar Games. In recent weeks, I have heard from people who work in the games sector across Scotland, who say that the demands of the sector, including what is known as "crunch"—a period of mandatory overtime prior to deadlines—are leading to burnout and a high turnover of staff, and making the industry inaccessible to too many in Scotland. In that context, there are—rightly—growing calls for unionisation in the industry. Does the Deputy First Minister agree that workers' rights to organise must be upheld, and will she ensure that any Government funding is contingent on that basis?

**Kate Forbes:** I am in full agreement with Michael Marra. I am aware that the member is the co-convener of the cross-party group on the Scottish games ecosystem, and I know that he will share my view on the importance of fair work principles being embedded in all businesses and among all employers. I absolutely agree with that position.

## Ayrshire College (Financial Sustainability)

**8. Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government whether it will provide an update on the financial sustainability of Ayrshire College. (S6O-05213)

**The Minister for Higher and Further Education (Ben Macpherson):** Ayrshire College does remarkable work, particularly in the aerospace sector, and I very much valued and appreciated visiting the college on 11 November. I greatly value the significant contribution that all colleges, including Ayrshire College, make to our

economy and society, and I recognise the significant financial pressures that the sector is facing.

The Scottish Government cannot comment specifically on the financial position of an individual college such as Ayrshire College, but the Scottish Funding Council continues to engage closely with the college sector to monitor financial sustainability and provide appropriate forms of support that are tailored to the circumstances of individual institutions.

**Carol Mochan:** Forecasts show that most colleges are not sustainable. Ayrshire College is facing a £2.1 million reduction in core teaching funding, over and above a 20 per cent real-terms cut since 2021-22. That huge blow means that the college is already having to make difficult decisions. Does the Government recognise that, and that it must work urgently with the college and its trade unions to address its funding challenges and ensure that we secure and protect jobs, alongside young people's education?

**Ben Macpherson:** Since coming into post, I have greatly valued my engagement with Colleges Scotland, individual colleges and members across the chamber on the challenges that are facing the sector, as well as the huge opportunities. Ayrshire College is showing leadership with its partnership with Prestwick Aircraft Maintenance Ltd, providing real-world opportunities where there is significant demand. Again, I commit to working across the Parliament on the challenges and opportunities that our college sector faces.

**The Presiding Officer:** That concludes general question time.

## First Minister's Question Time

12:00

### Scottish Government Budget (Taxation)

**1. Russell Findlay (West Scotland) (Con):** Rachel Reeves has increased taxes by £26 billion. Under Labour, taxes will be at their highest levels in history. The freezing of income tax bands will force millions of workers to hand over even more of their wages. The Labour chancellor is not only screwing taxpayers; she is also borrowing even more money, leaving more debt to future generations. She did all that despite saying that she would do none of it. Does John Swinney intend to keep the Scottish National Party's manifesto promise not to raise tax on Scottish workers?

**The First Minister (John Swinney):** The Government is giving consideration to the implications of the United Kingdom Government's budget for the Scottish budget. However, this morning, the Cabinet Secretary for Finance and Local Government confirmed that the Scottish Government will not increase income tax rates or introduce any new bands.

**Russell Findlay:** John Swinney stood on a manifesto promise not to raise income tax rates or bring in new bands—[*Interruption.*]

**The Presiding Officer (Alison Johnstone):** Let us hear Mr Findlay.

**Russell Findlay:** The same John Swinney then stood right there and delivered a budget that raised income tax.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** How can we trust you?

**The Presiding Officer:** Let us hear Mr Findlay.

**Russell Findlay:** One year later, the SNP again raised income tax.

On 6 November, when John Swinney was challenged about that broken promise, he had the audacity to claim that it was not "out of kilter" with the SNP's manifesto. Looking very much like Joe Biden, John Swinney seemed to be completely unaware of what he had done.

To make matters worse—[*Interruption.*]

**The Presiding Officer:** Let us hear one another.

**Russell Findlay:** To make matters worse, on 13 November, he misled the Parliament by falsely claiming to have maintained his manifesto commitment. When John Swinney suggests that he will not increase income tax, how can anyone trust a word that he says?

**The First Minister:** What a wandering lot of drivel that question was. [*Interruption.*]

**The Presiding Officer:** Thank you, members.

**The First Minister:** Mr Findlay makes a habit of coming to the chamber and not reading out complete paragraphs from party manifestos that set out our position. We set out our manifesto position in 2021, but we said that we had to be mindful of the economic context. The economic context has been fundamentally changed by two things: first, the invasion of Ukraine by Russia, which led to a spike in inflation and a massive increase in public sector costs; and, secondly, the absolute rank and total stupidity of the Liz Truss budget, which Russell Findlay supported. That is what changed the landscape.

**Russell Findlay:** What a cheek. The master of wandering drivel speaks. He is the guy who raised income tax and broke his manifesto promise twice—we always have to read the small print with the SNP.

Scotland's workers, families and businesses deserve to know whether more of their hard-earned money is going to be swiped by the SNP, but John Swinney cannot be trusted on any tax rises that he may be planning.

One group that is increasingly concerned is the Scottish Association of Landlords. It says that Rachel Reeves's new

"property income tax could be the final straw", and that it could harm tenants by jeopardising the supply of rental properties.

Rachel Reeves has handed the SNP the power to introduce and even increase that tax in Scotland. Given the damage that has already been done by the SNP's rent controls, does John Swinney accept that that new tax could further damage the rental market for tenants?

**The First Minister:** The Scottish Government put forward legislation, which has been approved by Parliament, that introduces rent controls but also enables Scotland to be an attractive market for housing investment. That is demonstrated by the dialogue that the Government is having with the investment sector. Of course, any decisions about these issues will be set out in the budget in January.

**Russell Findlay:** The SNP is forcing Scottish taxpayers to constantly pay more and more and more. Before the budget, it had already set aside around £150 million to end the cap on universal credit for families with more than two children. However, given Labour's decision to scrap the two-child cap, the SNP can now spend that money on something else—not on more benefits.

There is another way—a commonsense way—that would reward hard work and help the economy. We believe that Scottish taxpayers deserve to keep more of their hard-earned money. They deserve fairness and a break from higher bills, so will John Swinney instead use that £150 million to cut income tax?

**The First Minister:** I have made it clear that the mission and purpose of my Government is to eradicate child poverty. I welcome the fact that the United Kingdom Government has taken the decision, from 1 April, to abolish the two-child cap, which was put in place by the previous Conservative Government. It is an atrocious intervention in the benefits system, and I am glad that my Government has shamed the Labour Party into acting on it. [*Interruption.*]

**The Presiding Officer:** Thank you, members.

**The First Minister:** I have also set out on previous occasions what the Scottish Government would do in the situation that we now face. I said that we would use the money that we had allocated to lift the two-child limit, which was an initiative taken by the SNP Government in the face of votes against such a proposal by Labour MPs in Westminster, to reduce child poverty even further than the decreasing levels of child poverty in Scotland under this Government.

Mr Findlay attacks me for asking people on higher earnings to pay more in tax. I am prepared to do that so that I can work to eradicate child poverty, which is the best thing to do for the future of our country.

#### United Kingdom Government Budget

**2. Anas Sarwar (Glasgow) (Lab):** Eighteen months ago, the people of Scotland got rid of a Tory Government that had done so much damage to our country. Clearing up its mess was never going to be easy—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** Clearing up its mess was never going to be easy, but UK Labour choices are making a difference. Yesterday, the UK budget delivered an increase to the minimum wage and the living wage, which means another pay rise for 200,000 Scottish workers. The budget will help with the cost of living, with £150 off energy bills and £300 off for those who are most in need. It reinstated the winter fuel allowance and raised the state pension, benefiting 1.1 million pensioners in Scotland. There will be £820 million more for the Scottish Government, with £10.3 billion more—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** Their constituents have benefited from £10.3 billion more since Labour came to power, and the end of the two-child cap—

**The Presiding Officer:** Please ask a question, Mr Sarwar.

**Anas Sarwar:** The end of the two-child cap means that 450,000 children—

**The Presiding Officer:** Question, Mr Sarwar.

**Anas Sarwar:** —will be lifted out of poverty across the UK, and it will benefit—

**The Presiding Officer:** Mr Sarwar, you may put a question now or I will ask the First Minister to address the comments that you have already made.

**Anas Sarwar:** I am asking the question, Presiding Officer.

**The Presiding Officer:** Please do.

**Anas Sarwar:** You have intervened twice already.

The end of the two-child cap will benefit 95,000 children in Scotland, so will John Swinney—*[Interruption.]* They are heckling poverty reduction—who would have thought it?

**The Presiding Officer:** Mr Sarwar, I have asked you—

**Anas Sarwar:** Will John Swinney—

**The Presiding Officer:** Mr Sarwar, in future, when I ask you to put a question, put a question at that point. Continue.

**Anas Sarwar:** Will John Swinney welcome the greatest reduction in child poverty as a result of a UK budget this century?

**The First Minister (John Swinney):** I thought that members of Parliament were supposed to keep up with what is said in Parliament. I have already welcomed the abolition of the two-child limit, because this Government shamed the Labour Party into action in the first place. Labour MPs have been trooping through the lobbies of the House of Commons to vote to keep the two-child limit since they came to office 18 months ago. It has been an absolute disgrace.

I am glad that the Labour Party has realised that there is an election coming in May and that, possibly, a Labour Party driving up child poverty in the United Kingdom might not be a good look for the Labour Party in Scotland. However, I am very pleased to say to the people of Scotland that child poverty is falling in this country because of the actions of the Scottish National Party Government.

**Anas Sarwar:** The First Minister is delusional. For eight years, the SNP had the power to end the two-child cap but did nothing; UK Labour scrapped

it after 18 months. The sad truth is that the SNP preferred the grievance. *[Interruption.]*

**The Presiding Officer:** Let us hear one another.

**Anas Sarwar:** For two years, John Swinney has argued for income tax to rise in England and Wales. That would have led to a cut in Scotland's budget, based on the fiscal framework that he himself negotiated. That proves that he has not got a clue. While he was arguing for Scotland's budget to be cut, I was arguing for more investment, and the United Kingdom Labour Government delivered. Given that £5.2 billion was received last year and was completely wasted by this incompetent and tired SNP Government, does that not prove that we need a change of Government in Scotland so that Scots can feel the benefit in our schools, hospitals, police and public services?

**The First Minister:** Oh, he is trying awful hard today to get himself excited. *[Interruption.]*

**The Presiding Officer:** Let us hear one another.

**The First Minister:** Let me set out to Mr Sarwar the choices that this Government made. We decided to prioritise the introduction of the Scottish child payment—we were the only part of the United Kingdom to introduce such a measure; nothing similar exists in any other part of the United Kingdom—and we used the resources that we have raised in Scotland to make sure that that could be delivered, with the result that child poverty is falling in this country.

Mr Sarwar talks about the increase in resources that are being made available. He is right: there will be extra resource funding of £510 million over a four-year period. However, the one-year increase in employer national insurance contributions in Scotland is estimated to come to about £400 million. There we have it—an average annual increase in our budget of £127 million, eaten up by an increase in employer national insurance contributions that was put in place by a Labour Government. *[Interruption.]*

**The Presiding Officer:** Members, thank you.

**The First Minister:** This Government will do what it always does—*[Interruption.]*

**The Presiding Officer:** Thank you, members.

**The First Minister:** We will concentrate our public expenditure on the priorities of the people of Scotland. Why does that matter? It matters because that delivers for the people of our country and demonstrates, as was proven by the credit rating agencies, that this country benefits from prudent fiscal management and prudent financial

planning. That is what an SNP Government delivers.

**Anas Sarwar:** I think that John Swinney needs to cheer up a little bit. An additional £10.3 billion for Scotland's public services is a transformative amount of money, but the SNP cannot be trusted with people's money. National health service waiting lists remain unacceptably high, our schools are falling down international league tables, police numbers are being cut and there is rising crime on our streets. That is why Scots are asking where the money has gone. That is why we cannot risk a third decade of the SNP and John Swinney. [*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** Is it not the case that, in May, Scots have a clear choice: more wasted money and wasted opportunities with John Swinney, or a Government that respects their money with me—[*Interruption.*]

**The Presiding Officer:** Thank you, members.

**Anas Sarwar:** —police stuck in accident and emergency departments and courts with John Swinney, or police on our streets and safer communities with me—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** They do not want to hear it, Presiding Officer. The choice is between long waiting lists with John Swinney or an NHS that is fit for the future with me. It is the past with John Swinney or the future with me and Scottish Labour.

**The First Minister:** Okay. Let us start with waiting lists. My Government's priority is to bring down waiting lists and, in particular, waiting lists involving long waits. Between April and October this year, the number of new out-patient waits of more than a year reduced by 17.9 per cent—for five consecutive months, waiting lists involving long waits fell. Over the same period, the size of the waiting list for those waiting for new in-patient day-case procedures for more than 52 weeks reduced by 26.1 per cent. The plan that I put in place, backed by the resources that we have invested, which the Labour Party would not vote for, is now reducing waiting lists in our country.

If Mr Sarwar wants to own the budget of the United Kingdom Government, he must own its consequences. Those consequences are that, today, people's fuel bills are still higher than they were when Labour came into office; they are not lower, as Labour promised. There will be job losses in the north-east of Scotland, which Anas Sarwar will be responsible for, because of the actions of the Labour Government.

I will invest people's money wisely in boosting public services and strengthening the economy, and I will leave Anas Sarwar to dream about what he might be able to do if he convinces the people of Scotland, whereas this Government is delivering for the people of Scotland.

**The Presiding Officer:** Before we move to question 3, I remind members that people in the gallery would like to be able to follow proceedings.

### Just Transition Plan (Mossmorran)

**3. Ross Greer (West Scotland) (Green):** Last week, I asked the First Minister for the just transition plan for Mossmorran workers that his Government promised that it would write 18 months ago. He twice avoided answering that question. Since then, we have had three summits in as many days, which have involved the Scottish and United Kingdom Governments and Fife Council. At none of those has the Scottish Government provided the plan that it committed to write.

The Scottish Greens spent years working with the trade unions representing Mossmorran workers and the wider community to produce plans of our own, because we all knew that this day was coming. Hundreds of workers face losing their jobs within weeks, and their Government has no plan to help them. Can the First Minister please just admit that there is no Scottish Government plan to support the Mossmorran workers and apologise for the fact that his Government did not deliver on the commitment that it made?

**The First Minister (John Swinney):** What the Government is doing is taking what we learned from the issues that we addressed in Grangemouth, where the just transition plan has resulted in a range of business development opportunities emerging, and applying that, in dialogue with the trade unions, interested parties, Fife Council, the United Kingdom Government and the company, to the future of Mossmorran.

I very much regret the circumstances that the workers at Mossmorran face. The Deputy First Minister and the Scottish Government are working assiduously with all interested parties to deliver a future for those who are affected by the decision that has been taken about Mossmorran.

**Ross Greer:** Would it not have been great if the Deputy First Minister had been able to attend the summits with the plan for jobs that her Government committed to write 18 months ago? The Mossmorran workers have been abandoned by ExxonMobil and, despite knowing about the company's plans to cut and run, yesterday's Labour budget contained absolutely nothing for Mossmorran. Those workers have also been let

down by a Scottish Government that, when push comes to shove, has no new ideas.

The Scottish Greens have an idea that we want to put to the First Minister today. Grangemouth rightly has a just transition fund, and Unite the Union has ensured that, as a condition of getting any money from that fund, organisations must offer job interviews to anyone who was made redundant by Ineos. Will the Scottish Government now do the same for Mossmorran workers?

**The First Minister:** Yes, I am happy to confirm that. The agreement that was reached with Unite the Union was announced by me a few weeks ago, and I very much applaud the collaboration that Unite has engaged in. It has been a partner of the Government in dealing with the situation at Grangemouth and a partner of the Government in dealing with the situation at Mossmorran.

I think that I picked up Mr Greer correctly as making the point that prior notice was given of the decision about Mossmorran, but I point out that it was not given to the Scottish Government—we had about a week's notice. The United Kingdom Government knew about the situation for months, but it never sorted it, never fixed it, never addressed it and never intervened in the way that it did in Scunthorpe or any other situation in which it decided to intervene. That just goes to demonstrate that, when it comes to industrial closures under a Labour Government in London, there is one rule for the rest of the United Kingdom and one rule for Scotland.

### Autumn Statement

**4. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what impact the chancellor's autumn statement will have on Scotland. (S6F-04479)

**The First Minister (John Swinney):** As I indicated a moment ago, yesterday's budget will have financial consequences for the Scottish Government's budget. I welcome the decision to remove the two-child limit, which the Scottish Government was already planning to mitigate in March next year.

There will, of course, be consequences for the public. Their energy bills will not be cut by the £300 that was proposed by the Labour Party. Energy bills will still be, on average, £340 a year higher than the Prime Minister promised that they would be.

**Kenneth Gibson:** Yesterday's United Kingdom Government budget came after weeks of chaos, dithering and U-turns by the chancellor, amid an on-going cost of living crisis, the downgrading of UK economic growth every year until 2029 and public finances being in a worse state now than when Labour came to power.

Does the First Minister agree with the Scottish Chambers of Commerce that the budget's net effect will be to further dial up pressure on businesses, risking our reputation as a magnet for global investment? Does he share my concern that, while thousands of Scottish oil and gas jobs are at risk from Labour's tax policy after this budget, energy bills next April will still cost £340 a year more per household than the Prime Minister promised a year ago, while UK unemployment has risen by 282,000 on Labour's watch?

**The First Minister:** On Mr Gibson's last point about unemployment, that is now significantly lower in Scotland than it is in the rest of the United Kingdom. I welcome that indication of good performance in the Scottish economy. Indeed, that good economic performance in Scotland was recognised by both Moody's and Standard & Poor's in their assessments of Scotland's credit rating.

In addition, the decision not to abolish the energy profits levy will have disastrous consequences in the north-east of Scotland, and the Labour Party will have to own those consequences—we will make sure that it does.

In relation to energy prices, individuals were promised a cut of £300 to their energy bills, but that is not happening under the Labour Government.

**Craig Hoy (South Scotland) (Con):** Rachel Reeves yesterday made the same mistake as John Swinney, with a "Benefits Street" budget that increased tax on workers, pensioners and savers. The Scottish benefits bill is set to soar to close to £10 billion by the end of this decade. How does John Swinney intend to pay for that?

**The First Minister:** The Scottish Government will set out its budget in January, which will, of course, following the pattern of all the budgets that we have set out, be a balanced budget. Because of all the years of balanced budgets under the Scottish National Party Government since 2007, Moody's is able to say that Scotland benefits from "prudent financial management", and Standard & Poor's is able to say that Scotland benefits from "prudent financial planning". I would have thought that those assessments from credit rating agencies—those independent voices that comment on economies around the world—would be of some solace and comfort to Mr Hoy and give him something to be cheerful about. Given that we have such strong financial planning, even Mr Hoy should be satisfied with our performance.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** It would be churlish not to welcome the about-turn on the two-child benefit cap—it is better late than never. That, of course, benefits children and their families, but

it also puts money into the local economy, because that money helps people to pay inflationary food and energy bills. It is a good thing all round.

**The First Minister:** Yes, and it also complements the work that the Scottish Government is doing on the Scottish child payment, for example. We are putting money directly into household finances, which enables families to spend locally, to have more control over their resources and to be better able to support their families. That is exactly the type of impact that will be felt in Christine Grahame's constituency, as it will be felt in constituencies the length and breadth of Scotland.

### 16 Days of Activism against Gender-based Violence

**5. Pam Gosal (West Scotland) (Con):** To ask the First Minister how the Scottish Government plans to commemorate the 16 days of activism against gender-based violence. (S6F-04480)

**The First Minister (John Swinney):** Last Friday, I launched the 16 days of activism against gender-based violence in Perth city, in my constituency. Ministers will take part in a national leadership event, a vigil and a parliamentary debate and will visit local projects. Tackling gender-based violence is not a commitment for only 16 days, however; it is a commitment for 365 days a year. That is why we will continue to implement our equally safe strategy, which focuses on prevention and is backed by £21.6 million of expenditure for the current financial year.

**Pam Gosal:** I welcome to the public gallery representatives from Women's Rights Network Scotland and Beira's Place, along with survivors of domestic abuse. Today, we held a vigil outside the Parliament, remembering the 46 women who have been killed by men in Scotland in the past five years. Behind every statistic is a real-life story of a woman whose future has been erased and whose family has been shattered.

Shockingly, the statistics continue to rise. The latest figures show that almost 64,000 incidents of domestic abuse have been recorded by Police Scotland, while there has been an 11 per cent increase in the number of reported rape cases. Let us also not forget that there are grooming gangs operating in Scotland, although the Scottish National Party Government wants to believe that they are not a problem, so it sticks its head in the sand.

Will the First Minister finally commit to backing my Prevention of Domestic Abuse (Scotland) Bill, which will better monitor perpetrators and prevent potential victims from becoming victims in the first place? Will he do the right thing and also agree to

a grooming gangs inquiry, so that we can uncover the true scale of the abuse of women and girls that is occurring in Scotland?

**The First Minister:** Presiding Officer, Pam Gosal raises many serious issues, to which I would like to give substantial answers.

First, I welcome the groups that are here. I commend them for their courage and for commemorating the 46 women who have been killed by men. Every single time a woman is killed by a man in our society, it is a totally unacceptable crime and it appals all of us, regardless of our politics.

My second point is on the bill that Pam Gosal has introduced. The Government will engage constructively on the bill. We have already legislated on the issue through different measures—the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025 is an example, as is the previous domestic abuse legislation—to strengthen the legislative position so that there is absolutely no tolerance of domestic violence in our society.

The issue of grooming gangs is a very complex one, to which the Government is giving detailed consideration. On Monday, along with the Cabinet Secretary for Justice and Home Affairs, the Cabinet Secretary for Education and Skills and the Minister for Children, Young People and the Promise, I was briefed by Police Scotland and the national child sexual abuse and exploitation strategic group on the prevalence of those issues in Scotland. The national group met to review those issues yesterday, and I have personally conducted a discussion on them with Professor Alexis Jay.

I hope that putting all those details on the record today will give Pam Gosal and colleagues in Parliament the confidence and assurance that the Government is looking in detail at all those questions. Nobody is putting their head in the sand. These matters are being looked at in detail. There are complexities around the interaction of the call that has been made for us on the issue with the child abuse inquiry that we have already statutorily established, so there are no straightforward ways through the issue. However, I assure Parliament that the Government is giving every serious consideration to this important issue.

**Ruth Maguire (Cunninghame South) (SNP):** The prevention of male violence in all its forms is preferable, both morally and practically. During this parliamentary session, we have an opportunity to legislate to tackle male demand for prostitution and to really disrupt the trade in women and girls, which is both a cause and a consequence of violence. Does the First Minister agree that we

must do all that we can to ensure that that legislation is fit for purpose and that it passes, so that we can finally make good on a policy position that we have held for decades—that prostitution is violence against women and we will not accept the harm that it causes for a second longer?

**The First Minister:** As the Minister for Victims and Community Safety made clear to the Criminal Justice Committee last week, although the Scottish Government strongly supports the principle of legislating to criminalise those who purchase sex, we retain a neutral stance on the Prostitution (Offences and Support) (Scotland) Bill. It is clear that a number of stakeholders have voiced concerns about the safety of women, and it is paramount that the legislation laid before Parliament must be safe for women involved in and exiting prostitution and must recognise online exploitation. It is paramount that, alongside a number of other issues with the bill that the committee has heard about, that must be addressed by the member in charge if the bill is to have the confidence of Parliament.

I assure Ruth Maguire of the sustained and detailed attention and engagement of the Government in taking forward legislation and in contributing to the discussion about addressing the issues.

**Ash Regan (Edinburgh Eastern) (Ind):** One of the few areas of gender-based violence that is currently condoned by the Scottish Government is the violence of prostitution. Therefore, I welcome the Government's support—its qualified support—for the principle of my unbuyable bill, which will give the police the powers that they need to close that gap in the law. Will the First Minister meet me and a group of survivors, so that he can hear at first hand about the horrible realities of prostitution?

**The First Minister:** As Ash Regan properly sets out, the Government is engaging constructively on the bill, and I would be very happy for the minister responsible to engage with Ash Regan and others on the bill. As I said in my response to Ruth Maguire—I say this out of a desire to be helpful—there are challenging issues with the bill that we must properly address to ensure that the legislation can be applied, and the Government will engage in that process.

### **Mossmorran**

**6. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the First Minister, in light of ExxonMobil's announcement of the closure of the Mossmorran ethylene plant, what action the Scottish Government is taking to mitigate any damage this will cause to the Cowdenbeath area and the wider Scottish economy. (S6F-04483)

**The First Minister (John Swinney):** I reiterate my deep disappointment and concern at that decision, and I assure the workforce at the Fife ethylene plant that the Scottish Government is committed to doing whatever it can to safeguard jobs there and to secure an industrial future for the site.

The Deputy First Minister has engaged extensively with all who have an interest in supporting the workforce and the local economy at Mossmorran, including the trade unions, workforce representatives, Fife Council and the United Kingdom Government, which holds the levers for industrial intervention at the scale that we have seen in England and Wales. We have also joined partners, including Fife Council, in calling for a pause to the closure, to ensure that all options to secure the industrial future of the site have been exhausted. I welcome Mr Rowley's participation in the discussions on Monday.

**Alex Rowley:** I acknowledge the hard work and professionalism shown by the Deputy First Minister in mobilising the key stakeholders that will be required to begin dealing with the impact of the announcement. On Tuesday, at Fife College, I attended a meeting at which ExxonMobil was very clear that the feed to the site will be shut off in February and that the closure will go ahead as announced.

Although Fife Council will chair the task force that is being set up, does the First Minister acknowledge that, if we are to achieve a new industrial future at Mossmorran that will create significant opportunities in skills and employment, the Scottish Government will have to play a major role in co-ordinating that response? Does the First Minister accept that, in order to address the impact of the closure, we must see substantial investment from both the UK and Scottish Governments?

**The First Minister:** Presiding Officer, let me correct what I said. I referred to Monday when, in fact, the meeting was on Tuesday. Regardless, I welcomed Mr Rowley's participation in that discussion.

I confirm to Mr Rowley that the Scottish Government will be an active and critical player in the response at Mossmorran. Mr Rowley and I have worked together for long enough to remember our engagement on issues relating to previous industrial closures in the Fife communities that he has championed. We will have that again in this case, and we will work collaboratively with Fife Council.

Scottish Enterprise has a lot to contribute to the process, with many projects emerging from the work that has been undertaken on a preparatory basis in Grangemouth. That full intelligence will be available to the group at Mossmorran. I recognise

that there will be resource implications, given all that is involved, and the Government will consider those as part of our budget process.

**The Presiding Officer:** We move to constituency and general supplementary questions. Concise questions and responses give more members a chance to take part.

### Scotch Whisky Duty

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** The Scotch Whisky Association has warned that the Chancellor of the Exchequer's decision to further increase duty on Scotch whisky will put additional pressure on a sector that is already suffering job losses, stalled investment and business closures. Does the First Minister agree that that was the wrong decision, given the challenges facing the industry, and will he highlight what the Scottish Government is doing to support the sector?

**The First Minister (John Swinney):** The issues that Mr MacDonald raises are very important and significant. Calls for the disparity in alcohol duty to be addressed in the budget went unheard. There will now be a rise in duty rates amounting to 18 per cent over three years.

The Scotch whisky industry is an important sector to the Scottish economy. As Mr MacDonald will be aware, I worked assiduously over the summer to try to resolve another issue that is presenting challenges to the Scotch whisky industry—the tariffs applied by the United States. I await the outcome of the United Kingdom Government's approach to that issue. I am becoming increasingly concerned that no solution has been offered, despite the hard work that has been done on the issue. I recognise that the industry is operating in a challenging environment, and the Scottish Government will support it in any way that it can.

### Sport Budget

**Brian Whittle (South Scotland) (Con):** Scottish sports governing bodies are collectively saying that they are increasingly unable to deliver core functions due to a continuing squeeze on their funding. Not only are increasing numbers of competitors being asked to pay to represent their country, but projects that are designed to increase participation opportunities and to reach out into our communities, especially in the most deprived areas, are being cut. There is much talk of improving the nation's health through early intervention and prevention. Surely physical activity is the very essence of improving physical and mental health. Is it the Scottish Government's intention to honour its 2021 manifesto pledge to double the sport budget by the end of this parliamentary session?

**The First Minister (John Swinney):** I have received correspondence from a number of sports organisations on that important question. I acknowledge the centrality of Mr Whittle's points and the necessity of investment. The Government is investing £46.43 million in the sport and active living budget. We are operating in constrained financial circumstances, but we will do all that we can to boost the funding that is available for sport. I do not want to sour these exchanges, but I point out to Mr Whittle that his party leader has just demanded that I use £150 million for a tax cut.

**Brian Whittle:** Spend to save.

**The First Minister:** Mr Whittle is shouting "spend to save" at me, but the money has to be available to spend in the first place. That comes about through constructive engagement on the budget. The Conservatives voted against the budget last year. I do not know what they will do this year, but I encourage the Parliament to come to considered conclusions about the priorities in the budget, and the Government will be willing to engage with members on that question.

### University Tuition Fees

**Rhoda Grant (Highlands and Islands) (Lab):** The First Minister might be aware of the case of Leo Huisman, who recently completed an optometry course at the University of the Highlands and Islands. Leo is a British citizen who lived abroad with his family, but they were forced to flee to Scotland. However, because they are British citizens, they are not considered refugees. The Scottish Government allows universities to waive higher university fees for migrants and refugees who seek humanitarian protection. Leo has paid home tuition fees to UHI, but it is now asking him to pay £23,000 as an overseas student in order for him to graduate. He has a job lined up and a supportive employer, but he simply does not have £23,000. If he does not graduate, his four years at university will be totally worthless and his skills will be lost to Scotland. Leo has written to the First Minister. Will the First Minister intervene simply to allow Leo to graduate so that his qualification does not go to waste?

**The First Minister (John Swinney):** I have not seen that correspondence yet, but I will ask my office to put it to me when I return after First Minister's question time. I will look at the case and see what I can do. Rhoda Grant makes a completely reasonable and understandable point. Given ophthalmology waiting lists, more optometrists might be quite handy, so I will have a look at the issue and do what I can to help.

### Energy Profits Levy (Impact in North-east Scotland)

**Kevin Stewart (Aberdeen Central) (SNP):** Today, people across Aberdeen and the north-east are worried about their jobs, their families and the future of their communities. Investment in the North Sea is at a record low, and a Robert Gordon University report states that 1,000 jobs a month are being lost. Despite the swathe of warnings from experts, Labour failed to scrap the energy profits levy this week and remains wedded to that tax on the north-east. Does the First Minister share my concern that Labour's choices will cost jobs and drive a more rapid decline in the North Sea? What steps will his Government take to preserve skills, save jobs and ensure a truly just transition?

**The First Minister (John Swinney):** As I have already indicated, I am deeply disappointed that the energy profits levy remains in place. It is deeply damaging to the prospects for employment and opportunity in the north-east of Scotland. The Scottish Government is putting in place support to the tune of more than £120 million through our just transition and energy transition funds, which has been invested in the north-east to support the region's transition. We will continue to be steadfast supporters of the transition in the north-east, supporting the communities as they face a very challenging situation that has been made worse by the preservation of the energy profits levy.

### Maternity Services (Forth Valley)

**Alexander Stewart (Mid Scotland and Fife) (Con):** Forth Valley royal hospital maternity service in Larbert is the latest maternity service to receive a damning report from an unannounced inspection. The report highlighted that mothers were being put at serious risk and that some had to wait up to 62 hours to be induced. What is the Scottish Government doing to ensure that lessons are learned from the report and that safeguards are put in place to protect mothers and their unborn babies as a matter of urgency?

**The First Minister (John Swinney):** The purpose of the review reports that have been undertaken for every maternity service in the country is to ensure that practices are actively challenged so that they can be improved. That is what is under way, and that is why the Forth Valley service has been inspected. It is, I think, the third inspection that has been undertaken. If we consider the example of Tayside, which was the first investigation, we can see that many of the recommendations that were made in relation to the services there have now been implemented, and that will be the position in Forth Valley.

### Hospice Staff Salaries

**Jackie Baillie (Dumbarton) (Lab):** A report this week by Hospice UK found that two thirds of hospices in Scotland have made cuts or are planning to do so within the next year due to financial pressures. Every time that there are salary rises in the national health service, hospice staff do not directly benefit, and, therefore, there are pressures on recruitment and retention. At the same time that the Scottish Government is considering the funding of proposals for assisted dying, does the First Minister share my view that we should assist hospices with funding salaries to the same level as in the NHS in future?

**The First Minister (John Swinney):** I am very sympathetic to the point about hospice costs. In July this year, £5 million of funding was distributed to support independent hospices to deliver pay parity for clinical staff with their NHS counterparts—that is the Government intervening to do exactly that.

What is difficult for hospices is when they get surprises, such as employer national insurance contribution increases, because those put up the costs of employment. Jackie Baillie raised with me the financial pressures, and, bluntly, that is where some of the financial pressures are coming from.

I very much want to do all that we can to support the hospice movement, for which I have enormous respect. The issues in relation to hospice care and palliative care are central to the human rights of individuals in our society. Jackie Baillie knows that my public position—this is a personal position and not the Government's—is that I am opposed to assisted dying legislation, and I do not think that it is appropriate for the issues of palliative care and assisted dying to be in any way connected. They are separate issues. The right to palliative care for individuals in our society is absolute, and we should do all that we can to support the sector. The Government will certainly do all that it can in that respect.

### HIV

**Jamie Greene (West Scotland) (LD):** Monday is world AIDS day. Despite huge progress around the world in the development of treatments to prevent and manage HIV, we cannot fully rest on our efforts until a permanent vaccine is universally available around the world.

Scotland is signed up to the ambition to eliminate all new cases of HIV by 2030 and I am pleased to say that we are making good progress on that—but it is the last cohort of people living with complex cases of HIV who will be the hardest both to find and to treat.

Is the Government fully committed to further rolling out opt-out testing for HIV and universal

access to pre-exposure prophylaxis—PrEP—and will the First Minister recommit his Government to the shared ambition that Scotland can, and probably should, become the first place in the world to eradicate all new cases in the next four years?

**The First Minister (John Swinney):** I warmly recommit the Government to achieving that objective by 2030. As Mr Greene states fairly, the operational plans that are being delivered to achieve that are on track and good progress is being made. However, we have to sustain that focus to make sure that we can achieve that objective. It is part of a global effort and we will succeed in that effort only if we start by addressing the issues here.

The other point that I would add is that we must also tackle stigma. There is still too much stigma around HIV and, as a tolerant, respectful and courteous society, we should do all that we can to eliminate that as we work together to achieve the objectives that Mr Greene has put to me.

**The Presiding Officer:** That concludes First Minister's question time. The next item of business is a members' business debate in the name of Jackson Carlaw. There will be a short suspension to allow those who are leaving the chamber and the public gallery to do so.

12:46

*Meeting suspended.*

12:48

*On resuming—*

## Congestion Charging and Clyde Tunnel Toll (Glasgow)

**The Deputy Presiding Officer (Annabelle Ewing):** I ask guests who are leaving the chamber and the gallery, who have been most welcome to attend our Parliament—it is your Parliament—to do so quickly and quietly because we are about to move on to the next item of business and we need some quiet for that. Thank you for your co-operation.

The next item of business is a members' business debate on motion S6M-19510, in the name of Jackson Carlaw, on Glasgow City Council's plans for an at-city-boundary congestion charge and a toll on using the Clyde tunnel. The debate will be concluded without any question being put. I invite members who wish to speak in the debate to press their request-to-speak buttons.

*Motion debated,*

That the Parliament notes proposals from Glasgow City Council to introduce an at-city-boundary congestion charge and a toll on using the Clyde Tunnel; recognises that at a meeting of the local authority's Economy, Housing, Transport and Regeneration City Policy Committee on 19 August 2025, it was confirmed that the council would continue to investigate the possibility of putting in place the congestion charge and tolling the tunnel; understands that, if a congestion charge was introduced, it would result in motorists from other local authority areas, including the neighbouring East Renfrewshire, being charged each time that they drive into the city, for reasons such as work, healthcare and education; acknowledges that motorists would also be subject to a further charge if they pass through the Clyde Tunnel in the event that a toll is put in place, and notes the view that, as these plans from Glasgow City Council could have a widespread impact on motorists, and particularly if other local authorities responded by introducing equivalent congestion charges, it is appropriate for Scotland's national parliament to debate the proposals.

12:48

**Jackson Carlaw (Eastwood) (Con):** I thank the members who have been generous enough to lend their support to my motion.

Can I say too how delighted I am to see Fiona Hyslop here to respond to the motion. I hope that it will give her the opportunity to redeem herself after the casual way in which she brushed aside my inquiry a few weeks ago, which is the direct reason for my bringing this matter to the chamber for debate today. When I asked her about the matter, she said words to the effect that the Tories were in favour of localism, this was nothing to do with her and she washed her hands of the whole affair. I hope that that will not be her attitude today.

In some ways, perhaps I should hope that that will be her attitude because it has so offended all my constituents in Eastwood that it has done wonders for my re-election prospects next May. Perhaps that was her intention—I do not know. If it was, I will be eternally grateful. However, I would far rather that she called out the reckless disregard for the damage that her colleagues in Scottish National Party-led Glasgow City Council could be wreaking upon the public by pursuing the policy. I would also rather that she gave proper consideration to the wider, long-term consequences that might follow as a result of that action were other councils to follow suit.

What the council has proposed is not, as some people have now got used to, a low-emission zone charge for heavy, fuel-inefficient vehicles. It is talking about an at-city-boundary congestion charge. It is asking constituents not only from my local authority but from all the neighbouring ones to flash their digital passports as they seek to cross the city boundary into Glasgow. People who attend healthcare appointments at the Queen Elizabeth university hospital, people who go to work in the city, people who hope to bring some sort of income into the city and, in my case, people who just cross the road or go up the street to Sainsbury's to get their shopping would have to pay a boundary charge for the privilege of doing so.

People in East Renfrewshire, Renfrewshire, West Dunbartonshire, North Lanarkshire and South Lanarkshire are likely to be the most heavily impacted. However, the charge would apply to every person in Scotland who does not live in Glasgow when they cross the council boundary. That is, a driver who is resident in the Borders or Dumfries and Galloway would be charged for entering Glasgow when they crossed into the city from one of the neighbouring local authorities. Drivers who are resident in one of the other 31 local authority areas would be charged for every car journey to Glasgow, including for work, healthcare, education or social and family reasons, while Glasgow residents would be exempt.

What have people had to say about that prospective charge? The chief executive of Glasgow Chamber of Commerce said:

"We cannot support a city-wide congestion charge until public transport improvements have been made".

That was his reason for objecting to the plan but he also said:

"We are very concerned about the possible displacement of business out of Glasgow."

The west of Scotland development manager for the Federation of Small Businesses said:

"we would urge extreme caution when it comes to considering"

introducing tolls.

In addition to the proposed congestion charge, there is a proposed charge for using the Clyde tunnel, which is used by many people to get to the Queen Elizabeth university hospital to attend urgent appointments. When that hospital was confirmed by Nicola Sturgeon following a decision by Malcolm Chisholm in a previous session of the Parliament, people who lived in East Renfrewshire, who could easily access the Victoria hospital, expressed concerns that accessing the Queen Elizabeth hospital was a much harder journey to undertake by public transport. To this day, that remains the case and, therefore, many such people have to access it by using their cars. They will all be charged.

People coming across from the north of the city will be charged for getting to hospital. That, surely, is the antithesis of the SNP's proudest boast when it first came into office in the Parliament, which was that it was abolishing tolls. When we abolished the tolls on the bridge across to Skye, SNP members were bursting with enthusiasm for the fact that they had abolished tolls. Here we are coming full circle with the SNP administration in Glasgow proposing tolls and Fiona Hyslop washing her hands of the matter—despite section 51 of the Transport (Scotland) Act 2001, which she could enforce, saying that it can take place only with her express permission.

I am pleased to say that Labour members have been supportive of the motion. Even SNP MSPs have endorsed it. I am not surprised to see Mr Harvie glowering at me as he usually does. Ross Greer, who is the only West Scotland MSP who is totally unconcerned for the wellbeing of the West Scotland region, will no doubt think that it is a wonderful thing. It is not. It is potentially a devastating and damaging additional charge on my constituents and a devastating and damaging experience for businesses across the city, which could undermine the wellbeing and healthcare of my constituents and those in neighbouring local authorities.

I ask the cabinet secretary not to brush aside the proposal on this occasion—or, if she is going to do that, to use some nice, choice words that I can use in my election literature, as I have no doubt that that would assist me—but to consider seriously whether the long-term implications of all other local authorities following suit might be a matter of national concern. Were somebody to travel from Edinburgh up to Aberdeen, paying a boundary charge for the privilege of passing through every council area, stay overnight and then pay a boundary charge for passing through every area on the way back, it would be

ridiculously complicated and a burden on that motorist. The proposal would place a burden on motorists across Scotland and it would damage both the tourist infrastructure across the city and the Scottish economy.

**Paul Sweeney (Glasgow) (Lab):** Will the member take an intervention?

**Jackson Carlaw:** Unfortunately, I do not have time because I am coming to the end of my seven minutes.

**The Deputy Presiding Officer:** I am afraid that there is no extra time available.

**Jackson Carlaw:** I hope that Mr Sweeney is going to repent as well, because I have been very concerned by his tacit support for the proposal. If he is going to repent, no doubt he will say so in this speech.

I say to the cabinet secretary that I understand the issues about funding local services and all of that, but the proposal is a deeply damaging one that, if extended, could have fundamentally damaging consequences for the Scottish economy, the healthcare and wellbeing of our constituents, and the whole of Scotland. I say to the cabinet secretary, “Please say no.”

**The Deputy Presiding Officer:** Before we move to the open debate, I advise members that there is a lot of interest in speaking in the debate and we are very tight for time. We will resume with other business at 2 pm and we need to allow parliamentary staff sufficient time to clear the chamber between the two sittings. Therefore, members must stick to the time that they have agreed to, which is up to four minutes.

I call Jamie Hepburn, to be followed by Pam Gosal.

12:56

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Thank you, Presiding Officer. I could see you looking very clearly at me when you reminded members of the four-minute limit.

I thank Jackson Carlaw for lodging his motion. I have some sympathy with it. I double checked just before the debate and found that I had not signed it, which was remiss of me—I have now altered that and added my name.

I have some concerns about the proposals that the motion touches on. It is only fair to recognise that, as I think we would all agree, there are issues of congestion in the city of Glasgow. To be fair, more often than not I notice them when I am contributing to them. There are also issues to do with emissions in Glasgow, although I observe that the LEZ has worked quite well, and we should reflect on that. However, there are other means of

trying to tackle some of the issues of congestion, and I will try to return to them within the four minutes that I have been allocated.

We should also recognise that Glasgow is responsible for maintaining many of the crown jewels that we are all proud that we have in this country. Kelvingrove art gallery and museum and the People's Palace are tremendous assets not just for the city of Glasgow, but for Scotland as a whole. I am very proud to represent Cumbernauld and Kilsyth, but I am also a very proud Glaswegian. I grew up in the city of Glasgow and I certainly recognise the importance of those assets to the city and the country as a whole.

This is probably too big a subject for me to linger on it in this debate, but I happened to notice that Mr Sweeney, whom I look forward to hearing from in a few moments, has lodged a motion on the restoration of a well at Glasgow cathedral, and I was taken by a point that he makes in that motion about the emergence of the metropolitan city of Glasgow. We have the city region and the city region cabinet, but there is a question about whether we really have proper metropolitan governance in the city region. That is a much wider debate and probably not a matter for discussion today, but there is something to be said for us considering what that might look like in the context of properly resourcing assets across the entire city region.

We should remind ourselves that the proposal is being explored and there is no firm commitment to it yet, but I recognise the concerns. I will not repeat what Jackson Carlaw said about Glasgow Chamber of Commerce's remarks, but its points were well made about public services that people have no choice but to go into Glasgow to access, such as the national health service. My constituents and I live in the NHS Lanarkshire area but, because of the historical relationships between Cumbernauld and Kilsyth and other areas, more often than not, people access services in Glasgow, such as at the Glasgow Royal infirmary and Queen Elizabeth university hospital. Those concerns have to be heard.

I have some suggestions about improvements that could be made to public transport to alleviate some of the congestion. At Croy railway station, which is in my area, we have had a historical problem with congestion—that word again—in the car park. The problem dissipated during Covid-19 but it has re-emerged, and I am engaging with ScotRail to see whether we can improve capacity there.

We need improved bus services. The Transport (Scotland) Act 2019—which I was very proud of and pleased to vote for—gives powers to local authorities to improve bus services in my area. I am pleased that Strathclyde Partnership for

Transport is exploring that, and we should welcome that. Stagecoach, which operates in my area, has talked about exploring the use of hard shoulder running on the M80 between my area and Glasgow. We should explore that possibility, too. There are other means by which we can tackle the issue, and those should be considered.

13:01

**Pam Gosal (West Scotland) (Con):** I thank my colleague Jackson Carlaw for bringing this important topic to the Parliament. This issue affects not only those in Glasgow but everyone outside of Glasgow, including those in my region of West Scotland. The Scottish National Party-run Glasgow City Council is looking to propose an at-city-boundary congestion charge and a toll on those using the Clyde tunnel, which would result in motorists from other local authority areas being charged each time they drive into the city.

People on the ground are not happy with that development. During the past month, I have knocked on thousands of doors in East Dunbartonshire, and have found that many residents are very concerned. Let us be clear about who the proposals would affect—those of us who are travelling into Glasgow for work or hospital appointments, or to check on elderly relatives, drop off kids at school, attend university or college or simply enjoy a day out.

Any charge for non-residents is seen as an unfair additional tax. Those who would be most acutely affected would be those on low incomes, shift workers, minimum-wage workers and the elderly who rely on their cars due to unreliable public transport. That is why I launched a petition calling on Glasgow City Council to ditch the proposal. It has received hundreds of signatures so far. Why is it that hard-working families and communities will be forced to pick up the bill for the SNP-run Glasgow City Council's financial mismanagement?

We often hear about how important free flow and connectivity are for areas to allow social and economic growth. However, the proposal is nothing but a money-making scheme that will hinder connectivity. What comes next? If all councils start charging like this, why would anybody leave their area? Would we live in silos? Is that the sort of Scotland that the SNP is aiming for? The SNP likes to bang on about inclusion and integration, but now it risks creating divisions in Scotland. This is, yet again, another saga in its war against motorists. Like my colleague Jackson Carlaw, I hope that the cabinet secretary will use her powers to intervene and stop this ridiculous development.

However, it is not only individuals who are opposed to the plan—businesses are too. Local businesses are unhappy at the proposed congestion charge, and so are major wholesalers and cash-and-carry suppliers that are based in Glasgow, as any additional costs would be passed on to the customers. That puts local businesses at a disadvantage during an already difficult trading period.

Stuart Patrick of the Glasgow Chamber of Commerce said:

“We are very concerned about the possible displacement of businesses out of Glasgow”,

and called on the SNP Government to do more to improve transport links. Businesses are already suffering from the poor decisions that have been taken by the Scottish Government and the UK Labour Government, and the last thing that they need is more tax.

I do not see people paying every single time they drive into Glasgow. I highly doubt that the money that is raised from this terrible scheme will be enough to make up for the SNP-run Glasgow City Council's financial mess, and those who lose out will be families, businesses and communities. I hope that, in closing, the cabinet secretary expresses her opposition to this outrageous proposal.

13:05

**Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab):** I thank Jackson Carlaw for bringing the debate to the chamber. I chose to speak in the debate because, once upon a time, in the not-too-distant past, I was responsible for the Clyde tunnel and the road network in Glasgow. It is a wee bit dear to my heart and I probably know a wee bit more about it than most of the people in the chamber.

In the 1960s, the Clyde tunnel was state-of-the-art technology. It used to get visited by schools and by dignitaries from all over the world. Inside, it was like a spaceship—it was a tremendous thing to visit. However, it has been a bit neglected over the years; it has had a wee bit of capital investment, but not much. The Clyde tunnel was completed and opened in 1963 by Queen Elizabeth. It was paid for by the former Glasgow Corporation—that was 63 years ago. The citizens of Glasgow—mums, dads, grannies and grandpas—paid for the tunnel. The SNP has an absolute cheek in trying to introduce charging for the use of something that the people of Glasgow have already paid for and own.

The running costs of the Clyde tunnel are roughly £1.5 million a year, which is the best value of any tunnel in the UK. It costs about 7p per car trip and is used by roughly 60,000 vehicles a day.

If each vehicle is charged £1, that equates to more than £20 million a year, compared to just over £1 million for running the tunnel. The tunnel belongs to the citizens of Glasgow, and charging for it is a supertax on the citizens of Glasgow. We should stand against that.

**Patrick Harvie (Glasgow) (Green):** Will the member take an intervention?

**Davy Russell:** Not just now.

The Scottish Government abolished that kind of tax on the Erskine bridge, the Forth road bridge and the Skye road bridge. By proposing to introduce a tax on the people of Glasgow, the SNP has, yet again, shown its contempt for them. However, that type of skulduggery is normal for the SNP administration led by Susan Aitken.

There has been mention of the crown jewels represented by Glasgow's iconic buildings. The SNP has mortgaged them all. It has hocked the lot of them, including the city chambers. As if that is not enough, it wants to introduce a tax on vehicles entering the city boundary, which would apply to those based outside the city. It is not a viable solution to congestion, and it victimises the people of Lanarkshire, Renfrewshire and East Renfrewshire.

There are dozens of side roads that cross the city boundary, so it will cost tens of millions to implement the charge, never mind run it. That is a harsh penalty on the majority of common working people who travel to work in the mornings. It is an expense that will be absorbed by hard-pressed families, because the public transport alternative is not reliable or adequate enough. Ultimately, it will be a quick cash grab—a supertax at the expense of businesses, employers and road users in general. It will affect jobs and local businesses, because people will avoid Glasgow. If the council would like to increase the use of public transport and have fewer people driving into the city, the only route forward would be to make public transport more frequent, reliable, better and faster.

13:09

**Patrick Harvie (Glasgow) (Green):** I congratulate Jackson Carlaw on bringing the motion to the chamber. I am genuinely sorry if he thinks that I was glowering in any way. It was certainly not the intention. It is just my face. If he does not like it, I am sorry, but it is the only one that I have.

I have no particular objection to what is written in the motion. Jackson Carlaw makes the point that, if a proposal of this kind was taken forward, it would have a wider regional impact and perhaps even a national impact. It is reasonable for

Parliament, as the national forum for debate, to discuss it. I have no objection to that.

I have to admit that I expected a little more hyperbole in the speeches. We have not been disappointed, as a little bit of the “war on motorists” rhetoric has come up a couple of times in some of the speeches.

There are two perspectives through which we can see the issue: one is transport and the other is local government. I will split them up.

On transport, whether the Conservatives agree or not, I believe that there is an overwhelming case for a shift towards lower car use and greater investment in, and more availability and affordability of, public transport. Instead of vehicle excise duty being the principle means of raising revenue from road use, we should be shifting towards something that is closer to a polluter-pays principle, whether that is through road user charging or some other form. The UK Government has been praised—or perhaps “has been given a cautious welcome” is the right phrase—for taking some baby steps in this year's budget to introduce a polluter-pays principle for road use. Even if the UK and Scottish Governments and local government all recognise that some kind of change of that kind has to come in time, I think that they all lack the courage to say so. If we make such a change then, of course, border and boundary issues will have to be addressed. I am aware that some areas in East Dunbartonshire, for example, have a residential road that is so close to the boundary with Glasgow that entering Glasgow is the only way for a person to leave their street. Of course, some of those issues will have to be addressed, but they are not insurmountable.

As for the local government perspective, I believe that the proposals that are under consideration from Glasgow City Council reflect local government's position more generally, which is a lack of funding and a lack of power. Of course, I make the case that the Greens have done more than any other party in recent years to protect local government funding in many years of budget negotiations, and we have also successfully made the case for new financial powers for councils, some of which are now in place. Is it enough? No, but we are the only party to have made serious progress and to have shown how to fund that fairly from progressive taxation.

As we all know, and as has been acknowledged for many years, the specific issue that Glasgow City Council faces is that a great many high-value properties outside the city are generating costs for Glasgow without contributing council tax. That is a historical inequality since the break-up of Strathclyde region. The failure to reform local government taxation is one of the chronic issues that the Parliament has repeatedly refused to

resolve, which leaves Glasgow City Council being forced to consider options that probably would not be its first preferences if it had solutions to the wider issues.

The Clyde tunnel is nationally important infrastructure, but its specific costs are borne by Glasgow City Council, simply because of the designation of the road, rather than the nature of the infrastructure. Comparable bridges are not funded by local authorities. Does anyone, whether that is Glasgow City Council, my party, or anyone else, think that the proposal is a wonderful thing, to use a phrase from Jackson Carlaw? I do not think that anyone does. It is one option to address legitimate issues. It is not the only option and it may not even be the best option, but the challenge to anyone who does not like what the council is considering is, if not that, then what? The answer needs to address questions about local government funding, the inequality that is facing an urban centre such as Glasgow—

**The Deputy Presiding Officer:** You need to conclude, Mr Harvie.

**Patrick Harvie:** It needs to support the transition to a sustainable transport system that reduces road traffic levels and invests in high-quality public transport and the needs of people and planet.

**The Deputy Presiding Officer:** Thank you, Mr Harvie. I have indicated the lack of time that we have for the members' business debate. I need members' co-operation in order to allow our staff not to have to rush around like mad people in a stressful way. That is what I am trying to avoid.

13:13

**Meghan Gallacher (Central Scotland) (Con):** I congratulate Jackson Carlaw on lodging the motion and securing a debate in the chamber on this important issue.

I must be honest: I believe that the proposal is 100 per cent daft. An SNP-led Scottish Government abolished the last remaining bridge toll in 2008, yet here we are in 2025 with an SNP-led council trying to introduce tolls on the Clyde tunnel, alongside an at-city-boundary charge, as many members have mentioned. You could not make it up. I have no idea how the Cabinet Secretary for Transport will try to square the circle, because these charges will have a profound impact on constituents across the central region.

South Lanarkshire, North Lanarkshire and even Falkirk are commuter communities, and the thousands of people who choose to live there depend on travelling to Glasgow or Edinburgh for work. If this idea ever becomes a reality, my inbox

will be full of motorists angry at being told that they must pay yet another tax just to get to their jobs.

We should step back for a second and remember what motorists already fork out for the privilege of owning a car. They have to pay for road tax; insurance; servicing and MOTs; repairs; parking permits; costly paid parking in certain local authority areas; petrol and diesel; and for many people, monthly payments on the car itself. The local SNP Administration wants to slap an additional charge on to what motorists already fork out simply for crossing from one local authority area into another, but to me, that is just not common sense.

We should also take into account yesterday's budget, because the chancellor now wants to tax electric vehicles, too. I am under no illusion why motorists are fed up, because it is just tax upon tax upon cost upon tax.

Going back to the at-city-boundary congestion charge, I think that the most ridiculous aspect is that our public transport network is still not good enough to give people a genuine alternative. That point has been mentioned by Jamie Hepburn, Patrick Harvie and others in the chamber—it is not a genuine alternative. The at-boundary charge just prices people out of owning a car, and provides no workable solution for how they are supposed to get around.

Moreover, Jackson Carlaw is 100 per cent right to suggest in his motion that Glasgow City Council's plans could trigger a domino effect. If one local authority introduces such charges, others might retaliate. It will become a tit-for-tat spiral, and the only losers will be the ordinary, hard-working people who are left to pay the price.

I am beyond fed up with the same people being taxed to the hilt to prop up ageing infrastructure and fill gaps in mismanaged budgets. It is not the taxpayers' job to cover for political incompetence, but that is exactly the pattern that we keep seeing from left-wing Administrations. I am very interested to hear the cabinet secretary's views on this: does the Government still believe in the abolition of tolls, or is the expansion of new bridge tolls and infrastructure tolls happening quietly by the back door? Will it meet the Scottish National Party administration at Glasgow City Council and tell it bluntly to think again?

13:17

**Pam Duncan-Glancy (Glasgow) (Lab):** I am compelled to speak in the debate on behalf of Glaswegians like me who will be inadvertently impacted by a charge from the SNP council, which, although it is aimed at people living outside the city boundaries, will have an immensely negative impact on Glaswegians, too.

I do not envy the SNP members in the debate having to defend a policy that will have such a negative impact on their constituents' day-to-day lives. Everyone knows that that will include friends and family outside the city's boundaries, as well as small businesses, which will not be thrilled at another council policy that makes it easier to stay out of Glasgow than spend money in it.

The SNP Glasgow City Council's proposals to introduce a congestion charge alongside a toll on the Clyde tunnel are fundamentally unfair. No matter how it tries to justify it, it cannot take away from the essential fact that this is a tax on working people who, in the absence of reliable, affordable and 24-hour public transport, rely on their cars to drive to and from Glasgow to work in Glaswegian businesses, homes and public services and contribute to our economy. Without those people, whom the SNP would like to tax, Glaswegians will suffer.

The SNP can pretend that the charge is for reducing congestion, but while public transport remains so woeful, every Glaswegian knows that it is just a money-raising scheme that the council has been forced into by its own party's Government underfunding it. People in Hyndland, Partick and beyond now have to pay an emissions charge on top of their parking permit. Even if one's car is electric and emits no fumes, the congestion charge is spin at best and patronising at worst. That those residents and others in the north of the city who want to use the Clyde tunnel to get to the Queen Elizabeth university hospital either to work or visit their ill relatives might have to pay another additional charge is a very sorry state for the city's residents to be in.

I, and many Glaswegians, could not function day in, day out without people who live outside our city boundaries, but under these plans, some of the support workers who work with me and my husband every day would have to pay to come to work in the city that they are proud to call home. Many commuters rely on private transport because public transport options are unreliable, costly and sometimes simply not available or accessible. That means that those who are least able to change how they travel and those who are most disadvantaged will be hit first.

In addition, the charge will have a major impact on businesses. Glasgow Chamber of Commerce has warned that firms might relocate unless huge improvements are made first of all to public transport. At a time when workers and businesses are already dealing with price rises caused by international events outwith their control, the implementation of this policy risks creating more of a burden, forcing out customers and businesses.

The premium that Glasgow already pays to maintain infrastructure used by people from across

Scotland is not fair, and trying to balance an unjust allocation of money with an unjust charge would be correcting a wrong with another wrong. Glasgow needs greater acknowledgement from the Scottish Government of the footfall that our city attracts; that footfall should be reflected in greater and fairer funding settlements so that Glasgow City Council can properly maintain and build city infrastructure and services without penalising Glaswegians.

For the past 18 years, local government has been cut to the bone by the SNP. As a result, SNP councils are starting a boundary charge war, which can only end with other councils implementing their own boundary charges and the people of Scotland as a whole being less connected and worse off.

I urge SNP ministers to talk to their SNP colleagues in Glasgow City Council about the investment that they need to maintain and build thriving local services. They should also work more closely with local communities, authorities and others to produce legislation that enables them to take buses into public ownership and run them for the needs and wants of the people, not profit.

The expansion of bus networks and improvements in accessible and affordable travel must be prioritised before such charges are even considered. If we want to get people out of cars, we must give them viable alternatives instead of unfairly penalising them. Attempting to build instead of punishing is the only way in which we can successfully deliver climate action and social justice together, and that is what I urge the Government to do.

13:21

**Neil Bibby (West Scotland) (Lab):** I thank Jackson Carlaw for securing this debate, and I am grateful for the opportunity to outline my opposition to the proposed Glasgow congestion charge, which would be bad for my constituents and bad for Glasgow. It is a beggar-thy-neighbour policy that would hit those of us from the west who regularly visit Glasgow. I say to the SNP council that believing in separatist politics is not an excuse to disregard the needs of your nearest neighbours.

The SNP and Greens in Glasgow City Council will try to hide behind the idea that they are proposing the charge for environmental reasons, but the truth is that they are not. If they were serious about reducing the number of car journeys in the city, they would have ensured that commuters in the greater Glasgow area had access to affordable and reliable public transport. However, they have not done so.

After nearly two decades of the SNP in Government, and with the Greens in government for three of those years, my constituents are paying among the highest bus fares in the UK, and there has been no regulation of bus services. Having better and cheaper bus and rail services is the best way of relieving congestion, instead of fining people for going about their business. In other words, London-style congestion charges cannot be proposed without London-style public transport.

That brings me to the real reason for the charge. Everyone knows that it is all about the SNP council raising money to fill a £110 million black hole in its budget—a black hole that was caused by the SNP Government's underfunding of local councils. Although I sympathise with the position that Glasgow City Council is facing, this proposal is not the answer—stopping the Government's waste of taxpayers' money is.

The proposal will have a real impact on my constituents. The people whom I represent need help with the cost of living, but the proposal will hit the pockets of my constituents, particularly those in Renfrewshire, East Renfrewshire, West Dunbartonshire and East Dunbartonshire who travel into or through Glasgow. That is before we get to the impact on places such as Lanarkshire, which Davy Russell talked about.

Such travel could be to visit friends and family, to work, to the shops or to attend medical appointments. In his opening speech, Jackson Carlaw talked about the centralisation of health services. Another example of that was the decision to close the children's ward at the Royal Alexandra hospital in Paisley and move the services to the Royal hospital for children in Glasgow. Under this proposal, my constituents would be charged just to visit their sick children. They would not be alone; hundreds of thousands of people in the greater Glasgow area would be affected.

As we have heard, the basic rule of economics is that the more that is charged, the less demand there is. This measure would be bad not only for my constituents and their cost of living but for Glasgow businesses and the economy.

That is one of the key reasons why Glasgow City Council Labour group has opposed the policy, and it is also why Glasgow Chamber of Commerce has warned that it is

"very concerned about the possible displacement of business out of Glasgow."

If there are fewer people commuting to Glasgow, it will damage Glasgow businesses, and the damage to them will be damage to the whole region. We will all pay, one way or another.

In conclusion, it is clear that hard-working Scots should not have to pay the price of SNP waste and failure. Like other members, I want to hear from the Scottish Government and the transport secretary whether they support the proposal and are going to co-operate with it, or whether they are going to make representations to Glasgow City Council to get it shelved. I do not believe that it is right and nor do my constituents and businesses, and I believe that the SNP council should think again.

13:25

**Paul Sweeney (Glasgow) (Lab):** I thank the member for Eastwood for lodging the motion for debate.

The member for Cumbernauld and Kilsyth summarised the issue succinctly when he talked about the wider regional issue that is facing Glasgow. The Clyde tunnel is an important piece of infrastructure for the entire Glasgow city region area, but funding and maintaining it is the responsibility of Glasgow City Council alone. That is symptomatic of a bigger challenge for the Glasgow city region. It is the fourth-largest metropolitan area in the United Kingdom, but, with no devolution deal or elected mayor, its governance is fragmented across at least eight local authorities, and it has limited access to the types of economic growth policy levers and funding that the big city regions in England now enjoy.

The current Glasgow city deal covers eight local authorities in the city region, but there is no statutory agreement with the accompanying powers. With regard to the Clyde tunnel, that means that while Glasgow City Council shoulders the financial burden of maintaining that piece of critical infrastructure, which benefits the whole city region, neighbouring local authorities do not have a say in how the tunnel is funded or in decisions on its future.

The member for Eastwood said that I should rue my position on the issue, but I think that he ought to rue his party's position 30 years ago, when it vindictively dismantled the Strathclyde region. At the time, John Major described Strathclyde as an "abomination", but we are now seeing the unintended consequences of that foolish, self-interested decision.

The Scottish Government's current position is that the Clyde tunnel is a local Glasgow City Council issue, but this debate has made it clear that it is not. I am sure that members across the chamber will agree that the injustice of the status quo is simply unsustainable. Glasgow City Council has had the largest cut to its budget of any local authority in Scotland, and it does not receive a

proportionate share of the business rates revenue that is generated within the city boundary. The Glasgow roads budget has also been disproportionately cut as a consequence.

The Clyde tunnel maintenance budget now consumes 10 per cent of the entire roads maintenance budget for the city. That is 762 metres of road out of 1.8 million metres of road in the city, so 10 per cent of the budget is going on 0.04 per cent of the road network. That is certainly unsustainable. The impact is accentuated from a social justice point of view because Glasgow has the lowest car ownership in Scotland, with only 376 cars per 1,000 residents, in comparison with 678 cars per 1,000 people in Renfrewshire.

Districts with the lowest rates of car ownership in the country, such as Drumchapel and Govan, have to pay for the tunnel's maintenance via higher council tax rates, while the richest communities in Scotland with the highest levels of car ownership, such as Bearsden and Kilmacolm, enjoy the tunnel free of charge and generally have lower council tax rates as a result.

I see four solutions to the problem, which is unsustainable and socially unjust. One solution is adoption of the Clyde tunnel as a national trunk road by Transport Scotland, in the same way as the Kingston bridge and the Erskine bridge have been adopted. However, that solution has been repeatedly resisted by the Scottish Government, despite calls over the years from me and other MSPs for it to be pursued.

A second solution is adoption of the Clyde tunnel as a regional transport asset by the city region councils, co-funded via Strathclyde Partnership for Transport or a new combined authority, restoring the approach that existed via the Strathclyde roads system from 1975 to 1996. However, that is not under consideration by the Scottish Government.

A third option is an agreement by the Scottish Government and the Convention of Scottish Local Authorities to provide additional funding for Glasgow to cover the £820,000-a-year shortfall in the baseline local roads allocation in order to maintain the tunnel. However, the Scottish Government's position is that it must be funded through the general budget allocation that is provided to Glasgow City Council; I think that that is completely absurd.

Finally, we could resort to the unilateral introduction by Glasgow City Council of a number-plate recognition camera toll system. I think that that is the least desirable of all the options, but it is certainly the only one that is available to the council. Nevertheless, it would require a statutory instrument and regulatory framework to be put before the Parliament by ministers, and no

discussion has taken place between Glasgow City Council and the Scottish Government so far.

There is an opportunity to address the issue. In my view, the best option is to move to a combined authority approach for the Glasgow city region, which is long overdue and would certainly unleash a lot of potential across Glasgow and the greater Glasgow area. I would like the Government to look seriously at that, because—as has been mentioned—the issue is not just the boundaries or the tunnel, but a whole lot of other things—

**The Deputy Presiding Officer:** Thank you, Mr Sweeney—

**Paul Sweeney:** It is over to the minister—

**The Deputy Presiding Officer:** You need to conclude—you are over your time. Thank you.

**The Deputy Presiding Officer:** I call Fulton MacGregor, who joins us remotely.

13:29

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I had not intended to contribute, so thank you for allowing me to speak, Presiding Officer. I will try to be quick and to take less than four minutes. I also thank Jackson Carlaw for bringing the debate to the chamber.

I represent Coatbridge and Chryston in North Lanarkshire, which directly adjoins Glasgow city, so heading into town, as the saying goes, is a major and regular part of life. People travel into town for work, study, leisure, health appointments and so on.

I do not often speak in the chamber on a Glasgow City Council policy or decision, but, as others have said, this proposal directly affects my constituents, who, incidentally, do not get a vote in Glasgow City Council elections and, therefore, need me to speak for them. As we have heard, my constituents, who have contacted me in fairly large numbers, are very much against the proposal. Folk feel that they will be penalised for travelling for work or leisure. There could also be the unintended consequence of people in places such as Lanarkshire and my constituency feeling more negative towards Glasgow. It is an amazing city with so much to offer, so why would the council want to do that? However, I remind the chamber that this is only a proposal. Please let us remember that and bring some calm to our debate.

I understand that part of the reasoning behind the proposal is to increase public transport use and, therefore, reduce congestion. However, public transport is not always a suitable option. The cabinet secretary will be happy to hear that, in my constituency, train services, such as those on

the Sunnyside, Kirkwood and Stepps lines, are generally pretty good at getting people into and out of the town. The buses are a bit more hit and miss and are often unreliable for a variety of reasons that I do not have time to go into. My office picks up a lot of work on that issue, particularly in relation to the northern corridor of my constituency—probably more so than in relation to the Coatbridge area, where the relatively new Citylink service has been a big help in picking up some of the slack.

I urge Glasgow City Council to put the brakes on, so to speak, with its proposal and, instead, to work with other local authorities, such as the council in North Lanarkshire, where I am, to improve public transport routes across the region that is served by Strathclyde Partnership for Transport.

Paul Sweeney raised a very important point about the Clyde tunnel, which deserves wider consideration. There is an argument that we should all pay for the tunnel. However, it cannot be done by charging people who go into and out of Glasgow. There may be an argument that all the nearby local authorities should help pay, because it is not fair that people in Drumchapel who do not use cars pay for the Clyde tunnel, while people such as me can use it without paying.

I agree that it is important to reduce car use and ease congestion on the M8. There is absolutely no doubt about that—anybody who uses the M8 would agree with that—but this is not the way to do it. I join the calls for Glasgow City Council to think again on the issue.

13:33

**The Cabinet Secretary for Transport (Fiona Hyslop):** The policy on local road user charging schemes is given effect in the Transport (Scotland) Act 2001, which was introduced by the Labour and Liberal Democrat coalition Administration at the time. It has not been used since then, nor has there been a move by any MSPs, including those in the Conservative Party, to remove the option, under the law in Scotland, for Glasgow City Council or any other local authority to choose to use it. Indeed, in opposition, more than 20 years ago, I campaigned against City of Edinburgh Council implementing congestion charging, precisely because it had not engaged properly with the interests and needs of people in West Lothian, including my constituents.

Glasgow City Council has not published specific proposals. Should such proposals emerge, we would fully expect a comprehensive consultation with communities and businesses. Until that process begins, it would not be appropriate for me to comment on any particulars. I have not had any

meetings with Glasgow City Council on the matter, but I know that it has concerns about the upkeep of, and investment in, the Clyde tunnel, which makes up 0.04 per cent of its road network but requires about 10 per cent of its annual maintenance budget to remain operational. In his contribution, Davy Russell talked about previous neglect in relation to investment.

**Paul Sweeney:** Will the cabinet secretary take an intervention?

**Fiona Hyslop:** I want to make some progress.

Jackson Carlaw talked about how important the Clyde tunnel is to his constituents. Glasgow City Council has previously asked Transport Scotland to adopt it as a trunk road, which was not agreed to because it is a route that data has indicated is mostly used by traffic from the wider Glasgow area.

All members have talked about the local nature of the tunnel. I suggest that Mr Carlaw would question what constitutes the wider Glasgow area and that he might not want East Renfrewshire to be seen as part of it. However, I point out that East Renfrewshire is part of the Strathclyde Partnership for Transport area and also part of the Glasgow city region deal that includes commitments on transport.

In a thoughtful speech, Paul Sweeney set out some of the challenges of regional work in relation to transport—*[Interruption.]* I want to address everybody's points, if I can. In relation to people who enjoy living in East Renfrewshire but get opportunities to work in Glasgow, or receive health services in city hospitals, or want to enjoy the city's leisure, recreation and study facilities, the balance of who should pay for what services has long been an issue—long before the idea of local road user charging at the Clyde tunnel was raised. Patrick Harvie referred to that.

Jamie Hepburn raised the issue of congestion. Local road user charging generally aims to ease congestion and to generate funds for transport infrastructure and public transport. That is not a new idea—indeed, many cities around the world have implemented such schemes as part of broader strategies to manage car demand.

Car use remains vital for Scotland, given our many rural and semi-rural communities. Any policy aimed at reducing car use must recognise that reality. That is why the draft climate change plan places a strong emphasis on the switch to electric vehicles through incentives and investment in infrastructure. We have refined our approach, and our primary target is now a 16 per cent reduction in car emissions.

Car use is still the largest contributor to greenhouse gases. It accounts for 38.9 per cent of

transport emissions and 12.9 per cent of our total emissions. We need to tackle climate change, to have public investment in public transport and to ensure that things are done rationally.

I want to talk about what needs to be done in that wider context. I am concerned about the Labour chancellor's approach to fuel duty and her EV pay-per-mile proposal. I think that it is the wrong decision for motorists, for our climate and for Scotland. She is ignoring the need for a broader reform of motoring taxation. We have repeatedly called on the UK Government to reform it and to engage with the devolved nations on the matter. What is needed is a four-nations approach to such reform to ensure that it aligns with wider considerations such as climate change, investment in public transport alternatives and road maintenance requirements. It is vital that the Scottish Government is involved in that.

On the current legislation, we are conducting a regulatory check of the 2001 act's powers on local road user charging, to ensure that they remain fit for purpose. That process brings together local authorities, regional transport partnerships and key stakeholders to assess those powers collaboratively.

Local road user charging powers apply only to roads in respect of which local authorities are also traffic authorities. Meghan Gallacher might not be aware that the prohibition on tolls applies to bridge authorities. It was the SNP Government that abolished the Conservative-introduced tolls on our bridges, which means that authorities cannot charge for the use of trunk roads, as the Scottish ministers are the traffic authority for those roads. The Scottish ministers have no plans to introduce road user charging on trunk roads.

Today's debate is also about local democracy. Time and time again, the Scottish Conservatives call for greater local decision making, yet when those very powers are placed in the hands of local authorities the Conservatives resist decentralisation. I have always been clear that decisions that shape communities should be made by those closest to them. Local authorities must be empowered to act in the best interests of their areas and remain accountable to the people whom they serve. Should any authority choose to progress with a demand management scheme, we expect it to work constructively and in partnership with neighbouring councils and regional partners where that is needed.

Pam Gosal misunderstands the law. Under the 2001 act, any revenue raised through road user charging must be reinvested to deliver the priorities that the relevant authority's local transport strategy has set. That would ensure that every pound that is raised supports better transport outcomes. If Glasgow City Council, or

any other local authority, considers using the powers, I am sure that it will set out the details of the costs and benefits and will consult widely. I would expect councils to engage with neighbouring local authorities.

I thank Jackson Carlaw for enabling me to set out a number of these issues as part of the debate. It started with Mr Carlaw's characteristic hyperbole, but he has opened up issues for which everyone has responsibility—the move to tackle climate change, but also the move towards place-based transport planning, as was set out by Mr Sweeney. If we use the Parliament constructively, we can help to set the conditions for that, and that is what the tenor and manner of the debate should be. I thank the member for allowing me to make those points in my summing up.

**The Deputy Presiding Officer:** That concludes the debate.

13:40

*Meeting suspended.*

## Committee of the Whole Parliament

*[The Convener opened the meeting at 14:01]*

**The Convener (Alison Johnstone):** Good afternoon. I open this meeting of the Committee of the Whole Parliament to consider the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill at stage 2. For the duration of these proceedings, I will be the convener of the committee.

### Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill: Stage 2

**The Convener (Alison Johnstone):** In dealing with amendments, members should have the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 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 button or enter RTS in the chat as soon as possible after the group has been called. The Parliament is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point.

Members should now refer to the marshalled list of amendments.

#### Section 1—Non-domestic rates: liability of owners of unoccupied properties

**The Convener:** Group 1 is on unoccupied properties: listed buildings. Amendment 1, in the name of Paul Sweeney, is grouped with amendments 2, 4, 5 and 6.

**Paul Sweeney (Glasgow) (Lab):** I appreciate the opportunity to speak on this group of amendments. Although these are unexpected circumstances, they enable me to bring to light a long-running issue that I have been dealing with in Glasgow over the past 18 months or so. Glasgow City Council's removal of the previous exemption from non-domestic rates for vacant listed buildings has generally been a positive thing for the city in creating incentives for building owners to utilise vacant floor space and to bring listed buildings that were derelict back into productive use. We have seen a flurry of planning applications going through the council in relation to that. The issue has been a long-running one in Glasgow, where there is enough empty floor space in the city

centre to fill the Empire State building in New York.

However, a number of complications have arisen, and the council has said that what has happened was unforeseen. It is said that the road to hell is paved with good intentions. It is important for all levels of government to be aware of such issues as they arise and to adjust accordingly to ensure that the public good is maintained as best it can be.

An issue has arisen in circumstances in which, for example, a building preservation trust or a charity has acquired a listed building that is vacant or derelict and that would require a lot of investment to bring it back into productive use. It might be the case that the organisation has secured grant funding, but, unfortunately, in undertaking the restoration programme, the grant funding has fallen short of the cost of the renovation, so the project has stalled. The organisation is then levied with building rates for a property that it cannot occupy or generate revenue from, which threatens its viability as a going concern. That is exactly what has happened to the Govanhill Baths Building Preservation Trust. I am sure that we all agree that it would be absurd to see the whole thing unravelling after all that effort.

The same thing is happening with commercial property. For example, Stephen Lewis of HFD Property Group, who has been looking at a listed property in the city centre with a view to renovating it to bring it back into productive use, has said that he did not know that he was going to be charged business rates for several years, when it will take a year to get planning consent and another two years to renovate the building. He did not programme that into his business plan when he was looking to renovate that building.

Mr Lewis says that it is absurd that, with, say, the old Clydesdale Bank building on St Vincent Place, if he converted it into a hotel, the hotel could move in and not have to pay rates for a year, even though it would not need that exemption, because it would be generating revenue. The incentives are all in the wrong place.

I hope that the minister can see that there are scenarios in which the current arrangements do not work well. As a result, the market for listed buildings in Glasgow has frozen. There is no desire from people to buy those buildings.

I met a guy who was looking to buy the old Tusk nightclub and the Waverley tea room in Shawlands. He was really enthusiastic when I first met him. He told me that the price had just been reduced massively and that it could be a real bargain for him. I informed him that the reason why the owner had reduced the price was that they were getting charged for business rates on

the empty building. I could see his face drop, and he said, "I can't afford to take the hit on business rates for two or three years until I get planning consent and renovate it". His interest suddenly ebbed away and that building still sits there derelict—it is a blight on the public realm and an underutilised economic asset.

My amendments are probing amendments to illustrate to the Government some of the unintended consequences of the removal of the exemption, as devolved to local authorities. We have seen some local authorities do it—Glasgow City Council being one of the most notable ones. Although the approach has been generally beneficial, it has caused problems. I hope that the Government is alive to those problems and that we can work collaboratively with the Convention of Scottish Local Authorities and local authorities to address them.

I know that Glasgow is considering a recommended solution. The proposal, which comes from the built heritage commission for Glasgow, is that empty property relief be granted for listed buildings at 100 per cent for a period of up to two years from the date of acquisition, on condition of demonstrating real development progress. That would include design progress—for example, appointing a design team, commissioning design work and incurring and paying design team fees—and a programme that can be linked to Royal Institute of British Architects stages of development; planning progress, including a pre-application discussion with the planning authority or an application for planning consent, with planning queries being addressed timely; and construction progress, including showing that tenders are under way and that contractors are appointed.

Those criteria would be set to avoid an owner giving the appearance of developing a project without there being any real action towards getting on site. It would avoid bad-faith acting from speculators or land bankers. It is also important to note that, once construction is under way, the reliefs would be granted for premises that are under construction. There would be a long stop date of two years, with agreed milestones if insufficient progress had been made. That would create really powerful incentives for owners to bring the buildings to market and to get renovations under way.

More detailed criteria could be involved; for example, if a charitable organisation is trying to restore a building but its grant funding falls short, it would be crazy for the Government to fund it through grants on the one hand but tax those away with rates on the other. That would undermine the purpose of a charity trying to save

a listed building that might provide great community benefits.

I mentioned the example of Govanhill baths and some of the city centre projects that have been stalled or frustrated by the rates issue. There is also Flemington house in Springburn. Marcus Dean, who did up the Abbey Mill business centre in Paisley, took the building on when Glasgow Kelvin College left it about 15 years ago. About a third of the building was turned into a business centre and various organisations were located in it. Two thirds of the floor space was still unused, because it was very expensive to deal with the asbestos, the electrics and so on. Marcus Dean said that he was making decent enough money from rental income on the building to wash its face, but then he got suddenly hammered with a rates bill for all the empty floor space. That sank the business model overnight, and he had to evict the entire building. Set designers, studio people, artists and charities were all kicked out, because he can claim a year's temporary exemption for a fully empty building. That permutation is crazy. It has resulted in a stupid outcome for Springburn, it has undermined the local economy and a lot of small businesses and organisations are really stressed by it.

Marcus Dean is faced with the dilemma of what to do with the empty building. The only thing that he can do is convert it into student flats, because it is single aspect. He cannot create dual aspects in the building because of the listed building constraints. In that scenario, it is obvious that he should be able to work with the local authority, which would realise that he is trying to do the right thing and is keeping the building wind and watertight and is maintaining it to a baseline level. The council would see that the building has been used and that the owner is aiming to build towards full restoration, and would therefore give him some leeway.

Currently, the system is purely binary—it is on or off; the owner either gets hammered with full rates or they do not. There needs to be a lot more slack in the system and a lot more attentiveness to the permutations and to the difficulties and complexities with listed buildings. That is what my amendments are all about. I am trying to signal to the Government that there are practical issues with how the removal of the exemption has been implemented in the past couple of years, particularly in Glasgow.

Glasgow City Council is making an effort to work through this, and we need that to be standard best practice across Scotland. That should involve working with COSLA. I hope that the Government can take a convening role in trying to make that work sooner rather than later, because we are seeing a lot of projects in the here and now that

are being strained and damaged by it. The Springburn example is just the latest example of the issue. It is very frustrating to act as a glorified estate agent for charities, trying to find new accommodation for them. Let us try to avoid the problem at source.

I move amendment 1.

**The Minister for Public Finance (Ivan McKee):** I thank Paul Sweeney for lodging the amendments. I will talk about how they do or do not fit into the bill in a minute, but first, I recognise the effort, work and focus that he has put into this issue and his commitment to and energy in lodging the amendments at short notice.

The member highlights an important issue, and the Government recognises the intent behind his amendments. However, it is also important to recognise that the bill is intended to rectify a legislative error as quickly as possible and to enable the non-domestic rate system to continue to operate in the way that it has been universally understood and operated in practice since 1 April 2023. It is a short bill with a narrow focus: the sole intention is to rectify the specific issue as quickly as possible.

Empty property relief has always been devolved in full and has included listed buildings, at the request of COSLA. Councils already have the powers to deliver on the substance of Mr Sweeney's amendments and to offer £105 million of local relief funding a year. That funding has been made available to councils to offer relief to unoccupied properties, including empty listed buildings, as councils see fit and to reflect local needs.

Some local authorities take into account the challenge of putting listed buildings back into use. For instance, Argyll and Bute Council reinvests a proportion of the savings from the changes that it made to empty property relief into a grant incentivisation programme that specifically targets long-term empty, listed properties.

For the reasons that I have outlined, the Government cannot support amendments 1, 2, 4, 5 and 6, in the name of Paul Sweeney, and I urge members to resist those amendments. However, I have written to COSLA today, ahead of its leaders meetings tomorrow, to encourage local authorities to take into account the challenges of putting listed buildings back into use when they are designating local relief schemes.

I recognise the scenarios that Mr Sweeney describes on the unintended consequences and perverse incentives that result from the system. The Government is happy to engage with Mr Sweeney and COSLA to work through how we can deliver the results that he seeks.

**The Convener:** I call Paul Sweeney to wind up and to press or withdraw amendment 1.

**Paul Sweeney:** I appreciate the minister's response and the helpful conversations that he and I have had with each other and with representatives of COSLA. I recognise that the bill might not be the optimal vehicle to fix the issue, given time considerations and the need to keep the bill streamlined.

Nonetheless, I am very vexed by the issue, and I am keen to find a solution to it sooner rather than later. Although I am not minded to take forward the amendments because of the complicating factors that they might introduce, I would like to see a practical solution reached—either with COSLA or, potentially, through other legislation, such as the Community Wealth Building (Scotland) Bill—sooner rather than later.

*Amendment 1, by agreement, withdrawn.*

*Amendment 2 not moved.*

*Section 1 agreed to.*

## After section 1

**The Convener:** The next group is on the liability of owners of unoccupied properties: guidance. Amendment 3, in the name of Stephen Kerr, is the only amendment in the group.

**Stephen Kerr (Central Scotland) (Con):** Paul Sweeney rightly identifies real-world problems in relation to listed buildings, but we have also heard about real-world problems in connection to commercial properties. My colleagues who have engaged in the debate over the past day or so have highlighted real issues around perfectly good buildings being demolished and businesses collapsing—owners handing back the keys—simply because of the way in which the legislation has been put into practice. Now, we discover that there was no legal basis for any of it.

Amendment 3 introduces a straightforward requirement that should already be a matter of good administrative practice: it places on ministers a duty to publish clear, accessible guidance on how the restored liability for unoccupied properties is to operate in practice. That guidance would cover how part occupation is treated, how rateable values are to be apportioned and how the new provision interacts with relief schemes. The requirement for guidance is not an embellishment—it is essential to the proper operation of the law. Let us be clear about why that matters: when a Government has already demonstrated that it failed to understand the interaction of statutory provisions, Parliament has every right to insist on clarity.

14:15

This mistake is not theoretical: it carries a real-world exposure of up to £350 million or £400 million. Ratepayers, councils and assessors deserve more than reassurances from the very ministers who created the problem. Guidance is the bare minimum safeguard that is required to protect them from further uncertainty and inconsistency.

We are dealing with a complex area of law. Part occupation cases are notoriously technical; apportionment decisions vary across local authorities; the interaction with empty property release schemes is already uneven; and the recent past gives no confidence whatever that the Government understands detail or anticipates consequences. The Non-Domestic Rates (Scotland) Act 2020 failed precisely because ministers misunderstood the legal position and failed to anticipate the effects of their own drafting. If the law is unclear, the Parliament has failed in its most basic constitutional function and it is not optional for the Government to get that right—it is a duty.

We must also not forget the experience of businesses in recent years. They have faced a series of botched and unclear initiatives from this Scottish National Party Government. We have had the sudden collapse of the deposit return scheme, the chaotic roll-out of the workplace parking levy, the disastrous handling of the Gender Recognition Reform (Scotland) Bill, the constant churn of contradictory guidance during the roll-out of the Hate Crime and Public Order (Scotland) Act 2021 and—I almost forgot—the visitor levy, which saw the minister himself sending out two contradictory letters within a few days of each other. The common thread is an administration that does not do detail very well and that does not do clarity, but it is businesses and communities that have to pick up the pieces every time.

This bill exists because of one major legislative failure, and one that we cannot allow to be repeated. The absence of clear guidance would inevitably lead to inconsistent decisions, unnecessary disputes and avoidable appeals. Councils would be left to interpret the legislation with no authoritative direction; ratepayers would be left guessing about their liabilities and assessors would be forced to adjudicate on matters that should already have been clarified centrally. That is not acceptable.

Amendment 3 would do something else that is crucial, because it would reinforce post-legislative scrutiny. Without clarity at the outset, scrutiny becomes nothing more than an exercise in cleaning up ministerial mistakes, as we are doing today, rather than ensuring effective policy. Amendment 3 would build into the legislation a

discipline that the Government has consistently refused to apply to itself.

There is also the issue of accountability. When ministers get the law wrong, it should not be for businesses, councils or taxpayers to absorb the cost but for ministers to put right what they broke in the first place. Clear guidance is the minimum instrument of accountability that is available to the Parliament.

I conclude by saying that amendment 3 would create a simple and proportionate obligation. Ministers must publish guidance and that guidance must explain how the new section operates in real-world scenarios such as those that Paul Sweeney discussed in relation to listed buildings. The guidance must also be available to all parties who rely on it. That is how competent Government proceeds, it is how transparent Government proceeds and it is how a Parliament that cares about legal certainty proceeds.

Amendment 3 is about professionalism, but the fact that Parliament must legislate for that basic clarity is, in itself, a commentary on the state of governance under the SNP. When a Government repeatedly drafts flawed legislation, repeatedly fails to anticipate the consequences and repeatedly leaves implementation to guesswork, improvisation and confusion, Parliament must intervene. Amendment 3 is that intervention. It would ensure that the law that we pass would be applied fairly and consistently and would prevent the Parliament from being asked yet again to clean up a mess that should never have been created. I urge members to support my amendment.

I move amendment 3.

**Ivan McKee:** The amendment would require ministers to publish guidance on owners' liability to pay non-domestic rates on unoccupied properties. The amendment is not appropriate, given the responsibilities of local authorities and assessors in this process. Local authorities are responsible for collecting rates, awarding any reliefs and interpreting the relevant legislation in doing so. Council appeal processes are in place for cases where people disagree with how they do that.

Furthermore, councils have discretionary powers under section 24A of the Local Government (Scotland) Act 1966 to ask the assessor to "apportion the rateable value" on properties that are partly unoccupied for short periods of time, an issue that is raised in Mr Kerr's amendment. It is not the Government's intention to impinge on local authorities' freedom to do that by issuing guidance on the matter.

The amendment would also have us specify

"how the rateable value will be calculated and apportioned in such cases".

The valuation of all non-domestic property is, rightly, a matter for the Scottish assessors, who are independent of central and local government. The independence of valuation is critical for the credibility of the system, and the Scottish Government has no locus to intervene in the objective valuation process. I therefore cannot support the amendment, and I encourage members not to support it either, as it would directly interfere with the powers and responsibilities of local authorities and with the valuation of assessors.

**The Convener:** I call Stephen Kerr to wind up and press or withdraw amendment 3.

**Stephen Kerr:** I am disappointed, but not surprised, to hear the minister's response. I think that some humility on the part of the Scottish Government—and the SNP—is in order. [*Interruption.*]

**The Convener:** Let us hear Mr Kerr.

**Stephen Kerr:** SNP members are not known for their humility. However, given the mess that we find ourselves in, an apology from the minister might be in order. I have not heard a minister give an apology to everyone concerned.

That is why amendment 3 is so important. We have been presented with such a massive legislative failure—that is what we are dealing with—and the Parliament has been asked to correct it, at speed, without all the proper processes being followed and in the name of emergency legislation, when we heard just yesterday that ministers have known about the issue since before the summer recess.

We are now being asked to accept, in the case of my amendment, that we do not need explanation or guidance. I do not think that clear statutory guidance is a luxury; it is a bare minimum protection that we should now give ratepayers, councils and assessors, and they should expect it from the Government.

Therefore, I will press amendment 3.

**The Convener:** The question is, that amendment 3 be agreed to. Are we agreed?

**Members:** No.

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

14:23

*Meeting suspended.*

14:29

*On resuming—*

**The Convener:** We move to the vote on amendment 3. Members should cast their votes now.

The vote is closed.

**Humza Yousaf (Glasgow Pollok) (SNP):** On a point of order, convener. I could not connect but I would have voted no.

**The Convener:** Thank you, Mr Yousaf. We will ensure that that is recorded.

#### For

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Ind)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Convener:** The result of the division is: For 25, Against 84, Abstentions 0.

*Amendment 3 disagreed to.*

*Amendments 4 to 6 not moved.*

**The Convener:** The next group is entitled “Reporting and statements on requirement for legislation (including defects in legislation)”. Amendment 7, in the name of Craig Hoy, is grouped with amendments 8, 11 to 13, 20 and 21.

**Craig Hoy (South Scotland) (Con):** This group of amendments explores the issues of transparency and accountability—two issues that I do not think the Government is taking sufficiently seriously in the way in which it is approaching this bill and in the journey that we have been on to get to this point.

My Scottish Conservative colleagues and I have been clear that we are deeply concerned by the bill and the extraordinary circumstances surrounding it. If the Parliament is to pass the bill, we must ensure that such a failure can never happen again.

My amendment 7 would require the Scottish ministers to notify the Parliament within 21 days of a defect being identified in legislation on non-domestic rates for unoccupied properties. As we know, officials and ministers have been aware of this error for many months, but the Parliament was not told until this week. That delay was simply unacceptable.

**John Mason (Glasgow Shettleston) (Ind):** Does Mr Hoy accept that flagging up an error before a solution had been found would invite people to take money away from the public purse?

**Craig Hoy:** It is about doing what is right. The Government learned of the issue back in June, but the Parliament found out only in November. If the Government is sufficiently confident that the bill's provisions can be applied retrospectively, we need have no fear of such claims being made. I hope that, if ministers are serious about transparency, they will support amendment 7 to ensure that the Parliament is informed promptly, not at a time of their choosing.

We will support amendment 8, in the name of Stephen Kerr. Mr Kerr is correct that it is essential that a clear account of when ministers learned of the error, and how they responded, is published in full, if the Parliament and the country are to understand what went wrong and to ensure that it never happens again.

Equally, we will support amendment 11, in the name of Douglas Ross. Given the seriousness of the failure, the Parliament deserves full transparency about who knew what and when—not the usual smoke and mirrors that we get from the Government. The proposal in amendment 11 for a formal statement and publication of all the relevant correspondence is an essential step

towards restoring trust, not just remedying the problem that the bill rightly identifies.

We will also support amendment 12, in the name of Douglas Ross. It is vital that the Parliament understands not only how the error was identified but why ministers initially gave one date and later revised it. That was either sloppy or dishonest, and full transparency with the Presiding Officer and with Opposition parties is essential. Amendment 12 will ensure that that clarity is finally delivered. Given the scale of the legislative failure and the real-world consequences for businesses across Scotland, it is essential that we fully understand how the situation happened.

Amendment 13 would ask the Auditor General for Scotland—the head of an independent and respected body in Scotland—to conduct an independent review. We now know that officials identified the defect long before ministers acted. That, in turn, raises serious questions about internal controls and communication within the Government.

Only an external authoritative review can provide the clarity and accountability that people deserve in the circumstances. If ministers want to rebuild trust, they should welcome independent scrutiny. Therefore, I hope that they will support my amendment 13 and allow the Auditor General to shine a light on what went wrong, so that lessons can be learned and the mistake is not repeated.

We will support Douglas Ross's amendment 20, because it is vital that the statement on the bill's introduction takes effect before the provisions in the rest of the bill are commenced. That is a sensible step that would guarantee the Parliament the full facts up front rather than after the legislation is in force.

We will also support Douglas Ross's amendment 21, which would rightly prevent ministers from commencing the rest of the bill's provisions until they had made a full and transparent statement about how the error arose. That would ensure that accountability came before implementation, not after it.

I move amendment 7.

**Stephen Kerr:** My colleague Craig Hoy is absolutely right about the need for lessons to be learned. One of my abiding memories of my time in the Scottish Parliament will be hearing a former First Minister constantly repeating the refrain “I will take no lessons from”. Unfortunately, that could almost be the strapline of the SNP Government, because, as I said in my previous remarks, it is not prepared to exercise some plain humility and accept that there are lessons to be learned. [Laughter.] SNP members think that it is funny that

they passed flawed legislation. I do not think that it is funny at all.

**John Mason:** Does Stephen Kerr accept that every Government makes mistakes and that we should not be making a mountain out of a molehill? Yesterday, the Office for Budget Responsibility leaked the budget before it was given, so Westminster makes mistakes, too.

**Stephen Kerr:** It is news to me that the OBR is part of the executive at Westminster. Sure, Governments make mistakes, but Governments that are grown up and mature fess up. This is not a Government that fesses up. [Interruption.]

**The Convener:** Let us hear one another.

**Stephen Kerr:** It is a Government whose instincts are, sadly—in the minds of many members and people outside the Parliament—to reach for a cover-up and perpetuate a secret Scotland that the public are to know nothing about.

Amendment 8 asks for something that should never have required an amendment—it asks ministers to provide the Parliament with a clear, factual and comprehensive account of how such a serious error occurred. The error is not minor, by the way. John Mason referred to a “molehill”. It is not a molehill; it is a major flaw in a critical piece of legislation. Businesses depend on clarity on such matters, and local authorities require clarity when carrying out their legal requirements, but they do not have it, so it is not a molehill.

Amendment 8 asks ministers to account to the Parliament for what happened. That is a basic expectation for any Executive. I remind John Mason and SNP back benchers who sit and chunter through our speeches that our first duty as parliamentarians is to hold the Government to account. Our job is to make the Government honest by shining a clear light of accountability on it. I do not know why some members, particularly members of the SNP, think we are here if it is not to do something as basic as that.

I have been pulled up about amendment 8, but it is quite generous because it says that,

“within 3 months of Royal Assent”,

ministers must

“publish and lay before the Scottish Parliament a report on the circumstances”

that led to the bill. Other colleagues have higher standards when it comes to what they expect from the Government, and I bow to their experience in such matters.

Let us be clear about the context behind amendment 8. For more than two years, ministers did not realise the consequences of their own drafting. When the error was finally identified, did

they deal with the issue “at pace”? That is another of the SNP’s favourite phrases. No one of any kind of reasonable disposition would say that they rushed to bring the bill to the Parliament, because they did not immediately disclose the error. They did not divulge it. They did not notify the Parliament. They did not alert those who were affected. As I said, they chose their favourite device—silence. That concealment was a conscious decision, not an accident. That is why the Conservatives have brought up these issues time and again and will continue to do so, particularly in this group of amendments.

The consequences of that decision are measured not in inconvenience or administrative delay but in hundreds of millions of pounds of potential public exposure. To carry public risk of that scale and deliberately fail to inform the Parliament is a breach of the most basic principles of responsible government. This is not a “molehill” or a minor defect at the margins of legislation; it is a failure at the core of good government. It reveals carelessness and incompetence in drafting and scrutiny, which should be alarming to the Administration and to us, as members of Parliament.

This is a direct consequence of ministers who have a track record in legislating for headlines, not outcomes. Some phrases come easily to SNP ministers, but the idea of outcomes being derived from the things that they do as a Government is a foreign concept to them, because I am afraid that they often legislate for theatre, not for the real world.

Amendment 8 would call time on that culture. It would require ministers to account for themselves on the record in a way that could not be evaded or spun by the hundreds of spin doctors that they regularly employ to create the confusion and uncertainty of mixed messaging. Amendment 8 would force them to set out the full timeline of what they knew, when they knew it and what they did with that knowledge. It would compel clarity about the delays, the silence and the decisions that led to the so-called emergency legislation. I think that we are all aware that there are still questions about the bill and this Parliament’s competence on the matter. There has been virtually no scrutiny and, not for the first time, utter disregard for the authority of this Parliament.

It is a straightforward principle that, when ministers make a mistake of this magnitude, they must face the consequences. They must account for it. Despite what SNP members will, no doubt, be saying as they chunter away in the background during our speeches, this is not about partisan advantage. It is about our fulfilling our duty and responsibility as parliamentarians. It is about the relationship between this Parliament and the

Executive. The problem with the SNP is that too many of its back benchers think that they are there simply to support the Executive without question. Without the structures of the constitutional arrangement, with the Parliament functioning as a means to hold the Government to account and keep it honest, accountability collapses. When accountability collapses, public trust collapses with it. That is what the SNP Government is suffering from—a collapse of public trust.

Amendment 8 would restore the basic discipline that the Government has abandoned. It would give the Parliament the information that it needed to ensure that such a failure could never occur again, and it would make it clear that ministers could not simply legislate their way out of embarrassment, particularly on an emergency basis, without answering for the choices that brought us here. I urge members to support amendment 8.

14:45

**Douglas Ross (Highlands and Islands) (Con):**

The amendments that I have lodged in this group are on issues that I have been raising for the past two days, and I will repeat them today. They are about transparency. Some members think that this is a small issue, but we believe that it is a big issue, because we are speaking about £350 million of taxpayers’ money. There is an issue. A flaw in the legislation was identified and the Government has gone through the process to bring us to the stage that we are at today, where we are speaking on amendments to this bill, which will potentially be passed later.

On the very first day that we discussed this—Tuesday—I asked the Minister for Parliamentary Business and Veterans whether the Government would release information on the bill, to be wholly transparent. His response at the time was that the Government would consider doing that. However, we do not have long to consider that information, because the bill is now before us.

During yesterday’s stage 1 debate, the Minister for Public Finance, Ivan McKee, was asked by Pam Duncan-Glancy whether the Government would be transparent by publishing all the details surrounding what went wrong, when it knew about it, how it knew about it and who it discussed it with. The minister was relatively positive, which is why I am hopeful that the Government will support amendments 11 and 12 and consequential amendments 20 and 21, in my name. That is all that I am asking for, really.

We have had a robust debate already, and members are on opposing sides. Some think that we should just nod the bill through without any amendments and correct the failure in the Government’s legislation. However, I do not think

that that is enough. We have to know why things went wrong, why an error of that scale occurred and why it has taken us so long to get to this stage.

Amendment 11 is on the discussions between the Government, COSLA—the representative body of all 32 local authorities—and individual local authorities. We found out yesterday that one local authority notified the Government of an issue on 23 June this year. Yesterday, the minister could not name that authority—I am not sure whether that is still the position. If that is the position, there might be good reasons for it, but we need to know whether the Government then went to the other 31 local authorities and said, “This issue has been raised with us. We’re worried about it and we might need to bring emergency legislation into the Scottish Parliament, so tell us what you’ve discovered in your local authority about the implementation of the bill and collecting revenue from businesses.”

I am also asking for evidence of any discussions with owners of unoccupied properties who are paying non-domestic rates. Was the Government alerted to the error in some way by others, either indirectly through local authorities or directly by businesses?

There is no doubt that NDR is not a popular tax. There was significant opposition to it. As we heard from my colleagues Murdo Fraser and Craig Hoy during the stage 1 debate yesterday, some businesses have not been happy about paying the tax and will be looking at legal challenge to the bill. As I explained to Michelle Thomson yesterday, the legal challenge has been aided by the Government’s own policy memorandum to the bill, which states that it is potentially not compliant with the European convention on human rights.

In subsection (3) of the proposed section in amendment 11, I ask for the Government’s briefings, because we know from the letter that was released by the Minister for Parliamentary Business and Veterans yesterday that officials took a couple of months to look into the issue. I still cannot understand why, when there was an issue of such scale—the Government was worried about losing £350 million—officials took from 23 June to 13 August to decide that something had to be done about it. That seems an awfully long time. What was the correspondence between the Government and officials at that point? Did officials hold up their hands and say, “Look, we’ve made a mistake here”? We do not know. We do not know any of the details. We do not know whether there will be further advice to officials to ensure that future legislation, in a similar vein or completely different, will not fall down in the same way.

**Martin Whitfield (South Scotland) (Lab):** Douglas Ross is absolutely right to pursue a full, proper and transparent explanation of how we have got to this stage. My concern is whether we want to extend the legislation to seek a narrative by way of explanation instead of allowing statutes to do what they do, which is, in effect, to create and impose rules moving forward. If Mr Ross had another vehicle through which to achieve his end of full transparency and an explanation, would he have needed to pursue the amendments? Or would he have taken that alternative route if it was available?

**Douglas Ross:** I would absolutely have taken that alternative route. [*Interruption.*] My colleague Stephen Kerr does not think that that route is available, but let me tell him that it is.

If the minister, in summing up on this group, gives an assurance to this Parliament and says, “Douglas Ross, you have convinced me”—I find that highly unlikely, but if he does—and if the Government will provide the information, I give an assurance to the minister that I will withdraw all four of my amendments—[*Interruption.*] I will. I am genuinely making that offer.

Martin Whitfield has raised a fair point. It may be that the explanation should not be in legislation, but I was glad that the convener, in her role as Presiding Officer, allowed my amendments today, because they are unusual. However, the bill is unusual, because it is fixing a problem. It is doing so in an expedited way, which is why we have to look at alternative methods. However, there is an alternative method, if the minister takes it.

**Martin Whitfield:** Does Douglas Ross agree that, notwithstanding what happens to the amendment, the requirement for an explanation, transparency and publication of how we arrived at this point will continue?

**Douglas Ross:** It absolutely will. I hope that colleagues know me well enough to know that I will not let this go. Again, the matter will be resolved if the Government provides all the information. Yesterday, the Minister for Public Finance said to Pam Duncan-Glancy that the Government would be transparent and release information. The Minister for Parliamentary Business and Veterans said the same on Tuesday. I am not asking the Government to do anything more than it has already roughly committed to. The Government says that it will be transparent on the legislation.

The purpose of subsection (3)(c) in the proposed section in amendment 11 is to make it clear which ministers knew about the issue, and when. I believe that Ben Macpherson, who has returned to Government, was the minister who took the Non-Domestic Rates (Scotland) Bill

through—that is my understanding; I am sorry if that is incorrect—and Kate Forbes was the minister who lodged amendments at stage 2. The First Minister was here—I see that he has left. When did the First Minister know about it? When did the minister who is now taking this bill through know about it? When did the Minister for Parliamentary Business and Veterans know about it? I am asking for a simple list—for example: “Ivan McKee was told on this date.” Kate Forbes had to be informed, because it was legislation that she was taking through before she became Deputy First Minister. It would be handy to know that, and there is no real problem with that being made public.

I had no intention of lodging amendment 12 until yesterday afternoon, when an email pinged into my inbox to say that Graeme Dey had got it wrong in the chamber. His response to me in an intervention, when he said that the Government had first been made aware of the issue in August, was incorrect. The Government was first made aware of it on 23 June. The reason why I cannot let the matter go is that the August date was not mentioned only on one occasion, by Graeme Dey; the August date was given to Opposition parties when there were discussions and briefings about the need for the legislation.

I will give way to the minister, because I think that he was involved, as the minister who is now taking the bill through. Is it correct that Opposition parties were told that it was August when the Government was informed? That was clearly not the case, because the Government knew about it when it dropped on 23 June.

**Ivan McKee:** Just for clarification, ministers were informed on 21 August. We have subsequently discovered that the inquiry had been in the system with officials since June, as was highlighted yesterday. However, ministers were informed on 21 August. In the conversation that we had with business managers a few days ago, when we were putting together the timetable for the bill, we were asked when we had been informed. Mr Dey and I were both informed about it in the latter part of August.

**Douglas Ross:** That is very different. As I understand it, the discussion with Opposition parties was about when the Government had been made aware of it, and the Government became aware of it when Government officials were told about it. Therefore, I have concerns that briefings to Opposition parties and, potentially, the Presiding Officer were based on an incorrect date. What else is incorrect?

There is also a point about officials being notified. The minister has used interesting language, so I will give way to him again. He said that ministers “subsequently” found out about it.

When did the minister find out that the date was actually 23 June?

**Ivan McKee:** Very recently.

**Douglas Ross:** Wow. That is worse.

We now know that Government ministers were told on 21 August. We are now in November, and they are finding out that their officials knew about the issue months beforehand. Basically, Ivan McKee’s admission, right now—

**Ivan McKee:** Will the member take an intervention?

**Douglas Ross:** I will, because this is important and I am keen to get the minister’s response.

The admission from Ivan McKee right now is that, when Government ministers found out about a flaw in the legislation that could cost the Government £350 million, not a single minister asked when officials had found out about it. Work by Scottish Government civil servants was going on for two months to find a solution to a problem that was potentially going to cost the Government £350 million and ministers did not know about it. Is that true?

**Ivan McKee:** I would like to make the member and the chamber aware that we have laid out the timeline of what happened and when with the Scottish Parliament information centre. All the information is available and has been published. The timeline is clear and is as we have articulated.

A council made an inquiry of Scottish Government officials about a query that it had. Government officials saw it as routine and did not realise the implications of it. They processed it through the normal processes over that period, and, in the middle of August—I think 13 August—they realised the potential implications of it and then informed ministers. There was then a period in which confirmation was required of legal sources, because we will not just jump into something without having a legal understanding of the implications. We had clarity on that in September, and we made a decision that the solution was to proceed with the bill. That is the timeline, which I explained yesterday. It has been laid out and has been published by SPICe, and I am happy to continue to explain it to Douglas Ross.

**Douglas Ross:** I do not need it to be explained to me; I have it printed in front of me, because the Minister for Parliamentary Business and Veterans had to write to me because of the answer that he gave in the chamber. The bit that I am finding more puzzling and more troubling is the minister’s most recent admission that Government ministers only recently became aware of the 23 June inquiry. Months later, that inquiry has led to the Parliament having to sit as a Committee of the

Whole Parliament to rush through emergency legislation to fix a problem that could potentially cost the taxpayer £350 million. This is why I believe that my amendments are important: in debating them, we have got a little bit more transparency.

The minister is shaking his head, so I will give way to him again. Can he tell us the date on which he found out that the Government had received an inquiry in June rather than, as was originally thought, in August?

**Ivan McKee:** It has all been laid out for Mr Ross, so I do not know why he keeps asking about it. I know that he enjoys digging around it, but the position about what happened and when it happened is all clearly laid out for him to read and understand.

**Douglas Ross:** It is not. The one thing that is not in the letter is when the Government became aware that the August date that it was told of by its officials was not the start of the process. We have now accepted, because the Minister for Parliamentary Business and Veterans has corrected the record, that the Scottish Government was first made aware on 23 June and ministers were told on 21 August. So, on 23 June, the Government received an issue; on 21 August, ministers knew about it. Then, in November, when preparing for the bill, ministers told Opposition parties and, potentially, the Presiding Officer that August was when they first became aware of the issue. However, during the course of the debate on my amendments, the minister has said that ministers became aware only very recently. What is the date on which ministers—very recently—became aware of the 23 June inquiry of the Scottish Government? That is what I am asking, minister.

**Ivan McKee:** As I said, it is in the timeline.

**Douglas Ross:** It is not in here.

**Ivan McKee:** The timeline is very clear about what happened and when. Ministers were informed of the issue on 21 August. The inquiry that was lodged in June was a query about a situation at a council. The implications of that, which led to our having to take the bill through, were not realised by Government officials until much later, when they processed that query and understood the implications. That took them quite some time. There was an understanding of what we are talking about today, and its implications became apparent, only later, when ministers were informed in August.

15:00

**Douglas Ross:** I know all of that. What I do not know is when ministers became aware that their

opinion, which they expressed to other political parties, that the issue was highlighted to the Government in August was, in fact, incorrect.

Someone has said to the Minister for Parliamentary Business and Veterans, "Mr Dey, you responded to the intervention from Mr Ross by saying August, but August is not the correct date." Is the Government now confirming that yesterday was the first time that it was made aware of the inquiry that was made of the Scottish Government on 23 June?

**Ivan McKee:** Yes, that is correct. As I made very clear to Mr Ross, when that inquiry was received, it was a query about a situation that a council wanted clarification on. Government officials worked through that and, when they realised the implications of it, which were not realised in June, they informed ministers of the situation.

**Douglas Ross:** We got there. It took a lot of teasing out from the minister, but we now have confirmation that, just yesterday, the Government found out that months of research had been done by its officials, dating back to 23 June.

That is troubling for me as a legislator who is being asked by the Government to trust it and to support its legislation, because even in the development of a piece of emergency legislation, the Government did not have all the details. Not just in the three-week period that it needed to notify the convener, in her role as Presiding Officer, and not just in the period when it was speaking about the issue with other parties, but right up to the point of the stage 1 debate, the Government did not know about it.

Government members on the back benches might now pause to think, "Is it right that it comes to the stage 1 debate before our ministers know the true timeframe of the issue?" I find that—

**Ivan McKee:** Will the member give way?

**Douglas Ross:** I was about to finish, but I will happily give way.

**Ivan McKee:** I do not know why Douglas Ross keeps digging this hole, because the reality is that, as I have explained clearly, the implications of the issue were realised only in August, and that is when ministers were informed. There was a dialogue with a council earlier about an issue that it was querying. The query came to the Scottish Government and it was treated as a routine query, because the implications of it were not realised. It was only when Government officials realised the implications of the issue that ministers were informed. That is why we are here today—to resolve the issue.

**Douglas Ross:** We are here today to solve a problem caused by the Government with its

legislation—and officials. I am sure that some officials will be holding up their hands and saying, “We didn’t do the right thing here.” That is why we have to get to the bottom of the advice that the Government is getting.

I am now more troubled, during the debate on my amendments, about the advice that the Government is getting, because it turns out that pretty crucial advice came in on the same day as the stage 1 debate. I hope that that reinforces the need for these amendments and for full transparency. If the Government has nothing to hide and there is nothing more to reveal about the process of the flawed legislation being identified, the matter coming to the Government, then coming to the chamber and then being rectified, there is no reason not to support the amendments.

The ministers, who are both on the front bench right now, have, over the past two days, promised openness and transparency. They can deliver that by supporting these amendments. If ministers want the issue to go away, it will go away by their being open and transparent and providing that information. I hope that they will support the amendments in my name.

**Richard Leonard (Central Scotland) (Lab):** I rise as a member of this Parliament but also as the convener of its Public Audit Committee. Mr Hoy is a former member of the Public Audit Committee, so he knows, and he should know, that it is not competent, it is not constitutional and it is not democratic for either Parliament or, worse, Government to instruct the Auditor General for Scotland to conduct a review. Look at the language in amendment 13. It states:

“The Auditor General must carry out a review”

and uses the language:

“The Auditor General must, within 12 months”.

No—that is not competent. We had it recently with Fergus Ewing, a former cabinet secretary, who called on the Scottish Government to instruct the Auditor General for Scotland to carry out an inquiry into the ScotWind licensing round. Now, he may do that, but we are on a very slippery slope if the Government or even Parliament tells the Auditor General what he can and cannot investigate and what he should or should not investigate. I think we need to vote down amendment 13, and it should not see the light of day again.

**The Convener:** I call the minister.

**Ivan McKee:** A number of issues have been raised, but I will start with the contribution from Richard Leonard, who put it better than I could with regard to the amendment calling for action on the part of the Auditor General. It is not the role of Government to require the Auditor General to do

specific work. Section 69(4) of the Scotland Act 1998 states:

“The Auditor General for Scotland shall not, in the exercise of any of his functions, be subject to the direction or control of any member of the Scottish Government or of the Parliament.”

It would therefore not be our place to force the Auditor General, who is independent of Government, to investigate the matter. Of course, he may choose to do so if he sees fit.

That issue speaks to the quality of the amendments that have been lodged by the Conservatives at this stage. As Richard Leonard clearly indicated, amendment 13 is very much not competent.

With regard to the other points that have been made, I have highlighted that the timeline of what happened has been lodged with SPICe, so that everyone is aware of that. The Government, of course, apologises for the situation that we are in. The issue with the legislation was missed by Scottish Government lawyers, by parliamentary lawyers, by councils, by experts in NDR legislation, by academics and by ratepayers. Of course, there was an issue with the legislation and there should not have been, but we must bear in mind the complexity of NDR legislation. Some of it dates from 1854, and the many acts and more than 150 SSIs that have been passed in the period since then are all relevant to the legislation that we are discussing. Work was done, but, unfortunately, that specific piece of 1956 legislation was not covered. We apologise for that.

On Douglas Ross’s offer not to move his amendments, as indicated yesterday, the Government is happy and content to be fully transparent about what happened with regard to the development of the situation over that period of time. As I said, ministers were first informed of the situation on 21 August. Given the legal checks that needed to be carried out in order to introduce the legislation, and given the implications of it not being passed in good order, the Government has moved at pace to ensure that all aspects of the issue are considered and that robust legislation is introduced.

To answer Douglas Ross’s question, I say that we are content to be fully transparent on the communications that happened around the legislation and the dates in that regard.

**Douglas Ross:** I am very pleased with the positive response from the minister. Can he go a little further and confirm that he will vote for amendments 11 and 12?

**Ivan McKee:** I must have misheard. I will check the record, because I thought that Douglas Ross said that he made an offer that we could not refuse, which was that, if we were able to commit

to being fully transparent, as we have been and were yesterday, he would not move amendments 11 and 12. However, as I said, maybe I misheard that.

**Douglas Ross:** Will the minister take an intervention?

**Kenneth Gibson (Cunninghame North) (SNP):** Oh, come on.

**Ivan McKee:** I will take the intervention.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** Get on with it.

**Douglas Ross:** Sorry, if members need to rush away home or something—[*Interruption.*]

**The Convener:** Let us hear Mr Ross.

**Douglas Ross:** Sorry, convener, I could not hear you.

**The Convener:** Do continue, Mr Ross.

**Douglas Ross:** I asked the minister whether he could give a commitment to publish all that information. Amendments 11 and 12 would commit the Government to publish that information the day after the bill is enacted. Is that the timeframe to which the minister is working? Will all of that information therefore be published tomorrow? If so, and if he can give that commitment, I will not move amendments 11 and 12. Alternatively, he could just support the amendments in my name.

**Ivan McKee:** That is really not what the member said. However, we will be fully transparent on the matter. I will not commit to doing that tomorrow, because we need to pull together quite a bit of documentation in that regard and make sure that we have released everything that is relevant. I am sure that, if there were only a partial release, the member would have something to say about that as well.

I will talk to the specific amendments. On amendment 7, it would not be appropriate to impose a timeframe within which ministers must notify Parliament if an error is noticed in the law, because without fully exploring any such error and considering solutions, any such requirement could cause the public purse expense and create unnecessary disruption. Such issues have to be treated on a case-by-case basis.

I have already spoken to amendments 11 to 13. The points that Martin Whitfield made in that regard are pertinent, and I thank him for those. Although Douglas Ross is rightly interested, as are members more generally, in understanding the timeline and what happened when, legislation is not the correct vehicle for making provision in that respect. Therefore, I ask members to resist all the amendments in the group.

**The Convener:** I invite Craig Hoy to wind up and to press or withdraw amendment 7.

**Craig Hoy:** Mr Ross is absolutely right: this is a question of transparency and accountability, and of ensuring that the Parliament does not pass deficient or incompetent legislation. On that basis, I take on board what has been said by the convener of the Public Audit Committee and will not seek to move amendment 13. However, I will seek to rephrase it at the next stage, when we will invite the Auditor General to carry out the important review for which the amendment would provide.

This shows why legislation should not be made in haste or at speed. Perhaps ministers could learn a lesson from this very quick climbdown.

**Ivan McKee:** That issue was raised yesterday. On one hand, Conservative members intervene to tell us that we should have moved faster and ask why it took so long to do things, and, on the other, they complain because we are moving at pace. I wish that they would get their story straight.

**Craig Hoy:** No—the issue here is about using an emergency procedure for something that the minister's officials have known about since June. This is not an emergency. The Government has chosen to use the mechanism of an emergency bill in order to try to cover its tracks.

I will not move amendment 13, which I hope that the Presiding Officer will allow us to rephrase at stage 3, but I will press amendment 7.

**Stephen Kerr:** On a point of order, convener. I might have missed this—I do not think that I did—but I do not think that the minister addressed amendment 8. Can I assume that that means that he will support amendment 8?

**The Convener:** That is obviously not a point of order. I do not know whether the minister wishes to respond.

**Ivan McKee:** I have already said that we urge members to resist all the amendments in the group, including amendment 8.

**The Convener:** The question is, that amendment 7 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Ind)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 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) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 25, Against 85, Abstentions 0.

*Amendment 7 disagreed to.*

*Amendment 8 moved—[Stephen Kerr].*

**The Convener:** The question is, that amendment 8 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Balfour, Jeremy (Lothian) (Ind)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)

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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)

McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskill, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

*Amendment 8 disagreed to.*

15:15

**The Convener:** We move to the next group, which is entitled "Reporting on impact on rate payers and unoccupied properties etc". Amendment 9, in the name of Stephen Kerr, is grouped with amendment 10.

**Stephen Kerr:** I suspect that I was right in saying that the only way that we are going to get the transparency that we are looking for is if it is in the bill.

I have two amendments in this group. Together, they speak to the most basic requirements of making good law, which are providing accurate information and having an accountable Government.

Amendment 9 would require ministers, within three months of royal assent, to lay before the Parliament a statement

"setting out ... the number of unoccupied lands and heritages on which non-domestic rates were levied, ... the total amount ... levied ... the number and value of enforcement surcharges levied, the number and value of sheriff officer fees"

charged and

"the number and value of ... refunds made".

In the context of where we are, those are not academic details; they go to the very heart of the financial consequences of the Government's mistake. Without that information, the Parliament is being asked—not for the first time—to legislate blind.

Let us be plain about why such an audit is essential. It is because the Government has a lamentable record of hiding, delaying and obstructing information whenever its own competence is in question. We have seen examples of that this afternoon. Amendment 9 is essential because the Parliament cannot rely on ministers to provide the clarity that we need to do our jobs unless they are compelled to do so. That is why I said, from a sedentary position, during the debate on the previous group of amendments, that putting those things on the face of the bill—*[Interruption.]* I am sorry to keep awake the member who is struggling and yawning; that is how the SNP approaches all of this. *[Interruption.]* They can mutter away all they like.

**The Convener:** Do continue, Mr Kerr.

**Stephen Kerr:** Amendment 9 is essential because the very existence of the bill is evidence of a pattern in which transparency is treated not as a duty but as an inconvenience. No responsible Government would expect the Parliament to accept retrospective legislation with a financial exposure running to hundreds of millions of pounds without full disclosure of who is affected, to what extent and at what cost, yet that is exactly what this Government expects.

Perhaps the Government could do with a dose of curiosity. It wants the Parliament to fix its mistake quickly, without too much scrutiny and with not many questions being asked—in fact, as few as possible—but we need to know the cost. We have to count the cost and know who has suffered the consequences. That is a requirement of transparent Government. This is not a competent Government.

Amendment 10 is equally important because it would require ministers, within 12 months of the act coming into force, to report back to the Parliament on how the act has operated in practice. Again, the information required would include

“the number of unoccupied lands and heritages”  
that have been affected,  
“the financial impact ... on the non-domestic rates pool”,  
the implications for local authority relief schemes and any unintended consequences that have arisen. I argue that that would not be burdensome or radical; it reflects the minimum standard of responsible law making.

**Martin Whitfield:** The responsibility and the fault absolutely lie with the Scottish Government. Interestingly, however, in respect of amendment 10, what lessons does the member think that the Parliament needs to learn about observation, consideration and the time that is given for analysing bills?

**Stephen Kerr:** I think that Martin Whitfield, knowing the answer to his own question, has answered his question through the way in which he asked it. The answer is that we should be taking time over these matters and maximising the power of scrutiny. We certainly have much to learn in respect of how finance is handled. That has been much debated in the chamber—interestingly, that has usually been on Thursday afternoons, when too few colleagues have been here to enjoy the debate and gather from it—*[Interruption.]*

**The Convener:** Let us hear Mr Kerr. Do continue, Mr Kerr.

**Stephen Kerr:** I know that listening is not a strong feature of SNP members, but I was referring to the many debates that we have had on Thursday afternoons in which we have been considering the effective working of our Parliament, particularly in relation to committee structures, how committees operate and how legislation is handled. An inquiry was recently held, I believe by the Finance and Public Administration Committee, on the nature of our finance bills, which threw up some very interesting evidence.

There are great and important lessons to be learned by this Parliament on how we balance our responsibilities, including when it comes to SNP back benchers' loyalty to their front bench, which I respect, and their supporting of the advance of good governance by holding the Government to a standard and holding it to account. To answer Martin Whitfield's question, I think that that is exactly what we take from this as a Parliament.

**John Mason:** Does the member accept that the committees and the Parliament could have spent three, four or five times as long on the original bill but still not spotted the very technical and legal issue that we are addressing now?

**Stephen Kerr:** It is all about how we arm our committees to scrutinise the legislation. If John Mason believes that we are not doing an adequate job on that—that is one of the lessons of this debate—we should be discussing, across parties and in a non-partisan way, how we make the Parliament and its committees more powerful. We should all have an interest in doing that.

I return to amendment 10, as I am sure that you would like me to do, convener. I think that it is particularly necessary, because the bill is retrospective, complex—which is the point that

John Mason has just made to me—and constitutionally sensitive; we have already discussed, and I am sure that we will return to, the implications of the Scotland Act 1998 for Parliament's competence to do what we are doing this afternoon.

The measure at issue alters tax liabilities for a period that has already passed. It affects businesses that have acted in good faith. It touches on local authority finances and exposes the public purse to potential liability on an extraordinary scale—it is more mountain than molehill. When the Parliament legislates retrospectively, it must also scrutinise retrospectively and learn the lessons. There are lessons on offer, as Martin Whitfield has indicated, and we should be willing to take them on board and to take the time that is necessary to properly absorb those lessons, because our first duty as a Parliament is to protect and stand up for the public interest.

It is important that we remember how and why we got here this afternoon, and why ministers need to be held to account for how they conducted themselves in relation to the measure and to the corrective instrument that they have brought before us.

Given the history of the SNP in government, it would be reckless for the Parliament to grant ministers that level of retrospective authority without requiring structured follow-up. That is what amendment 10 is all about. It would create the discipline that is necessary. It would force ministers to account for financial consequences and the effects on ratepayers, businesses and councils. It would also force them to identify unintended consequences so that the Parliament could act.

I do not think that a one-year review would be punitive. It would be a safeguard that preserved the parliamentary control and scrutiny that we are speaking about and would ensure that ministers remained accountable for the operation of the law that they are asking us to pass, and that the failures that brought us to this point could not repeat themselves, unexamined and unreported.

If ministers believe that their explanations for all of that are credible—an idea that has been exposed today by my friend Douglas Ross talking about the timelines involved—they should actually welcome having that level of scrutiny in the bill. They should see it as a commitment to transparency and accountable Government and as a way of maintaining or, I would argue, restoring public trust in how we conduct our affairs in this place. They should welcome the opportunity to demonstrate their commitment to transparency and accountability. If ministers believe that the extraordinary retrospective powers that they seek

are justified, they should be willing to account openly for the consequences.

For all those reasons, I urge Parliament to support amendments 9 and 10.

I move amendment 9.

**Ivan McKee:** On the point about the so-called rushing of legislation, the member no doubt knows that the bill that led to the original legislation took seven months from introduction to passing stage 3, so I would argue that plenty of time was allowed for the bill and for consideration of the other issues.

Amendment 9 would require ministers to report on the number of unoccupied properties on which non-domestic rates are levied, which would require local authorities to visit up to 250,000 properties to check whether they were, indeed, unoccupied. That is not a realistic administrative burden, and I am surprised that Mr Kerr has lodged such an amendment when he is usually an advocate of having a lean, streamlined, focused Government that is conscious of administrative and bureaucratic burdens. That burden is not a realistic one to put on councils, so I urge members not to agree to amendment 9.

Amendment 10, which would require ministers to

“undertake a review of the operation of the Act”,

does not seem necessary. We keep all our non-domestic rates policies under review. Furthermore, subsection (3) of the section that amendment 10 seeks to insert could not be complied with without a huge administrative cost to local government, for which it simply is not resourced. We would not allocate resources to such a task because it would not, to my mind, deliver value for taxpayers' money.

On that basis, I urge members not to support amendments 9 and 10.

**Stephen Kerr:** I am not entirely surprised by Ivan McKee's response, although I think it is wrong for him to say that my amendments are not necessary. We spoke earlier about post-legislative scrutiny. One aspect that is supposed to set this Parliament apart is our commitment to post-legislative scrutiny, but not much of that is done.

**Ivan McKee:** Has the member done any assessment of how much resource councils would require to be able to assess the status of those 250,000 properties?

**Stephen Kerr:** We would like to have had longer in order to take a more considered approach to the bill. On that basis, we might have been able to consult more widely, gather more information and give ourselves a broader look at

an issue that clearly requires post-legislative scrutiny.

When we talk about retrospective legislation, as we are doing today, we should surely build in the additional particular safeguards that are in amendment 10.

I appeal to colleagues across the chamber, in the sense that it is our responsibility, as the Parliament, to hold the Government to account. Given the current Government's record in office, surely it is in the interest of SNP members in particular to want to see their Government's performance—poor as it is—improve. I double-underline that the bill is retrospective legislation, so surely it merits special consideration in a post-legislative scrutiny sense.

Amendment 10 is not particularly burdensome, and together with amendment 9 it would provide for a bare minimum of accountability. If ministers are confident in their handling of this matter, they would surely welcome a fresh look at it 12 months down the line. However, unfortunately, as is the pattern and expectation—as I said earlier, I am not surprised by the minister's response—they resist transparency. In my view, that only underlines how much my amendments 9 and 10 are required.

I press amendment 9.

15:30

**The Convener:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

The vote is closed.

**Beatrice Wishart (Shetland Islands) (LD):** On a point of order, convener. I have a technical problem with the voting app. I would have voted no.

**The Convener:** Thank you, Ms Wishart. We will ensure that that is recorded.

**For**

Balfour, Jeremy (Lothian) (Ind)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
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 Dey, Graeme (Angus South) (SNP)  
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 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) Proxy vote cast by Ross Greer  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) Proxy vote cast by Michael Marra  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) Proxy vote cast by Lorna Slater  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) Proxy vote cast by Fulton MacGregor  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Convener:** The result of the division is: For 25, Against 85, Abstentions 0.

*Amendment 9 disagreed to.*

*Amendment 10 moved—[Stephen Kerr].*

**The Convener:** The question is, that amendment 10 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Balfour, Jeremy (Lothian) (Ind)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) Proxy vote cast by Ross Greer  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) Proxy vote cast by Michael Marra  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) Proxy vote cast by Lorna Slater

Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) Proxy vote cast by Fulton MacGregor  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 25, Against 84, Abstentions 0.

*Amendment 10 disagreed to.*

*Amendment 11 moved—[Douglas Ross].*

**The Presiding Officer:** The question is, that amendment 11 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Ind)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 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)  
 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)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) Proxy vote cast by Ross Greer  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) Proxy vote cast by Michael Marra  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskill, Mark (Mid Scotland and Fife) (Green) Proxy vote cast by Lorna Slater  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) Proxy vote cast by Fulton MacGregor  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 25, Against 85, Abstentions 0.

*Amendment 11 disagreed to.*

*Amendment 12 moved—[Douglas Ross].*

**The Presiding Officer:** The question is, that amendment 12 be agreed to. Are we agreed?

**Members:** No.

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

**For**

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) Proxy vote cast by Ross Greer  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) Proxy vote cast by Michael Marra  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskill, Mark (Mid Scotland and Fife) (Green) Proxy vote cast by Lorna Slater  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) Proxy vote cast by Fulton MacGregor  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Wishart, Beatrice (Shetland Islands) (LD)  
Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 25, Against 85, Abstentions 0.

*Amendment 12 disagreed to.*

*Amendment 13 not moved.*

## Before section 2

**The Convener:** We move to the next group, which is entitled "Statement on compatibility with Scotland Act". Amendment 14, in the name of Stephen Kerr, is the only amendment in the group.

**Stephen Kerr:** I do not intend to try to emulate the remarks made to the chamber yesterday evening by my learned friend Murdo Fraser, who set out clearly the concerns of some members and some people outside the chamber about the Parliament's competence to legislate in an area that might come into direct contravention with the provisions of the Scotland Act 1998.

Amendment 14 asks ministers—and it is a simple ask—to do something that a responsible Government should regard as a first obligation, especially given the speed at which we are now considering this particular instrument. The amendment would require the Scottish Government to set out clearly and transparently its assessment of this legislation's compatibility with the 1998 act. It would require the Government to do something that no Government particularly likes to do but is occasionally required to do—indeed, there is precedent in this and other Parliaments—for the purposes of scrutiny, transparency and accountability: that is, make such legal advice known to the Parliament.

**Martin Whitfield:** As articulated, Stephen Kerr's amendment merely seems to seek a statement. However, in the submission that you have just made, you are suggesting that there would have to be additional evidence behind that statement. What do you think the force would be if the Scottish Government simply said that the legislation complied with the 1998 act?

**The Deputy Convener (Liam McArthur):** Speak through the chair, please.

**Stephen Kerr:** I am addressing the issue in the context of the additional information that would clarify the situation—namely, the legal advice. However, Martin Whitfield is right that the amendment calls for a statement.

Under my amendment 14, the Government should be prepared to make such a statement once some time has passed and there has been consideration by the Scottish Government and the wider judicial system. I do not think that there is anything intrusive or burdensome about what I am

seeking; it is in response to the genuinely and thoroughly argued position that Murdo Fraser presented to the Parliament last night.

We are talking about matters that relate to the statutory limits of devolved competence. As a devolved Parliament, we are—rightly—required to operate within, and comply with, the conditions that define and constrain that devolved power, which are laid out in the 1998 act. In recent years, there have been repeated examples of legislation being introduced without proper regard for those limits. Sometimes, those pieces of legislation have been a performative act on the part of this Government in order to create constitutional rammies.

The 1998 act is not an optional reference text—it is the legal foundation on which this Parliament rests. It defines what we do and, just as important, what we cannot do. In respect of the competence of the Parliament, the act is very clear.

So, when ministers introduce legislation that pushes at the boundaries of that constitutional propriety, or which breaches them—as we have seen with the SNP Government time and again—the costs, which run into the tens if not hundreds of millions of pounds, inevitably fall on the public. In this case, they fall on councils and businesses. They have an undermining effect on this Parliament's authority; indeed, the Parliament has a reputation, particularly in the past few years, for passing flawed legislation.

We have to live with the consequences of the decisions that we are making now, and which we have made in relation to other bills. We have seen bills and acts of this Parliament struck down by the courts. We have seen legislation delayed, redrafted or sometimes completely abandoned by ministers who—in my view and, I am sure, in the view of others—have been motivated more by political grievance than by good governance and who have often been prepared to stand up, stare in the face of legal reality and deny its existence. We have seen the Government treat those statutory limits exactly how it treats every other safeguard on its power—that is, without seriousness.

It brings us back to the discussion about the power of this Parliament to hold the executive to account. Without any parliamentary discipline to speak of, the Government will inevitably breach the respect that should exist between the executive and the Parliament.

Amendment 14 insists on a different standard. When, as in this instance, ministers legislate retrospectively, and when they interact with the complexities and technical aspects of the issues that we are discussing, it has in the minds of many—including Murdo Fraser, who said as much

yesterday evening—an impact on section 29 of the 1998 act, and it is important that the Government responds to those concerns. That is not a burden; it is a safeguard, and it is necessary, because the Government's track record shows that it cannot be relied on to observe those safeguards voluntarily in the use of its own powers.

15:45

The amendment is not ideological in any way. It is a constitutional amendment. It strengthens Parliament's hand. That is exactly what we are here to do in holding the executive to account. It improves scrutiny, and it protects the integrity of devolution. [Interruption.] Someone is laughing at the idea of protecting the integrity of devolution, but it is an important part of what we do, because it obliges ministers to take responsibility for the legal consequences of the choices that they make. In my view, that is the essence of good government.

Amendment 14 restores the basic discipline of constitutional responsibility. It is reasonable and proportionate in this case, because, in the opinion of some legal minds, we are dealing with retrospective legislation that bumps up against the interpretation of the 1998 act. I urge members to support it.

I move amendment 14.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I am not quite sure of the argument that Stephen Kerr is making. I am not quite sure whether it is an argument about the bill being emergency legislation, which is a question of process. I objected previously to certain legislation being treated as emergency legislation when I was convener of the Justice Committee.

I am also not sure whether his argument is about the bill's retrospectivity, which is rare but has happened in the Parliament before. Again, it is for committees and the Parliament to object to that.

I am concerned about the wording of Stephen Kerr's amendment, which says:

"The Scottish Ministers must, within 2 months of Royal Assent, publish and lay before the Scottish Parliament a statement setting out whether, in their opinion"—

that is, the Government's opinion—

"this Act is compatible with the Scotland Act 1998."

It is my understanding, convener—you are in that role just now rather than that of Presiding Officer—that it is for the Presiding Officer to determine whether a bill is within the legislative competence of the Parliament by issuing a certificate as to its competence or otherwise under

section 31 of the 1998 act. That is not a guarantee—as we know, it is not always guaranteed that even the best legislation in the world will not be open to challenge at some point—but it means that, when it is introduced, the bill already has a certificate from the Presiding Officer.

**Stephen Kerr:** The point of amendment 14 is that, as I hope Ms Grahame accepts, there is some question whether the bill is compatible with the 1998 act. That question is not necessarily in the minds of parliamentary authorities—I am not disputing their judgment on the matter—but outside the Parliament, and perhaps among some of the legal minds in it, there are concerns that this piece of retrospective legislation is contrary to the 1998 act.

**Christine Grahame:** As I have already said, this is not the first piece of retrospective legislation that we have had in the Parliament, and that previous legislation was not challenged.

The point that I am making is that Mr Kerr is challenging the Presiding Officer's role. It is for the Presiding Officer to decide whether a bill as introduced is within the legislative competence of section 31 of the 1998 act. I would rather that the Presiding Officer made those judgments than a Government, because the Presiding Officer is objective and does it on behalf of the Parliament and its reputation. I would not want to find a Government of whatever hue making those decisions on my behalf.

I am taken aback that the amendment is even competent. However, I did not choose the amendments, as we know. In this process, it is the Presiding Officers who decide whether amendments are competent, so I am arguing with amendment 14 as lodged. I cannot see any advantage in supplanting the role of the Presiding Officer with a Government of whatever political hue.

**Ivan McKee:** There is not much more that I need to say, following Christine Grahame's comments.

Amendment 14 would require Scottish ministers, within two months of royal assent, to publish and lay before the Scottish Parliament a statement setting out whether, in their opinion, the act is compatible with the Scotland Act 1998. The amendment is, of course, unnecessary. In introducing the bill, the Scottish Government made it clear that it considers the bill to be compatible with the 1998 act. An additional requirement for a statement after royal assent would add nothing to the processes that are already set out in that act and standing orders.

When introduced, all bills must be accompanied by a written statement signed by the Presiding

Officer that indicates whether, in their view, the bill's provisions are within the legislative competence of the Parliament. All bills are also accompanied by a written statement signed by the member introducing the bill that states that, in their view, the bill's provisions are within the legislative competence of the Parliament. That statement is cleared by Scottish law officers. The 1998 act also provides for the UK or Scottish law officers, within four weeks of the passing of a bill, to refer that bill to the Supreme Court if they have any concerns or questions about its legislative competence.

Accordingly, there has already been and will be extensive and careful consideration of the legislative competence of the bill and its compatibility with the 1998 act, including consideration of its ECHR compatibility.

**Martin Whitfield:** The minister and Christine Grahame have articulated very accurately why the Parliament places its trust in the Presiding Officer in respect of the 1998 act. However, on a slightly different point, does the minister agree that there is an obligation on the Scottish Government in that, if it becomes apparent after legislation has been passed that something in it is in dispute with that act, ministers would have to act on that? They could not stay silent on it.

**Ivan McKee:** I think that that would be the case.

It is ironic that an amendment that talks about compliance with the 1998 act cuts across the provisions in that act with regard to the process that I have just outlined. Accordingly, I urge members to resist amendment 14.

**Stephen Kerr:** I think that my point has been made in the exchange between Martin Whitfield and Ivan McKee. All that amendment 14 says is that we are baking into the bill scrutiny of the compatibility of the legislation post its royal assent. I cannot see what there is to object to. I do not really understand the points that Christine Grahame made.

I am not challenging whether the minister or indeed the Presiding Officer considers that the bill is compatible with the Scotland Act 1998. I am sure that they do consider that. I am not asking them to justify that at this point, but I am bringing to their attention something that I feel that the minister is only too well aware of, which is that there will be people outside the Parliament who will, at this very moment, be challenging the legitimacy and competency of the Parliament passing this particular piece of retrospective legislation.

All that I am trying to do—I hesitate to say this, because I know what the response of some members in the chamber will be—is to be helpful by saying, "Here is the legislation that we are considering, and here is the baking in of us doing

post-legislative scrutiny in the way that we say that we should do it in this place."

**Alex Rowley (Mid Scotland and Fife) (Lab):** Will the member take an intervention?

**Keith Brown:** Will the member take an intervention?

**Stephen Kerr:** I will take Alex Rowley's intervention first, and then Keith Brown's.

**Alex Rowley:** When a bill is passed, somebody could challenge it from outside but, as a member of this Parliament, I have always tended to think that, when the Presiding Officer says that it is legally competent, they must have taken legal advice, with the support being in place for them to do that. We seem to be running round in circles here. It may be that somebody who does not like a piece of legislation will challenge it, but our job is to take the advice that we get, and if we are told that a bill is legally competent, we would surely proceed on that basis.

I hope that, once the amendment is rejected, it will not be brought back at stage 3.

**Stephen Kerr:** I give way to Keith Brown.

**Keith Brown:** Will the member confirm his position, having had explained to him by Christine Grahame the fundamental tenet of this Parliament that the Presiding Officer and not the Government of the day decides whether something is compliant with the Scotland Act 1998? He should not have had to have that explained to him. It is a fundamental thing. You have been here for four years. You should know this stuff. Having had it explained to you by other members, do you still intend to try to effect a major change by transferring the power to the Government of the day from the Presiding Officer? Is that really your intention?

**The Deputy Convener:** Always speak through the chair.

**Stephen Kerr:** That was highly performative, frankly. [Interruption.] Well, it was. A lot of what he said—"Have you not been here for four and a half years? Do you not know this stuff?"—was uncalled for.

The point is that we say that a hallmark of the Parliament is attention to post-legislative scrutiny, but we are not very good at it—we are not very good at it at all. Therefore, by lodging an amendment to what could potentially be a legally contentious piece of legislation, I am trying to be helpful by saying, "Let us look at this two months down the line, in the light of what transpires." I do not think that that is very controversial.

**Christine Grahame:** The member must not become more confused by talking about post-legislative scrutiny. That is not what this is about.

This is about whether something is legislatively competent.

Let me take the member right back. When a bill is lodged, the certificate of competence comes from the Presiding Officer, and of course the bill can be amended at stage 2 and at stage 3. However, at stage 3, it is, again, up to the Presiding Officer to decide whether any proposed amendments are within the ambit of the bill. If they are not, they are not competent, so they are not lodged. When an amendment is lodged at stage 3, we are in the hands of the Presiding Officer and not a political Government, thankfully.

**Stephen Kerr:** I was not saying anything about any of that stuff. A straw man argument is being built. I am talking about building into the legislation an additional step as a safeguard by expecting the Government to do its work and come back to the chamber. We should have a commitment to post-legislative scrutiny. We say that we do it, but we are not very good at it; I am pretty sure about that. However, I am not suggesting that we bypass the Presiding Officer.

By the way, to take the member's point on board, if that is what is being suggested, I do not think that amendment 14 would have got this far because it would have been ruled out of order. The amendment is in order; it has been selected and approved to be part of this afternoon's stage 2 debate.

As I said, my intention is to build in the scrutiny that this piece of legislation needs. It is not normal legislation. I think that we all understand that, right?

The intention of my amendment is to provide a baked-in, post-legislative look two months after the bill receives royal assent. I do not think that it is burdensome or unconstitutional. I do not think that any of the things that have been said about where it fits in are appropriate, because the amendment is here—it is on the page—and the Presiding Officer has approved it for debate.

I press amendment 14.

**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.

#### For

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)

Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 24, Against 85, Abstentions 0.

*Amendment 14 disagreed to.*

## Section 2—Ancillary provision

16:00

**The Deputy Convener:** We move to regulations under section 2. Amendment 15, in the name of Stephen Kerr, is grouped with amendments 16 to 18.

**Stephen Kerr:** This is my final contribution to stage 2 amendments. Amendments 15 and 16 give Parliament the option of imposing a time limit—a sunset clause—on the sweeping regulation-making power that ministers are seeking in the bill. Parliament should never hand ministers powers of the kind that are contained in section 2. Those powers allow ministers to reach back into previous financial years, rewrite the legal consequences of their own mistakes and modify primary legislation by regulation. If any Government is to be given powers of that exceptional scale, proper constitutional safeguards must follow as a matter of principle. That principle is simple. When Parliament grants exceptional

powers, it must also set clear limits, demand clear justification and insist on clear accountability. That is the only honest way to legislate.

My amendments do nothing more than impose the discipline that the Government has repeatedly demonstrated that it will not impose on itself. The amendments say to ministers that they may use that extraordinary power, but only for a fixed period and for the sole purpose of correcting their error. Once that task is complete, the power expires. The extraordinary remains extraordinary.

We need to keep in mind why we have ended up where we have. We are dealing with retrospective correction through legislation. It may well be justified—the public finances could certainly not withstand a loss running into hundreds of millions—but the fact that we are even considering retrospective legislation should give every member pause. As Christine Grahame said, retrospection is rare. It is constitutionally sensitive to go back in time and reset law, so it must be tightly controlled.

Amendments 15 and 16 put Parliament back in control. They ensure that retrospective correction does not become a permanent executive habit. They ensure that the Government cannot convert an emergency fix into an on-going extension of ministerial authority. We have all, in this session, lived through just that happening.

Amendments 15 and 16 also reaffirm the basic constitutional truth that ministers govern only with the authority of this Parliament, not the other way round. On that basis, I urge members to support amendments 15 and 16.

I move amendment 15.

**Craig Hoy:** I note the time, so I will try to be as concise as possible.

Parliament has heard repeatedly about the strain that has been placed on businesses by business rates on unoccupied properties that they cannot sell or rent. All of us have probably had a constituent with such a case. In the past 72 hours, I have heard from several constituents who have been affected, some of whom have demolished buildings, rather than paying the tax on their properties. Paul Sweeney, rightly, raised the issue in respect of listed buildings, where the problem is particularly acute.

Given the scale of the error that we are now correcting and the fact that some businesses have been billed unlawfully, it is surely only right that those who bear that liability are properly consulted when further regulations are made by ministers. Therefore, amendment 17 simply requires ministers to consult those groups who are affected. That is a reasonable expectation after years of poor communication and months of

withheld information, which has created confusion and concern in the industry. Future regulations should be informed—certainly not directed—by those who will be affected by them and, potentially, by increased costs. If the Government is committed to transparency and better policy making, it will support the amendment.

Amendment 18 removes wording that would give ministers far too much discretion to set aside parliamentary scrutiny and would ensure that all future changes and regulations are subject to the affirmative procedure. Those who sit on the Delegated Powers and Law Reform Committee have watched with concern the creeping use of skeleton legislation and delegated procedures for matters that should come to the Parliament.

Given its importance, the Parliament simply cannot allow loopholes or opportunities for ministers to seek to avoid scrutiny. We have already seen what happens when the Parliament is kept in the dark. Amendment 17 would simply ensure that ministers must follow the rules as written and not reinterpret the word “if”, which is in the bill, if it is convenient to do so. If ministers are serious about strengthening confidence in the bill, I hope that they will support my amendment and close the loophole. Therefore, I will move amendments 17 and 18.

**Ivan McKee:** Section 2 gives ministers regulation-making power to make any “provision they consider appropriate for the purposes of, in connection with or for giving full effect to” the bill.

Amendment 15 would mean that any regulation would be effective for a limited period of 12 months unless the Parliament resolved otherwise, and amendment 16 would remove those ancillary powers after 24 months. The purpose of the amendments is unclear, as they would severely restrict the ability to deal with any issues that would later arise and require use of the powers or regulations that have already been made. Therefore, the Government cannot accept those amendments and I urge members to oppose amendments 15 and 16.

In respect of amendment 18, which would require all regulations to be affirmative regulations, and amendment 17 on consultation, I acknowledge the importance of appropriate consultation and scrutiny when making any regulations. Therefore, the Government will accept amendments 17 and 18 in the name of Craig Hoy.

**Stephen Kerr:** I support all the amendments in the name of Craig Hoy. In respect of my amendments, I believe that any responsible legislature would insist on those protections, and I

think that any responsible Government would, frankly, welcome them. I press amendment 15.

**The Deputy Convener:** The question is, that amendment 15 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Convener:** There will be a division.

#### For

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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)

Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 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) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Convener:** The result of the division is: For 22, Against 83, Abstentions 0.

*Amendment 15 disagreed to.*

*Amendment 16 moved—[Stephen Kerr].*

**The Deputy Convener:** The question is, that amendment 16 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Convener:** There will be a division.

The vote is closed.

**Stephen Kerr:** On a point of order, convener. I did not get to vote. I would have voted yes.

**The Deputy Convener:** Thank you, Mr Kerr. I will ensure that that is recorded.

#### For

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 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)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Convener:** The result of the division is: For 24, Against 84, Abstentions 0.

*Amendment 16 disagreed to.*

*Amendments 17 and 18 moved—[Craig Hoy]—and agreed to.*

**The Deputy Convener:** We move to the group on requirement for legislation. Amendment 19, in the name of Craig Hoy, is grouped with amendments 22 and 23.

**Craig Hoy:** I will try to be equally brief. It will have been no surprise to the Government that my Scottish Conservative colleagues and I have been making clear our concerns about the pace and handling of the bill. Section 2 gives ministers broad powers to make additional regulations, but the bill exists precisely because of a serious

legislative error that went undetected and because Parliament was not told about it until months after officials became aware. In those circumstances, it would be wrong to hand ministers further latitude, so removing section 2 would ensure that any future changes must come back to the chamber for full scrutiny.

I hope that ministers will finally learn from their mistakes and embrace the transparency that agreeing to amendment 19 would ensure, in light of the legislation being wrong, being rushed and being open to legal challenge.

I will speak briefly to amendment 22. I repeat that we are opposed to the bill. Amendment 22 seeks to remove section 3, which is the commencement provision of the bill, because the Government has shown that it cannot be trusted with the timing of critical decisions. Ministers knew about the original defect months before Parliament was told, and they have chosen to introduce the bill in budget week, when the public's attention is elsewhere and scrutiny in Parliament is inevitably constrained. The fact that we are sitting on a Thursday evening with a deadline ahead of us to consider this important legislation reinforces that point.

If the Government is serious about restoring confidence after such a serious failure, it should support amendment 22.

**Ivan McKee:** Does Craig Hoy recognise that the Conservative business manager sat in the Parliamentary Bureau meeting with other business managers and the Government and agreed to this timetable?

**Craig Hoy:** Yes, and since then, several major issues have come to light, including the fact that the Government is not entirely certain that the bill is legally competent and that it will not be in the courts within months, potentially putting £400 million of the public's money on the line.

On amendment 23, I have been clear about our concerns about the pace and handling of the bill. If Parliament is to legislate responsibly, we must ensure that scrutiny is not sacrificed. Amendment 23 removes the short title. I accept that it is a technical provision, but in the context of such a serious legislative failure, even technical provisions matter. Removing the short title would not stop the bill entirely but would slow its finalisation and would require ministers to return to Parliament. That would be an important pause that would give Parliament time to scrutinise and give the Government time to ensure that the bill is, in fact, legally watertight. If the Government and the minister are serious about restoring confidence, they should recognise that a little more time and a little more scrutiny are not obstacles but necessities.

I hope that ministers will support amendment 23 and take the time to get this right.

I move amendment 19.

**Ivan McKee:** Craig Hoy's amendments 19, 22 and 23 appear to be intended to prevent the bill from working properly. They seek to remove the ancillary power, the commencement provision and the bill's short title. As such, they cannot be accepted, and I urge members to resist them.

**The Deputy Convener:** I call Craig Hoy to wind up and to press or withdraw amendment 19.

**Craig Hoy:** I will press all three amendments.

**The Deputy Convener:** The question is, that amendment 19 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Convener:** There will be a division.

#### For

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Reform)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 24, Against 84, Abstentions 0.

*Amendment 19 disagreed to.*

*Section 2, as amended, agreed to.*

### Section 3—Commencement

16:15

*Amendments 20 and 21 not moved.*

*Amendment 22 moved—[Craig Hoy].*

**The Deputy Convener:** The question is, that amendment 22 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Convener:** There will be a division.

The vote is now closed.

**Michael Marra (North East Scotland) (Lab):** On a point of order, convener. My device did not connect. I would have voted no on my own part and on behalf of Paul O’Kane.

**The Deputy Convener:** Thank you, Mr Marra. I will make sure that both of those votes are recorded.

#### For

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskill, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)

Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Convener:** The result of the division is: For 25, Against 84, Abstentions 0.

*Amendment 22 disagreed to.*

*Section 3 agreed to.*

#### Section 4—Short title

*Amendment 23 moved—[Craig Hoy].*

**The Deputy Convener:** The question is, that amendment 23 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Convener:** There will be a division.

#### For

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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 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)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskill, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

Whitham, Elena (Carrick, Cumnock and Doon Valley)  
(SNP)  
Wishart, Beatrice (Shetland Islands) (LD)  
Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Convener:** The result of the division is: For 26, Against 84, Abstentions 0.

*Amendment 23 disagreed to.*

*Section 4 agreed to.*

**John Mason (Glasgow Shettleston) (Ind):** On a point of order, convener. I may be misunderstanding this, and I apologise if that is the case, but were we meant to agree to sections 2 and 3?

**The Deputy Convener:** Thank you for that point of order, Mr Mason. I can confirm that, having not agreed to amendments that would have removed those sections, they are deemed to have been passed.

*Long title agreed to.*

**The Deputy Convener:** That ends stage 2 consideration of the bill. I ask the Minister for Parliamentary Business and Veterans and business managers to join the Presiding Officer in committee room 5 as soon as possible, to discuss timings and the deadline for lodging amendments at stage 3.

I suspend proceedings for 10 minutes to allow the Parliamentary Bureau discussion to take place, but I ask members to remain in the chamber for the duration. We will reconvene the meeting after the discussion and advise members on timescales.

16:19

*Meeting suspended.*

16:32

*On resuming—*

**The Convener (Alison Johnstone):** Following consultation with the Minister for Parliamentary Business and Veterans and business managers, I confirm that the deadline by which to lodge stage 3 amendments is 16:45. I also confirm that business will resume at 16:45, with Scottish Parliamentary Corporate Body question time.

I ask members to remove their cards from the voting consoles and to leave the chamber while the clerks prepare for stage 3 proceedings.

This meeting of the Committee of the Whole Parliament is now closed.

*Meeting closed at 16:32.*

16:45

*On resuming—*

## Meeting of the Parliament

### Scottish Parliamentary Corporate Body Question Time

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is Scottish Parliamentary Corporate Body question time.

#### Contractors (Employment Terms and Conditions)

**Patrick Harvie (Glasgow) (Green):** To ask the Scottish Parliamentary Corporate Body what consideration it has given to staff employed within the Parliament as contractors and whether they should have the same employment terms and conditions as corporate and MSP staff. (S6O-05226)

**Jackson Carlaw (Scottish Parliamentary Corporate Body):** The corporate body is not the employer of contractor staff and has limited ability to stipulate specific terms or benefits in contractor employment contracts. The corporate body procurement function adheres to the fair work principles that are set out in the Scottish Government guidance for the public sector on fair work and procurement, which can be found at [www.gov.scot](http://www.gov.scot).

**Patrick Harvie:** I am glad that the Parliament takes the principle of fair work seriously, but no minister, MSP, clerk, researcher or anybody else would really be able to do their job if it was not for those who clean the building, maintain it to keep it safe or cater for the various other needs that contractors fulfil in the building. I think that we are all aware that not all those people have the same wage protection, security of employment, union rights and so on as other staff members. We will not be a fair work Parliament until that changes. What further steps is the corporate body able to take, or what changes in the law would be required, to allow it to take more steps to achieve the universal application of fair work principles?

**Jackson Carlaw:** Our position is slightly stronger than Mr Harvie suggests. The fair work first policy encourages businesses that bid for public contracts to commit to adopting the following seven criteria: paying at least the real living wage; providing appropriate channels for effective workers' voice, such as trade union recognition; investing in workforce development; no inappropriate use of zero-hours contracts; addressing workplace inequalities, including pay and employment gaps for disabled people, racialised minorities, women and workers aged

over 50; offering flexible and family-friendly working practices for all workers from day 1 of employment; and opposing the use of fire and rehire practices.

It is under that policy that the SPCB has been able to mandate the payment of the real living wage for contracts that are being delivered in the Scottish Parliament. We review and seek to ensure that our external contractors abide by the provisions of the fair work policy.

### **School Visits (Inclusivity and Accessibility)**

**2. Pam Gosal (West Scotland) (Con):** To ask the Scottish Parliamentary Corporate Body what action it is taking to ensure that visits to the Scottish Parliament are inclusive and accessible to all school pupils. (S6O-05189)

**Christine Grahame (Scottish Parliamentary Corporate Body):** I know that, like the corporate body, Pam Gosal values the impact on people when they come into this building and experience the Parliament. Indeed, I am aware that she has raised the question previously with the corporate body.

For many people and schools, coming to Edinburgh is not realistic, given the distance and barriers that are linked to that. In our research, teachers told of the struggle to take pupils out of school because of lost learning time or because the teachers were needed to cover other lessons. For some, it is simply impractical to get local transport to Edinburgh and back within the school day, and they cannot afford residential. Due to barriers such as those, our staff travel to schools throughout the year and provide online sessions for those who want them. Last year, they delivered sessions to almost 350 school classes across Scotland.

**Pam Gosal:** Educational visits to the Parliament give pupils a vital first-hand look at democracy in action. However, earlier this month, primary 7 pupils from Stanley primary school in Ardrossan missed out, just as Our Lady of Loretto primary school in Dalmuir did, because travel costs made their trips unaffordable.

Access to the Parliament is becoming a postcode lottery. At Westminster, schools can reclaim up to 85 per cent of travel expenses. In Scotland, there is no such support. What consideration has the Scottish Parliamentary Corporate Body given to introducing a scheme that helps schools to reclaim travel costs, ensuring that every child, no matter where they live, can experience their Parliament?

**Christine Grahame:** I do not have details of what those costs might have been for the school in Ardrossan and for Loretto in Edinburgh, or why they did not have other means of getting here. I

know that other schools come here on buses from their local authorities. I do not know about those things but I can have a look at the issue.

You mentioned the UK Parliament—we looked into that scheme. The UK Parliament offers to pay up to 85 per cent of the travel costs, to the value of £2,400. However, even then, it welcomes a very small number of Scottish schools, because the travel costs are only part of the problem. I do not dismiss that part, but the main issue is the disruption to class activities, particularly at secondary level, and the cost if a class has to stay overnight on a residential trip.

We are continuing to look at that, but I must advise the member that it is a pretty tricky area. It is more complex than whether we can get a bus to get pupils to the Parliament and back. So far, if we cannot do that, we have parliamentary staff going out to schools in the likes of Shetland and Orkney to deliver contact and tell them all about the Parliament. Of course, that can be done online, too. We will continue to see what can be done.

**Emma Harper (South Scotland) (SNP):** I recognise the accessibility challenges for many of our rural schools in coming to visit and experience our national Parliament. Last week, I met pupils from Castle Douglas high school and took them on a virtual tour using my Surface via a Teams meeting link and reversing my camera. Students from Castle Douglas even spoke to the former First Minister Nicola Sturgeon. Does the corporate body member agree that virtual tours are a useful and innovative way to use technology to make this place and its people more accessible, especially to our remote and rural schools?

**Christine Grahame:** I thank the member—that was not so much a question as giving me advice. I will take that advice. It is certainly good if one can do those things, and I might even try it myself.

### **Protests (Policing)**

**3. Douglas Ross (Highlands and Islands) (Con):** Presiding Officer, I apologise for missing the start of these questions. I remind members of my entry in the register of members' interests, which shows that my wife is a sergeant with Police Scotland.

To ask the Scottish Parliamentary Corporate Body what recent discussions it has held with Police Scotland about the policing of protests at the Scottish Parliament. (S6O-05188)

**Claire Baker (Scottish Parliamentary Corporate Body):** Police Scotland meets annually with the SPCB to provide a briefing on security issues as they relate to both Scotland and the Scottish Parliament. In advance of the election next year, representatives from Police Scotland attended the SPCB meeting on 20 November.

Several issues were discussed, including the policing of protests at the Scottish Parliament.

**Douglas Ross:** At that meeting, was the matter raised of the serious concerns from For Women Scotland and others about the way in which the police handled a counter-protest from one individual? What response was received from Police Scotland? The case of Susan Smith has been raised several times in the chamber. Was that raised, and were the actions that the police initially threatened to take—a recorded warning—which were later dropped? The Scottish Parliamentary Corporate Body should have asked for Police Scotland and the chief constable to apologise to Ms Smith for the actions that they took while she was legitimately protesting outside the Parliament.

**Claire Baker:** The handling of the protests on 4 September was discussed. We relayed to Police Scotland the concerns that members had expressed to me during the urgent question in September. At that meeting, Police Scotland told us that it was undertaking a thorough review of its handling of the protests on 4 September. I cannot tell the member when that review is due to be completed, but Police Scotland recognises the concerns that were raised about the handling of the incident.

Managing protests outside the building is an operational matter for the police, but Police Scotland committed to a thorough review of what happened on 4 September.

### Use of Facilities and Services

**4. Lorna Slater (Lothian) (Green):** To ask the Scottish Parliamentary Corporate Body whether it will review its interim position on the use of facilities and services at the Parliament, following the Supreme Court ruling, and seek specialist legal advice, in light of the Equality and Human Rights Commission withdrawing its interim guidance. (S6O-05224)

**Jackson Carlaw (Scottish Parliamentary Corporate Body):** The corporate body is content that its interim position remains in line with the law as clarified by the Supreme Court ruling in April. The SPCB will continue to keep its interim position under review and consideration as part of the inclusive Parliament review, and will consider the impact of any future legal rulings and of the new statutory code of practice when it comes into force. In doing so, we will continue to seek specialist advice as and when it is required.

**Lorna Slater:** I am extremely disappointed to hear that. Given that the EHRC has withdrawn its interim guidance, which would have segregated trans people from cis people in facilities at the Scottish Parliament, I ask the Scottish

Parliamentary Corporate Body to revisit the matter in line with human rights legislation and the need to ensure that trans people feel welcome in the Scottish Parliament.

**Jackson Carlaw:** It is not for the corporate body to speculate on why the EHRC has withdrawn its interim update. The EHRC has not indicated that it has changed its position and the draft code of practice remains with the United Kingdom Government for consideration.

As I said, the corporate body will continue to keep its position under review and will consider the impact of any future legal rulings and the new statutory code of practice once it comes into force.

**Pam Gosal (West Scotland) (Con):** In April, the Supreme Court was clear: the meaning of “sex” in the context of equality legislation is based on biology. What further action will the corporate body take to ensure that the court’s judgment is followed throughout the parliamentary estate as we go forward?

**Jackson Carlaw:** For the avoidance of doubt, corporate body staff have not been asked to monitor or police use of facilities, but the corporate body has a responsibility to fulfil its legal obligations as an employer, a service provider, a workplace provider and an organisation that is subject to the public sector equality duty. Recognising that the Supreme Court’s judgment had immediate legal effect, officials took urgent steps following its publication to review the judgment in detail and consider its implications for services and facilities at Holyrood.

### Staff Cost Provision (Consultation)

**5. Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Parliamentary Corporate Body whether it will consult MSP staff trade unions before deciding on uprating the staff cost provision in the 2026-27 financial year. (S6O-05223)

**Jackson Carlaw (Scottish Parliamentary Corporate Body):** As noted in previous years—the answer is broadly similar—the SPCB will not consult the trade unions because it is not the employer of members’ staff. The SPCB is responsible for funding the members’ expenses scheme and for determining which indices are used to operate the overall provision, including staff provision. That arrangement is set out in the scheme as agreed by the Parliament. Therefore, our responsibility is to set the framework within which the salary increases can be agreed, but it is for individual members, as the employers, to determine any salary increase within the overall budget on their own or in concert with colleagues.

**Paul Sweeney:** I recognise the point that the member makes that there is an unusual relationship in which the corporate body sets the

overall budget but, notionally, the member of the Scottish Parliament is the direct employer of the staff. However, it would be helpful and a useful innovation for the corporate body to establish a relationship with the trade unions that represent parliamentary staff, at least to understand some of their concerns about cost of living issues and pressures.

It would also be helpful for the corporate body to note that a significant delta has emerged between the staffing budget that is available to Scottish members of the United Kingdom Parliament, which currently sits at £263,370, and that available to members of the Scottish Parliament, who have at their disposal only £162,000 as a baseline budget. That creates a lot of divergence in parliamentary employment opportunities and career progression within the Scottish Parliament vis-à-vis similar opportunities.

I encourage Jackson Carlaw to consider those pressures.

**Jackson Carlaw:** That question was broader in scope.

The chief executive has informally met and engaged with the trade unions, but the corporate body's responsibility is to identify the indices by which all those provisions will be uprated.

The SPCB agreed in March 2020 to index the staff cost provision annually using a mix of average weekly earnings—AWE—and the annual survey of hours and earnings, ASHE. However, it moved to AWE in 2023-24 when we found that the ASHE index had become progressively unreliable. What members choose to do thereafter is entirely a matter for them.

**The Deputy Presiding Officer:** Question 6 has been withdrawn. I am afraid that the member who was to ask question 7 arrived some 12 and a half minutes late to this item, so I am minded not to call them in light of their lateness.

### IT Systems (Resilience)

**8. John Mason (Glasgow Shettleston) (Ind):** To ask the Scottish Parliamentary Corporate Body what assessment it has made of the operational resilience of the Parliament's information technology systems, in light of the disruption to the stage 3 proceedings for the Land Reform (Scotland) Bill. (S6O-05122)

**Maggie Chapman (Scottish Parliamentary Corporate Body):** The disruption to the stage 3 proceedings for the Land Reform (Scotland) Bill was deeply regrettable. It was the result of a global outage of the Microsoft Azure cloud platform, which affected many organisations that, like the Scottish Parliament, utilise the platform to host business applications and websites.

The global outage was the first time in the five years in which we have been operating our hybrid voting application when we have experienced an unplanned disruption to the cloud platform that resulted in a decision being taken to reschedule business.

As part of our normal processes, any major incident that impacts services is reviewed to learn lessons and ensure that our information technology systems remain resilient and continue to operate with the high levels of availability and reliability that the corporate body expects.

**John Mason:** I accept that it was an unusual occurrence, but we know that there are bad actors out there who are trying to replicate that kind of thing and disrupt Parliament and other bodies. What would be the fallback position if the system failed on the final day of the current session—25 March? Is there some kind of back-up that we could use at that point?

**Maggie Chapman:** We are aware of the need to try to make our systems as secure and resilient as they can possibly be. The systems that we use are designed to be resilient against predictable failures but, as the member alluded to, failures due to bad actors might not be predictable.

There are resilience measures to enable us to have votes without technology. Those measures were not used for the Land Reform (Scotland) Bill due to the large number of amendments that were being considered, and the decision was made to reschedule business in that instance. However, should something similar happen on our last day, it is likely that non-digital, non-technological systems would be used. That would extend business considerably, but it is likely that that is what we would put in place.

**The Deputy Presiding Officer:** That concludes Scottish Parliamentary Corporate Body question time.

## Portfolio Question Time

### Social Justice and Housing

17:01

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is portfolio question time, and the portfolio is social justice and housing.

Question 1 has been withdrawn.

#### Women Against State Pension Inequality (Compensation)

**2. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government, in relation to potential social security implications, what recent discussions it has had with the United Kingdom Government regarding compensation for women against state pension inequality. (S6O-05215)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I wrote to the Secretary of State for Work and Pensions on the day after he announced his review of the UK Government's decision not to pay compensation to the WASPI women. I asked for his earliest clarification on exactly when UK Government ministers were first made aware of the new evidence that he has cited, and I urged him to complete the review at pace. I reiterated once again that the Scottish Government has always supported the WASPI campaign and that compensation must be delivered now to right this historic wrong.

**Fulton MacGregor:** For too long, women in Coatbridge and Chryston and across Scotland have lived with the consequences of unfair state pension changes, and too many have died before seeing justice done. What action is the Scottish Government taking with the UK Government to demand redress? Given the levels of pensioner poverty in communities such as Coatbridge, what steps is the Scottish Government taking to protect the affected women from further financial hardship? Does the cabinet secretary agree that the Labour UK Government must fulfil the promise that it made before the election and deliver justice for all WASPI women now?

**Shirley-Anne Somerville:** I agree that the UK Government must deliver justice for the WASPI women. That is what Labour promised in opposition, and it must deliver now that it is in government. Not to do so would be a further betrayal of WASPI women, but then, the UK Government has already shown that it can take such a decision.

I am very concerned about how long the secretary of state's review will take. In the meantime, as Fulton MacGregor will be aware, the Government is also concerned about the hardship that older people are facing. That is why, through our work on the pressure on households, we have allocated almost £3 billion over the past two years to support policies that tackle poverty and protect people as much as possible during the cost of living crisis—something that is made more difficult by the current UK Government's intransigence on helping the WASPI women.

#### Right to Independent Living (Disabled and Autistic People)

**3. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government, further to the assessment by the Scottish Human Rights Commission that disabled and autistic people are not being supported to exercise their right to independent living, as enshrined in article 19 of the United Nations Convention on the Rights of Persons with Disabilities, what discussions the social justice secretary has had with ministerial colleagues regarding action that can be taken to address this. (S6O-05216)

**The Minister for Equalities (Kaukab Stewart):** Government ministers take a range of opportunities to discuss actions to improve the lives of disabled and autistic people, as well as to engage with key bodies and those with lived experience. The Cabinet Secretary for Social Justice and the Minister for Social Care and Mental Wellbeing, who leads work on the cross-cutting coming home agenda, recently met the chair of the Scottish Human Rights Commission.

Further to the commission's recommendations relating to the rights of people with learning disabilities and complex needs, the Scottish Government and the Convention of Scottish Local Authorities established, in the summer, a coming home short-life working group, which will shortly submit its action plan.

**Mark Ruskell:** We have been waiting a long time for that action plan, and I will be delighted to see the outcome of it.

I have a constituent who has been institutionalised in multiple hospitals for the past six years because there is no other option for him. That has resulted in direct harm to him and distress for his mum. We have recently had news that appropriate facilities for him might be opening up in the region, but they are still under development. Until they are opened, he is likely to remain stuck in hospital. Does the minister agree that more must be done now to support people such as my constituent and the many other institutionalised people across Scotland to exercise their basic human rights to independent

living and to be included in their local communities?

**Kaukab Stewart:** I agree. The Scottish Government is fully committed to progressing the coming home agenda alongside COSLA. The dynamic support register, which was launched in May 2023, records data from across Scotland about people with learning disabilities and complex needs who are, for example, delayed in hospital or living in inappropriate out-of-area settings.

In 2024, we established a practitioner peer support network, which brings together learning disability professionals from across Scotland to share best practice on complex care needs. Proposals for a national support panel are being progressed through the proposed learning disability, autism and neurodivergence bill.

**Emma Harper (South Scotland) (SNP):** It is vital that the rights of neurodivergent people and those with disabilities are respected, protected and championed. How will the Scottish Government always support those communities, particularly at polarising times, such as the one that we find ourselves in today?

**Kaukab Stewart:** Respecting, protecting and championing the rights of disabled and neurodivergent people is not optional; it is fundamental to a fair and inclusive Scotland. The Scottish Government is committed to embedding equality at the heart of every policy, and our disability equality plan ensures that lived experience is embedded into every policy decision. We are working to ensure that all neurodivergent people receive the support that they need. That is why we fund the national autism advice line with our multiyear £2.5 million autistic adult support fund, which provides support for autistic adults and their families.

### Housing to 2040 Strategy (Social Housing)

4. **Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what consideration it has given to the availability of land for building social housing, in relation to its housing to 2040 strategy. (S6O-05217)

**The Cabinet Secretary for Housing (Màiri McAllan):** The housing to 2040 strategy acknowledges that delivering affordable housing depends on making sufficient land available, as well as aligning housing supply with development plans. It is for planning authorities to set out a pipeline of deliverable housing land in their local development plans. That should be based on a local housing land requirement that exceeds the minimum all-tenure housing land requirement that was set out in national planning framework 4. We recognise the importance of bringing those plans

forward as soon as possible, and we are offering support to do so via the national planning hub.

**Alex Rowley:** I asked that question because Dunfermline, in Fife, has the massive St Columba's and Woodmill high school sites. Fife Council, which sold the sites for private housing development, told me that those sites will contain a small percentage of social rented housing. Along the road from there is Lynebank hospital, which I assume is under the control of the Scottish Government or the health board, where land is being sold for private housing. The former Fife College site is another massive site. All those different bodies are happy to sell off land to make money, but should we not have a strategic approach—for example, a national registry of public land—so that, when we are in a position to build houses, as we will have to over the next decade, we will at least have the land?

**Màiri McAllan:** I agree with much of what Alex Rowley has said. It is worth noting that the Government, which has a strong track record in the delivery of affordable homes, has recently set out a plan to increase that supply substantially over the coming years. A strategic approach to the availability of land, as Alex Rowley put it, is absolutely right. As I said, it is for planning authorities, which know their areas best, to identify the pipeline of deliverable housing land as part of their local development plans. However, I agree with Alex Rowley that the issue of how public land might be better used is an important one.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The Scottish National Party Government has delivered more than 100,000 homes that are specifically available for social rent, which, per head of population, is 47 per cent more than Mr Rowley's colleagues in Labour-run England and 73 per cent more than Labour-run Wales. Will the cabinet secretary speak to the Scottish Government's success in delivering record amounts of social housing? How will she build on that through the ambitious housing emergency action plan?

**Màiri McAllan:** Rona Mackay is right that we have a strong track record. We remain focused on continuing that work, reflecting the considerable strain of demand outstripping supply for social housing in Scotland. We have done that in our 2025-26 budget, which increased that budget to £808 million. That is about enough to deliver 8,000 affordable homes this year. We have set out, for the first time, multi-annual projections of up to £4.9 billion of spend in the coming four years, which we think can deliver 36,000 affordable homes.

**The Deputy Presiding Officer:** In calling Mr Kidd to ask question 5, I invite him to apologise for being late, albeit marginally compared with other lateness today.

### Heating Bills (Support for Pensioners)

**5. Bill Kidd (Glasgow Anniesland) (SNP):** I apologise. I got my times all mixed up because of different people saying, "Be here", "Be there" and so on.

To ask the Scottish Government what support it will provide to pensioners to help with heating bills as winter sets in. (S6O-05218)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** We are putting money into the pockets of Scotland's pensioners this winter through our pension-age winter heating payment. We are investing about £157 million to help about 880,000 pensioners to keep warm during the coldest months. Payments have commenced and will continue through the winter.

Unlike in the rest of the United Kingdom, eligible low-income households across Scotland, including pensioners, are guaranteed support through our winter heating payment. However, energy prices remain reserved, which is why we have repeatedly called on the UK Government to introduce targeted bill discounts that could take up to £1,300 off estimated fuel bills for some eligible households.

**Bill Kidd:** With UK energy bills already £340 higher due to the recent inept bumbling, we should not forget that one of the first acts of the Labour Government at Westminster was to slash winter heating support for pensioners. The Scottish National Party stepped in to ensure that pensioners in Scotland would not lose out this winter. I understand that most pensioners will receive the winter heating payment automatically, but what advice can the cabinet secretary give to those who are worried about reported scams targeting vulnerable people?

**Shirley-Anne Somerville:** We very much recognise that scams targeting older people in Scotland are a serious concern. I have discussed that with stakeholders and with my officials. To reassure pensioners and reduce risk, we are taking a number of proactive steps with Social Security Scotland. We are carrying out a public awareness campaign, sharing guidance through multiple media channels and partner organisations, warning about common scam tactics and advising people never to share bank details or personal information with unsolicited callers. We have alerted newspapers to scam texts and have co-ordinated with the BBC to deliver television and radio campaigns to raise awareness.

We have also liaised with Police Scotland, which has circulated warnings about potential scams. We will continue to work with Police Scotland and use further opportunities in the press

in the coming months to maintain awareness about this important issue.

### Common Housing Register (Glasgow)

**6. Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Government, further to its previous answer on 12 November, whether it will take the lead in establishing a common housing register in Glasgow to simplify applications and address the city's long social housing waiting lists. (S6O-05219)

**The Cabinet Secretary for Housing (Màiri McAllan):** The Scottish Government supports the establishment of a common housing register in Glasgow, either citywide or on a district basis, only where the council and housing associations that are involved are in agreement that that is the best way forward to manage their allocation policies. I have asked my officials to look further at the matter, to get a greater understanding of the views of registered social landlords and the council on common housing registers. However, I must stress that they would need to approve the matter.

**Paul Sweeney:** Establishing a common housing register has been a long-standing aspiration for more than 20 years since the transfer of the council's housing stock. However, there are now more than 60 social housing providers in Glasgow, making such a register tricky to co-ordinate. The council aspires to set up a register, but it has found it very difficult logically to achieve that. It would be good if the Government could step in and take a convening role. We know that, with more than 10,000 people in temporary accommodation who are waiting for housing or who have made an emergency application, there is real pressure on housing in Glasgow. A common housing register could hugely improve efficiency and reduce the costs for individual RSLs. It would be a worthwhile measure that could have a big impact.

**Màiri McAllan:** I am open minded about all the ways that we can take action to address the strain on the council and the on-going housing emergency in Glasgow. Common housing registers can be a tool to simplify and maximise access to social housing. I have to stress, though, that the responsibility for the management of allocating housing is for the social rented sector. I would want to ensure that the sector wanted such a register and that it was able to put it together. Paul Sweeney is quite right to note the number of organisations that would have to agree to it in order to make it work.

### Asylum Seeker Housing (Local Community Impact)

**7. Craig Hoy (South Scotland) (Con):** To ask the Scottish Government what its position is on

any potential negative impacts for local communities when asylum seekers are housed in large-scale sites in Scotland. (S6O-05220)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government has consistently raised concerns about alternative asylum accommodation, including hotels and large-scale sites. Instead, people who are seeking asylum should be provided with safe and appropriate accommodation within communities while they are waiting for an asylum decision. That will allow them to access essential support and services while integrating into a local area. Large sites simply cannot provide that.

The Home Office must properly engage with local authorities and communities when considering new sites and ensure that they are part of any planning for the introduction of new asylum accommodation, given that it has responsibility for asylum accommodation.

**Craig Hoy:** Does the cabinet secretary agree that communities have legitimate concerns about the use of asylum hotels, such as the Mercure hotel in Dumfries, particularly when large groups of young men congregate in the town? In her letter to the home secretary, the cabinet secretary made specific reference to "negative impacts". Is she prepared to put on record what she believes the negative impacts on communities are when asylum seekers are housed in that way?

**Shirley-Anne Somerville:** I remain concerned about the impact of Home Office decisions on local services in particular. That is a continuing difficulty with the Home Office, as the co-ordination between it and local services, including national health service boards, is far from adequate. It allows a degree of concern to be built up, both by local providers and communities, because they do not know whether there will be an impact on their services. The gap in information allows misinformation, as well as genuine concerns, to develop.

That is why I am very keen that the Home Office comes forward with robust and quick answers to questions about the impacts on local services, with reassurances that services will be provided on site. If they are not, bodies such as local authorities and health boards should be compensated financially for the impact in order to reassure people that we can welcome people to this country and that there will not be a negative impact on local services when we do so.

**Marie McNair (Clydebank and Milngavie) (SNP):** I thank the cabinet secretary for that reassurance, but will she please reaffirm the Scottish Government's priority to ensure that anyone who is accommodated in Scotland is

treated with dignity and compassion, that they receive the wraparound support that they require and that local communities are engaged in the process?

**Shirley-Anne Somerville:** It is very difficult to provide reassurance when the Home Office is responsible for that asylum accommodation and is unable to provide reassurance to the Scottish Government or the many local authorities and NHS boards that are involved. That makes it exceptionally challenging to reassure people who are seeking asylum or the communities that are already present in an area.

In Scotland, our approach is to work together where we can, and that has worked well with United Kingdom Government departments in the past. Such partnerships have existed and could exist again, but that requires all parties, including the UK Government, to work together to ensure that our communities feel safe and that they are included and respected in the decisions that are taken on this very sensitive issue.

### **Social Housing (Greenock and Inverclyde)**

**8. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government what discussions it has had with registered social landlords in the Greenock and Inverclyde constituency regarding the lack of new social homes being built. (S6O-05221)

**The Cabinet Secretary for Housing (Màiri McAllan):** My officials have regular discussions with RSLs and Inverclyde Council to discuss the delivery of affordable homes in the authority area. The most recent meeting took place in early November with River Clyde Homes and Inverclyde Council, and discussions focused on current priorities and future planning. We are making £9.7 million available for affordable homes in Inverclyde this financial year.

**Stuart McMillan:** The cabinet secretary will be very much aware of the lack of RSL house building in my constituency, with £19 million of funding for new builds being handed back to the Scottish Government over the past two years.

I appreciate that the Scottish Government cannot mandate RSLs to build new properties, but will the cabinet secretary agree to meet local RSLs and engage with them directly on the urgent need for new social housing and not for flatted dwellings to be built in order to help deal with the housing emergency?

**Màiri McAllan:** I do not want to see any underspend or money coming back to the Government when it comes to the delivery of affordable homes, albeit I understand that certain issues will always arise that might make development difficult. We seek to avoid that

happening by taking a very flexible and adaptive approach to the delivery of the affordable homes supply programme fund, including my officials being able to move money around to where it can be spent and where homes can be delivered.

On the specific question of Inverclyde, I have emphasised a number of times the importance that the Government places on the urgent delivery of affordable homes across Scotland, and I would be pleased to meet Mr McMillan and the associations should the need arise.

**The Deputy Presiding Officer:** That concludes portfolio question time on social justice and housing.

## Urgent Question

17:23

### Eljamel Inquiry

**Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government when it first became aware that NHS Tayside had destroyed medical record logbooks relevant to the Eljamel public inquiry, despite “Do not destroy” notices having been issued several months earlier.

**The Cabinet Secretary for Health and Social Care (Neil Gray):** I am greatly concerned, angry and appalled by this very serious issue. I recognise the anger and upset that will be felt by the former patients of Eljamel and the campaigners who have worked so tirelessly for justice. I recognise from my discussions with some of them that for many of those former patients and campaigners, their faith in NHS Tayside was already low. This will be a further blow to the trust that they have in NHS Tayside.

The Scottish Government's inquiry response team received a copy of all core participant opening statements from the public inquiry on Monday 24 November, ahead of the planned hearings on 26 and 27 November. However, under the inquiry's general restriction order, core participant opening statements are classified as confidential until they are referred to in oral hearings. Access to those statements is strictly limited to individuals who have signed confidentiality undertakings, and they are prohibited from sharing the contents more widely, including with ministers or other officials, prior to their disclosure at the hearing. That restriction exists to protect the integrity of the inquiry process and ensure fairness to all parties. Therefore, my policy officials and I were not made aware until the information was in the public domain yesterday.

Given the seriousness of the information shared in the statement regarding the destruction of potential evidence, I have written urgently to the chief executive of NHS Tayside and I met her today to order an investigation into what has happened and to ensure that appropriate processes on information governance are being followed. As members would expect, I was informed that NHS Tayside has already begun the investigation into what happened, and I have ordered the health board to come back with a full account of its investigation.

**Liz Smith:** I can see that the cabinet secretary is angry, and rightly so, because this is a scandal of the highest order. As Jamie Dawson KC told the public inquiry this morning, the explanation that has been provided by NHS Tayside

“will not suffice”

and

“More will be expected”.

He went on to discuss the serious consequences of the incident. In my opinion, there is potential for criminality.

What makes the situation worse is that those of us who have attended recent meetings with NHS Tayside and with the Scottish Government have repeatedly been assured that lessons have been learned from the Eljamel scandal and that new procedures have been put in place to ensure that nothing like it happens again. However, yesterday’s evidence proves that those assurances were entirely false. As NHS Tayside is accountable to Scottish Government ministers, what action will the Scottish Government now take to deal with those appalling revelations?

**Neil Gray:** I understand the severity of the situation. I outlined that to the chief executive of NHS Tayside, noting my anger. It is for NHS Tayside to explain what happened, and I commit to providing Parliament with an update when I receive it formally, off the back of the correspondence that I sent to the chief executive today. Liz Smith has put on the record the potential consequences of what has happened, and processes will be followed in that regard. I hope that that underlines the seriousness with which I take the matter and with which I expect NHS Tayside to take it.

**Liz Smith:** When does the cabinet secretary expect NHS Tayside to come back to the Scottish Government with those details?

**Neil Gray:** I have been clear with NHS Tayside that I expect an update immediately on what happened, when it happened and why the Government was not notified when the health board became aware that those documents were destroyed. I also said that I expect an update on the outcome of the investigation, which I expect to be independent, when it comes to fruition. I do not have a fixed timescale on that. I expect that some of the work in that regard will be independent of NHS Tayside. I commit to providing Liz Smith and Parliament with an update as soon as I receive it.

**Michael Marra (North East Scotland) (Lab):** I am glad that the cabinet secretary realises just how serious the situation is. It goes to the heart of the inquiry. For victims, the news seems to be of little surprise—that is how shocking their treatment at NHS Tayside has been. A core concern of one of my constituents is what happened in the theatre—who was present and, crucially, who was not present. The theatre logbook is one of the most critical documents that would have afforded

him access to justice for the harms that he suffered.

Can the cabinet secretary say, based on the meeting with the chief executive that he mentioned, when NHS Tayside found out that the logbooks had been destroyed? What basic explanation did NHS Tayside offer him? I reiterate what Liz Smith said about the fact that it appears that there is a distinct possibility of criminality here. I certainly ask that the senior executives and the chair of the board consider what their direct responsibility is, given the assurances that they have given to me and other members of the Parliament.

**Neil Gray:** I know from my conversation with the chief executive this afternoon—I will follow up with the chair—that that issue will be fully in the thoughts of senior executives, as will be evident in their response.

In our conversation, the chief executive outlined to me that she was made aware of the destruction in September this year. As I said, the Scottish Government became aware of the issue only this week, when NHS Tayside’s opening statement to the Eljamel inquiry was shared.

The chief executive has apologised for the failure to inform the Scottish Government. I expect that apology to be extended more widely, not just to me. I also expect there to be a full investigation into what has happened and for the explanation to be on the record, which I will ensure is done through Parliament.

**Willie Rennie (North East Fife) (LD):** I add my fury to the fury that has been expressed by others.

For a long time, the basic problem has been that patients have believed that NHS Tayside has been secretive and evasive in relation to the Eljamel issue. That is why we are having a public inquiry. Many of these matters could have been dealt with years ago if only NHS Tayside management had been open. Any trust that remained has now been completely shattered, so I hope that the Parliament speaks with one voice in telling NHS Tayside that it has done irreparable damage, not only to trust in NHS Tayside but to trust in the NHS as a whole, and I hope that the cabinet secretary relays the anger that many of us feel and our strong belief that there needs to be a change in culture and a change in approach so that we never face the same situation again.

**Neil Gray:** That is exactly what I relayed to the chief executive of NHS Tayside when I spoke to her earlier today. From the conversations that I have had with some of Mr Rennie’s, Mr Marra’s and Ms Smith’s constituents, as well as others who have made representations to me on behalf of constituents and whom I have met, I know what a low level of trust there is in NHS Tayside. In

answer to Liz Smith, I set out that I recognised that trust in NHS Tayside was already low, and I have made clear to NHS Tayside the reputational damage that what has happened has caused, not only to NHS Tayside and the wider NHS, but to the process through which the constituents whom Mr Rennie represents were hoping to get answers.

That message has been put across to NHS Tayside, and I expect the same to be the case in relation to the culture that Mr Rennie asked about. I have said very clearly, in response not only to today's questions but to other questions that have been asked in recent weeks, that I expect there to be a culture of candour and a speak-up culture in our NHS, to ensure that staff and patients are given the service that they deserve.

**The Deputy Presiding Officer (Annabelle Ewing):** That concludes the urgent question. There will be a short pause before we move on to the next item of business.

## Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill: Stage 3

17:32

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

The next item of business is stage 3 proceedings on the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 78A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 30 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 button or enter RTS in the chat as soon as possible after the group has been called.

Members should now refer to the marshalled list of amendments.

### After section 1

**The Presiding Officer:** Group 1 is on a requirement for the Scottish ministers to meet costs. Amendment 1, in the name of Jeremy Balfour, is the only amendment in the group.

**Jeremy Balfour (Lothian) (Ind):** I lodged amendment 1 only at stage 3 because, I must confess, I thought that another member would have lodged it at stage 2. I apologise to the minister for the lateness of its lodging.

However, it became clear to me yesterday that there was still some confusion about what local authorities might have to face financially as a result of the Parliament's previous decision and of the bill becoming an act in a few weeks' time.

I am concerned that there might be legal challenges to the bill, the costs of which would have to be met by the Scottish Government. However, there might then be consequential challenges from one of the 32 local authorities, which would mean that resources from that council would be used either on those challenges or on other aspects of the bill's administration. As we are all aware, local authorities the length and breadth of the country are short of money and are struggling to provide the most basic services that we require. It would be unjust and unfair for such an authority to have to pick up a bill for something that was not its fault. In fact, if it were not for a local authority pointing out the mistake in August, we would be no further forward today.

**Martin Whitfield (South Scotland) (Lab):** Before I start, I apologise to you, Presiding Officer, and to members for my lateness in arriving for an earlier matter.

Does the member agree that it is interesting that this provision did not appear in the initial draft of the bill, which might be unusual, and that neither was there a clear and categorical assurance from the Scottish Government in the bill paperwork that we received that it would accept responsibility for councils' financial indebtedness?

**Jeremy Balfour:** I absolutely agree with the member; that is a helpful intervention. What I am looking for tonight—which the minister did not give yesterday, when I raised the issue when he was answering questions—is some assurance that the Government will meet the reasonable costs of a local authority if it incurs extra costs as a result of the bill becoming legislation.

A bit like Mr Ross, I am seeking a guarantee from the minister—if he can give it. I do not think that the provision needs to be in the bill. However, local authorities and the Convention of Scottish Local Authorities need to know from the Parliament—and, in particular, from the Government—that they will not be in financial difficulty due to any administration costs as a result of the decision that is made tonight.

I move amendment 1.

**Mark Griffin (Central Scotland) (Lab):** I thank Mr Balfour for lodging his amendment. It addresses a crucial question that remains unanswered following the stage 1 debate.

Local authorities have a strange and unique role in this situation. They are the collection agents and have been collecting the money but, through no fault of their own, have had no legal basis for doing so under the legislation that was passed in the chamber. Like Mr Balfour, I seek an assurance from the Government that it will pick up the costs. There is the potential for a legal challenge on the basis that a local authority was acting without authority as the collecting agent. I would like assurances from the Government that local authority budgets will not be impacted by a mistake that was made by the Government.

**Craig Hoy (South Scotland) (Con):** I offer Mr Balfour the support of the Scottish Conservatives. We also asked the minister that question yesterday. I implore Mr Balfour to press his amendment. I am not casting any aspersions on the minister, but I think that getting the provision in the bill, rather than having an assurance in the *Official Report*, would probably be the soundest way to guarantee that councils are not out of pocket.

We do not know where the bill will end up regarding court action, and it is, as Mr Griffin said, very likely that, if there is one single case against the Scottish Government, there could be consequential action against councils. That could be very costly, and it would be good to make sure that the assurance is in the bill.

**Martin Whitfield:** If a proper assurance is given, would it not be more reasonable to rely on that assurance, given that, if it appears in the bill and the bill falls in the future, as you suggest it might, there will be no assurance?

**Craig Hoy:** I suspect that the bill will pass. We do not want it to pass, but I suspect that it will. Perhaps we will have the double guarantee of the minister's word and the guarantee being in the bill. We will be supporting Mr Balfour this evening.

**The Minister for Public Finance (Ivan McKee):** I thank Jeremy Balfour for raising that important matter. The Government fully recognises its significance, and we are very sympathetic to the challenges that it raises for local government. We have been closely engaging with the Convention of Scottish Local Authorities in order to work together to resolve the matter. Members in the chamber, Jeremy Balfour and everyone else can rest assured that we will continue to work very closely with local government to recognise the challenges that it faces, to understand the implications of those challenges and to ensure that we can resolve them.

We have recently agreed a fiscal framework with local government, which sets out a process for open and honest debate on financial costs and pressures. That, along with the budget process, represents the most appropriate vehicle for discussing challenges of that nature—to which, as I have indicated, the Government is very sympathetic—rather than primary legislation.

The scope of the amendment has been far too broadly defined. We have much respect for local government, and I feel confident that it will deal with the process as effectively as possible.

**Martin Whitfield:** I hope that COSLA can take the assurance that the minister has articulated. Does the minister appreciate the potential for unforeseen circumstances, particularly in cases where a council is currently involved in seeking payment that has not been made, and that such circumstances potentially allow for an additional argument to be made that will have to be dealt with? The Government is offering its support to investigate the costs fairly and reasonably, and that is the sort of area to which it should be extending its thinking and support.

**Ivan McKee:** Martin Whitfield makes a fair point. Such situations are in train, and we absolutely

recognise that and the complications that could arise from the process that we are going through this afternoon. The Government is fully committed to working with COSLA and councils where such complications arise in order to be able to support them in resolving the matter in a way that works for everyone. Unfortunately, for the reasons that I have outlined, the Government cannot support the amendment, but I have clearly indicated to the chamber its position on the broader issue.

**The Presiding Officer:** I call Jeremy Balfour to wind up and to press or withdraw amendment 1.

**Jeremy Balfour:** I did not hear a guarantee from the minister. I am happy to go back and read the *Official Report*, but I think that what I heard from the minister was very good political spin. I heard words to the effect of, “We will work with COSLA. We are open to this idea.” However, I did not hear any form of guarantee that local authorities will be compensated, by either this Government or a future Government, if they have to bear the costs. I am happy to talk for only 10 more seconds in order to let the minister intervene. Will the minister give a guarantee that, if any local authority has extra costs because of having to do work following the bill’s enactment, they will be compensated by the Scottish Government for meeting those costs—yes or no?

**Ivan McKee:** Jeremy Balfour will understand that I cannot stand here and give unlimited guarantees on an issue. We cannot do that, but I can absolutely commit that we will work with councils and COSLA to make sure that we are able to support them with regard to any cost that arises as a consequence of the issue. Mr Balfour will understand that I am not in a position to give, on behalf of the Government, unlimited guarantees on that matter. I hope that he will take it in good faith that our intent is to recognise the challenges that the bill presents to councils and to support them as they work through those challenges.

**Jeremy Balfour:** I say to the minister that I am afraid that that does not go far enough. I think that anyone who makes a mess should tidy it up. The Scottish Government made this mess. To me, leaving it to a third party to tidy up seems irresponsible.

I will, therefore, press amendment 1.

**The Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. As this is the first division of stage 3, I will suspend the meeting for around five minutes to allow members to access the voting system.

17:42

*Meeting suspended.*

17:49

*On resuming—*

**The Presiding Officer:** We move to the vote on amendment 1. Members should cast their votes now.

The vote is closed.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** On a point of order, Presiding Officer. I would have voted no, but I could not connect.

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

**Sarah Boyack (Lothian) (Lab):** On a point of order, Presiding Officer. I would have voted yes. It is not clear whether my vote has been lodged.

**The Presiding Officer:** I can confirm that your vote has been recorded, Ms Boyack.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** On a point of order, Presiding Officer. I could not connect. I would have voted no.

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

**Neil Bibby (West Scotland) (Lab):** On a point of order, Presiding Officer. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Bibby.

**Sharon Dowey (South Scotland) (Con):** On a point of order, Presiding Officer. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Dowey.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Ind)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (LD)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mochan, Carol (South Scotland) (Lab)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)

McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 47, Against 63, Abstentions 0.

*Amendment 1 disagreed to.*

**The Presiding Officer:** We move to group 2, on an independent review by the Auditor General for Scotland. Amendment 2, in the name of Craig Hoy, is the only amendment in the group.

**Craig Hoy:** I believe that, if Parliament and the public are to learn anything from this failure, an independent review remains essential. At stage 2, I proposed a mandatory review by the Auditor General. I thank Richard Leonard for pointing out that my amendment was deficient, and I apologise to Stephen Boyle, the Auditor General, for the nature of it.

However, I still believe that a review by the Auditor General would be an important part of learning lessons and of ensuring that the same thing does not occur again. So, here I am with a revised amendment that removes any compulsory element, but which still enables and invites the Auditor General to examine what went wrong, whether internal controls were adequate, how information was communicated to ministers and whether action was taken promptly enough, given that £400 million of taxpayers' money is potentially on the line.

I believe that this revised amendment is proportionate and workable. It respects the Auditor General's independence while ensuring that Parliament can, in time, receive an objective account of the failures that led to the bill. It also allows the bill to proceed as the Government intends, as there is no reasonable basis on which to oppose it. I would not want the Government to give any impression that it has something to hide, and therefore I look forward to its support for the revised amendment.

I move amendment 2.

**Richard Leonard (Central Scotland) (Lab):**

Let me say at stage 3 what I said at stage 2: it is not right, it is not constitutional, it is not competent and it is not democratic to attempt to write into legislation—into a law that could be passed by this Parliament, and which could be supported by the Government of the day in this Parliament—a call for, even if it is no longer an instruction to, the Auditor General to carry out a review or an examination of this or that event. That should not be on the face of a bill of this Parliament.

That is for the Auditor General to decide. He is rightly independent. He is not subject to the control of any member of the Scottish Government or Parliament, or of the Scottish Government or this Parliament collectively, and neither should he be.

Mr Hoy is very proficient at issuing press releases. He can issue a press release making this call. But it would be very dangerous; it would be a bad precedent; it would be a slippery slope; it would compromise the checks and balances of our democracy; and it would compromise the independence of the Auditor General, who must be allowed to act without fear or favour, if Parliament or Government told the Auditor General what he can and cannot audit, and what he should and should not audit, and the scope of any such audit, and put such a gesture on the face of a bill.

Finally, we have heard a lot from the Conservatives in the past 24 hours about legal challenges to this legislation—about court cases and court action. If this amendment were inserted, there would be a legal challenge to this legislation, because it is a clear breach of section 69(4) of the Scotland Act 1998. For the record, let me remind Mr Hoy what that says:

“The Auditor General for Scotland shall not, in the exercise of any”

—of any—of his duties and

“functions, be subject to the direction or control of any member of the Scottish Government or of the Parliament.”

So, let us vote this amendment down.

**Ivan McKee:** Once again, I have to thank Richard Leonard for his contribution. Frankly, if it does not lead to his being at least nominated for debater of the year at next year’s Scottish politician of the year awards, I, for one, shall be shocked and surprised. His speech was a tour de force, laying out clearly and strongly the principles that underline that hugely important part of the way in which we operate in the chamber, and I am very grateful to him for that.

Amendment 2 states:

“The Auditor General for Scotland may carry out a review of the circumstances”.

Of course, that is a statement of fact; the Auditor General may indeed choose to carry out a review, and may choose not to carry out a review. However, the important point—as Richard Leonard articulated so strongly—is that it is not for the Parliament or the Government to indicate what the Auditor General may or may not, or should or should not, do. I therefore urge all members not to support the amendment.

**The Presiding Officer:** I call Craig Hoy to wind up and say whether he wishes to press or withdraw amendment 2.

**Craig Hoy:** I like and respect Richard Leonard, but I think that his interpretation of the amendment is wrong—

**Members:** No.

**Craig Hoy:** It is not ordering the Auditor General to do anything—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Hoy.

**Craig Hoy:** It is simply showing, as was pointed out, that there is an option for the Auditor General to investigate what I think could potentially be a significant sum of public money that is put on the line.

**Richard Leonard:** I hear what Mr Hoy is saying, but what he is trying to do is put an amendment on the face of this legislation. That is completely different from offering an opinion or putting out a press release. Does he not understand the step that that would represent, and the line that that would cross, if it were to be accepted and voted for by this Parliament?

**Craig Hoy:** I refer back to some of the remarks made by Douglas Ross earlier. The emergency nature of the legislation—

**Members:** Where is he?

**The Presiding Officer:** Let us hear Mr Hoy.

**Craig Hoy:** That is a matter for Mr Ross.

The emergency nature of the legislation is such that I think that we are taking what could be perceived to be unconventional routes to try to achieve transparency, and therefore I will press amendment 2.

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

**Members:** No.

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

**For**

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (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)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Ind)  
 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-Innes, 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)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskeil, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

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

*Amendment 2 disagreed to.*

**The Presiding Officer:** That ends the consideration of amendments.

As members will be aware, I am required under standing orders to decide whether, in my view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In this case, in my view, no provision of the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Before we move to the debate, I call Shona Robison to signify Crown consent to the bill.

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** For the purposes of rule 9.11 of standing orders, I advise the Parliament that His Majesty, having been informed of the purport of the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill, has consented to place his prerogative and interests,

in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

## Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill

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

The next item of business is a debate on motion S6M-19948, in the name of Ivan McKee, on the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill at stage 3. I would be grateful if members who wish to take part were to press their request-to-speak buttons now.

18:01

**The Minister for Public Finance (Ivan McKee):** We are here to rectify a legislative error in the Non-Domestic Rates (Scotland) Act 2020. I welcome the Parliament's recognition of the importance of addressing the issue swiftly through agreeing to the emergency bill process, and I hope that, come decision time, members will support the bill.

As we know, a technical error in the 2020 act means that amendments that were intended to devolve empty property relief did not have the intended legal effect, so we need to ensure that there is a clear legal basis for charging rates to the owners of unoccupied non-domestic properties. Without primary legislation to make clear the position regarding empty properties, rates paid since 1 April 2023 by owners of unoccupied properties could require to be refunded, and rates might no longer be able to be collected on unoccupied properties should local authorities decide that that is required. The bill is therefore necessary to bring the statute book into line with the Parliament's intention to devolve empty property relief to local authorities and allow local authorities to levy rates on the owners of unoccupied properties.

If the bill is not passed, those who paid rates on unoccupied properties could receive an unexpected and unjustified windfall, which would require cuts to public spending or, if that loss were compensated for in the non-domestic rates system, an increase in rates or a reduction in the generosity of reliefs in future. Accordingly, the bill is vital to protect public finances at a time when, more than ever, every penny counts.

I move,

That the Parliament agrees that the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill be passed.

18:03

**Craig Hoy (South Scotland) (Con):** The bill will pass, but it will not pass with our support. In all likelihood, this rushed legislation will not

fundamentally fix the problem that the Government has created. The disastrous drafting blunder in the Scottish National Party's original legislation could still leave the Scottish Government and Scottish taxpayers picking up a compensation tab of anything up to £400 million. That is a risk of losing £400 million, which is not a molehill, as Mr Mason implied in an intervention during stage 2. That loss would be a scandal, and I agree very much with the points made by Stephen Kerr in respect of that.

The bill has gone through a rushed process and is trying to fix a problem that arose because ministers did not do their job properly the first time round. If ministers are confident that they can apply the tax retrospectively and that it will be legal and not subject to challenge, they could have taken longer to frame the bill in public, get it right, consult and work on a cross-party basis to take evidence and listen to the received responses. The Government could have taken the time to ensure that no further issues could arise, such as some of the unintended consequences that we have seen since the tax was applied to empty properties. The manner in which the minister has managed it leaves a lot to be desired.

We have to be concerned about the Government's attempts to shut down scrutiny. That will not work. I think that I will take up Mr Leonard's request to issue a press release or two off the back of this, and we will be asking tough questions that ministers clearly do not want to answer in this chamber or elsewhere.

For example, despite the Government being made aware of this enormous error in June, we are led to believe by the minister that he only found out yesterday that the case was active in June. I simply cannot believe that the Government's decision-making matrix would allow something as potentially significant as this situation to have continued for nearly six months.

Today, ministers rejected a number of amendments that were designed to be helpful—they would have helped the minister out of a hole by allowing greater transparency about what went wrong. In rejecting those amendments, ministers have shown their usual contempt for openness and accountability.

However, my single biggest concern is one that was eloquently put by Murdo Fraser yesterday: it is the likelihood of the bill ending up in the courts. When the Government votes to pass the bill in a few moments, ministers will not be able to say that they were not warned of the risks of a legal challenge. The Scottish National Party Government has not provided us with evidence this week that the emergency bill will work and that it cannot be challenged in the courts. Already, constituents have told me that they are in

discussion with lawyers or with the Scottish Property Federation to see whether a case can be brought against the bill. Given some of the answers that the Government has provided, including in some of the briefings, I think that there is now a higher chance of legal challenge. Those who believe that they have been wrongly paying the tax will drag the Government to the courts, and I simply do not blame them.

We have to reflect on the Government's track record of defending its legislation in court, from Nicola Sturgeon's proposed independence referendum bill to the bill on gender self-identification. Those examples do not inspire confidence. Let us look at the list briefly. The Children and Young People (Scotland) Act 2014, the named persons scheme, the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, the Gender Recognition Reform (Scotland) Bill and the European Charter of Local Self-Government (Incorporation) (Scotland) Bill were challenged in the Supreme Court, and the proposed independence referendum bill was ruled outwith the devolved competence by the Supreme Court, even though the Presiding Officer deemed it possible to bring that bill before the Scottish Parliament.

What we are being asked to vote for today is bad legislation. It is rushed legislation. It is legislation that could well be challenged in the courts, with all the costs and the uncertainty that that would cause. I note that the minister did not support Jeremy Balfour's amendment 1.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I said to your colleague in my contribution at stage 2—

**The Deputy Presiding Officer:** Through the chair.

**Christine Grahame:** —that the certificate of legislative competency was not a guarantee. I also said that, frankly, any legislation can be challenged in the courts.

**Craig Hoy:** I accept that point. I also took on board Stephen Kerr's point that, in effect, there would be an additional guarantee had we passed Mr Kerr's amendment 14.

There is a huge amount of uncertainty around this legislation. It is uncertainty not just for the Government, but for those who are paying rates and for councils. It is uncertainty that could do further damage to the commercial property market.

For all those reasons, the Scottish Conservatives cannot support the SNP's emergency legislation. It is bad legislation, and I

suspect that there is a significant legal challenge to come.

18:08

**Mark Griffin (Central Scotland) (Lab):** I will support the bill, because I recognise the importance of correcting the error that has arisen and the seriousness of the potential consequences if Parliament fails to act.

The bill is, in essence, a targeted intervention to rectify a specific legislative error, which is small in appearance but profound in financial consequence. The mistake, frankly, should never have occurred, but had it not been identified—seemingly by a quirk of fate—it could have resulted in the people of Scotland being left with a liability of approximately £350 million. To put that into perspective, £350 million is almost half of the £820 million that, according to the Chancellor of the Exchequer, was secured by Anas Sarwar for Scotland from the United Kingdom Government this week. [*Interruption.*] We might be hearing chuckles and laughs, but that is not a trivial sum. It represents resources that could and should be supporting public services, not cleaning up a Government mess.

**John Mason (Glasgow Shettleston) (Ind):** Is the £820 million Barnett consequentials or is it on top of Barnett consequentials?

**Mark Griffin:** That is £820 million secured by Anas Sarwar for Scotland, which we hope to see spent properly and not wasted on things such as, potentially, a £350 million bill if we do not fix this mistake.

I disagree fundamentally with the Scottish Conservatives' contention that it is not the role of Opposition parties to correct Government mistakes. We take our responsibilities as elected members seriously; we are here to serve the people of Scotland. It is the people of Scotland who stand to lose hundreds of millions of pounds because the Government has failed to check its own work, so it is absolutely our duty to intervene.

We have listened carefully to the Government's explanation of the procedural circumstances that led to this situation. In due course, there will be time for the Government to account for what went wrong, how it went wrong and why such an error was allowed to persist unnoticed. It may well be appropriate—or, I would say, necessary—for the Government to offer an apology to the Parliament and to the country for its failure to identify the issue sooner. In the months ahead, there will be ample opportunity to scrutinise the wider catalogue of errors and mismanagement that has accumulated over 18 years of SNP administration: missed amendments, wasted millions and repeated failures in governance.

However, today, our responsibility is clear. It is to prevent an unnecessary and harmful cut to Scotland's public finances or a corresponding increase in tax. We acknowledge that, like all legislation, this bill may be open to legal challenge, but the risk of challenge is substantially outweighed by the immediate and pressing risk of a £350 million refund.

Although we support the bill, we cannot accept the circumstances that necessitated its introduction. The Government must reflect on how many more critical errors the Parliament will be required to fix before it accepts that it has reached the end of the road. I would ask the Government not to place the Parliament in this position again, but experience suggests that that might be in vain. If the Government cannot competently manage its own financial and legislative responsibilities, it should step aside for those who can, before lasting damage is done.

**The Presiding Officer:** I call Lorna Slater.

18:12

**Lorna Slater (Lothian) (Green):** Thank you, Presiding Officer. I do not intend to use my full time.

The Scottish Greens understand the seriousness and urgency of this legislation and are content to support the bill at stage 3.

18:12

**Ivan McKee:** I am grateful to everyone across the chamber for coming together to pass this legislation at pace. I do not have much to say other than that the bill is fundamental for the non-domestic rates system to function as intended by Parliament and for councils to have the powers to levy rates on the owners of unoccupied properties, subject to any local relief that they may wish to offer backdated to 1 April 2023. I thank all members for their time to consider the bill.

**The Presiding Officer:** That concludes the debate on the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill at stage 3.

## Motion without Notice

18:13

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now. I invite the Minister for Parliamentary Business and Veterans to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 6:13 pm.—[Graeme Dey]

*Motion agreed to.*

## Decision Time

18:13

**The Presiding Officer (Alison Johnstone):** The question is, that motion S6M-19948, in the name of Ivan McKee, on the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill, be agreed to. As it is a motion to pass the bill at stage 3, the question must be decided by division. As there have been votes throughout the afternoon, I will allow a moment or two for members to refresh their voting apps.

Members should cast their votes now.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Ind)  
 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-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (Ind)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Gillian (Central Scotland) (Green) [Proxy vote cast by Ross Greer]  
 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) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green) [Proxy vote cast by Lorna Slater]  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP) [Proxy vote cast by Fulton MacGregor]  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 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)  
 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 on motion S6M-19948, in the name of Ivan McKee, on the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill, is: For 84, Against 24, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Non-Domestic Rates (Liability for Unoccupied Properties) (Scotland) Bill be passed.

**The Presiding Officer:** That concludes decision time.

*Meeting closed at 18:16.*

## Correction

Gillian Martin has identified an error in her contribution and provided the following correction.

**The Cabinet Secretary for Climate Action and Energy (Gillian Martin):**

*At col 7, paragraph 9—*

*Original text—*

Mr Burnett is referring to an application that has not been put into the Scottish Government's energy consents unit. Even when it is a live application, he knows full well that I cannot discuss it in public.

*Corrected text—*

Mr Burnett is referring to an application that has not been submitted to me by the Scottish Government's energy consents unit. Even when it is a live application, he knows full well that I cannot discuss it in public.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here: [www.parliament.scot/chamber-and-committees/what-was-said-and-official-reports/official-reports](http://www.parliament.scot/chamber-and-committees/what-was-said-and-official-reports/official-reports)

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The deadline for corrections to this edition is:

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