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DRAFT

Meeting of the Parliament

Tuesday 24 February 2026

Session 6



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Scottish Parliament

Tuesday 24 February 2026

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

Time for Reflection

The Presiding Officer (Alison Johnstone):

Good afternoon. Our first item of business is time for reflection. Our time for reflection leader today is the Rev Alasdair Macleod, the Moderator of the Free Church of Scotland.

The Rev Alasdair Macleod (Free Church of Scotland): In a recently published book entitled "What Has Christianity Ever Done for Scotland?", the author reminds modern, secular Scotland that our education, legal systems, healthcare, human rights and arts were shaped by those who had a living connection to Jesus Christ. For instance, James Young Simpson, the pioneer of anaesthesia, was asked by a reporter,

"what was your greatest discovery?",

likely expecting an answer along the lines of his life's work. He replied:

"That there is a Saviour."

What is it about Jesus Christ that draws the deepest devotion? There is no questioning his unique impact. Today, more than 2 billion people, from remote rural tribal groups to the most sophisticated nations on earth, claim a live connection to him. That connection runs from today's world of elite sport to historical figures such as Napoleon, who contrasted the empires of Alexander the Great, Caesar and Charlemagne:

"On what did we rest the creations of our genius? Upon sheer force. Jesus Christ alone founded His empire upon love, and at this hour millions of men will die for Him."

Jesus's unique impact is matched by Jesus's unique insight. Much to the frustration of both traditionalists and radicals of his day, Jesus made it clear that humanity's problem was not out there but inside us; not external but internal; not merely nurture, but nature. Jesus said:

"For from within, out of our hearts"

spews everything that spoils. Therefore, a focus solely on externals, such as economics, education and environmental issues, all of which have their place, but ignoring the internal and the eternal will not prosper. As the prophet reminded the people of his day,

"you have planted much but harvested little. You eat, but never have enough. You drink, but never have your fill. You earn wages, they don't last."

No wonder those words were bookended by, "Give careful thought to your ways".

I love my country, with all its quirks. What made Scotland a beacon of democracy, human dignity, invention and artistic genius can again make us thrive, with kindness and hope, when we hear the words of Jesus and, like the wise man who built his house on a rock, put them into practice.

Business Motion

14:03

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-20897, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on a change to business. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 24 February 2026—

delete

6.00 pm Decision Time

and insert

6.35 pm Decision Time—[*Graeme Dey*]

14:05

Douglas Ross (Highlands and Islands)

(Con): I rise to make a plea to the minister to consider granting a statement in the Parliament, either later today or tomorrow, from the Lord Advocate. The minister can look like that if he wants, but, in the past hour, we have had a dump of 70 pages of information from the Lord Advocate that contains material that is extremely damning for the Scottish National Party Government.

If those of us in the chamber thought that it was bad enough that the Lord Advocate briefed the First Minister of Scotland and the SNP leader on this case in January 2026, when nobody else knew, we simply have to go to page 6 of her bundle of papers, which shows that the Lord Advocate also briefed the First Minister of Scotland and the SNP leader, John Swinney, about this case on 20 March 2025.

For almost a year, the only person who was not involved in this criminal trial to have information about the scale of the alleged embezzlement was Scotland's First Minister and leader of the SNP. Why did the Lord Advocate feel the need to provide that information to the SNP leader in March of last year and then again in January of this year?

On the date that the information was provided to John Swinney—20 March 2025—journalists and the public were still being told that they could not be provided with any further information. Paragraph 6 of the Lord Advocate's memo to the First Minister on 20 March 2025 states very clearly:

"6. Crown Counsel have decided that Peter Murrell should appear on petition at Edinburgh Sheriff Court charged with embezzling over £460,000 from the SNP."

Why did the SNP leader need to know that when nobody else in Scotland was allowed to know that? Why did the Lord Advocate, who sits in John Swinney's Cabinet, feel that he needed to know that information but nobody else did?

Given the concerns that were raised in the chamber last week about the First Minister having perhaps a few weeks' prior notice, I again ask the minister what it now says about our justice system, our political system and the conflict between the roles of the Lord Advocate as both head of the Crown Office and as a member of the Cabinet that this information was provided to the First Minister almost a year ago and that that was kept secret?

Martin Whitfield (South Scotland) (Lab):

Does Douglas Ross agree that a Government minister has the power to indicate an intention to make a statement in order, at the very least, to clarify statements that were made to the chamber last week that may, it seems—based on what Douglas Ross is saying today—have been less than accurate?

Douglas Ross: I am very concerned about that. I have had literally a few minutes to go through 70 pages. There may be yet more questions, but some questions certainly already arise from last Wednesday's session and from this information.

I therefore make a request of the Minister for Parliamentary Business and Veterans to add in a statement either later today or tomorrow. I cannot see why the minister would not want to do that or why the Lord Advocate would not want to come to the chamber to answer questions. If the Government does not agree to that, it will seem to some as if someone is being protected for some reason.

I also look to you, Presiding Officer. When I raised a point of order on 9 December last year about ministers committing to providing information to Parliament and then offering to release it in a different way—that is, not through a statement or to Parliament—you said:

"The 'Scottish Ministerial Code' states: 'The Scottish Government should be accountable to the Scottish Parliament'."—[*Official Report*, 9 December 2025; c 95-96.]

There is no accountability if the Government simply hands out 70 pages of information and refuses to answer any questions on it. [*Interruption.*] The minister can groan, and SNP members can be unhappy that this is being raised, but there are questions to be answered here.

For sure, there are questions to be answered by the First Minister, who, when he was questioned about this last week by Russell Findlay and other MSPs, never mentioned at all not only that had he known about it in January of this year, but that he had known about it way back in March of last year.

Nobody can doubt that the Lord Advocate also needs to account for the information in these documents and the further questions that they raise.

I stress to the minister that we need to hear from the Lord Advocate in this chamber to answer those questions. I urge him to add a statement on the issue either later today or tomorrow. If he does not, I will stand up in here every day until the Government concedes. If it has something to hide, it will have to hide it. The public and wider communities across Scotland deserve answers on what is in these files.

14:10

The Minister for Parliamentary Business and Veterans (Graeme Dey): Presiding Officer, the email from the Lord Advocate has barely warmed the Parliament's inbox and Douglas Ross is on his feet, complaining about being dumped upon and demanding a statement from the Lord Advocate. Last week, the Lord Advocate undertook to provide further information for this Parliament. She does that today, providing extensive information and fulfilling her commitment, and she is pilloried again by Douglas Ross. It is all so predictable. I think that everyone who is watching this knows that—

Stephen Kerr (Central Scotland) (Con): Will the minister give way?

Graeme Dey: In a moment.

What we have just heard tells us all that we need to know about Douglas Ross's motives, because some of the questions—*[Interruption.]*

The Presiding Officer: Let us hear the minister.

Graeme Dey: The Conservatives can shout as loudly as they like. That is their tactic, normally.

Douglas Ross actually knows the answers to some of the questions that he posed. The problem is that he does not want to hear them, because he has a predetermined position on the matter and he is going to grandstand on it.

Presiding Officer, as you and the rest of the Parliament are well aware, there is a mechanism—

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

Graeme Dey: I will give way to Mr Kerr in a moment.

A mechanism is available through business managers to request a statement, and if a majority—*[Interruption.]* I hear Mr Kerr groaning. That says everything about his respect for this institution, but we knew that anyway.

There is a mechanism by which business managers can come together and request a statement, but I have no intention of bringing a statement today.

I give way to Mr Kerr. I apologise.

Stephen Kerr: Let me tell the minister that I have the utmost respect for Scotland's Parliament. Ministers should have a bit more respect for this place.

Douglas Ross, on behalf of many of us, is voicing concern about our ability to hold this Government and ministers to account. There is nothing out of order in that—nothing at all. If we are going to get caught in a web of process every time we raise an issue—and particularly one that is as timely as this, which has just occurred in the past few minutes—what does that say about the status of this Parliament as Scotland's place where ministers and this Government are held to account?

Graeme Dey: Let me thank Mr Kerr for today's performance. We get this every day from Mr Kerr and Mr Ross. These are serious matters and they have been dealt with seriously by the Lord Advocate, who has provided the information on the scale on which she undertook to do so. The Conservatives have not even digested that information and they are on their feet, demanding a statement.

Motion agreed to,

That the Parliament agrees to the following revision to the programme of business for Tuesday 24 February 2026—

delete

6.00 pm Decision Time

and insert

6.35 pm Decision Time

Topical Question Time

14:12

River Dochart (Diesel Pollution)

1. Evelyn Tweed (Stirling) (SNP): To ask the Scottish Government what engagement it has had with the Scottish Environment Protection Agency and Scottish Water regarding the serious diesel pollution incident that has taken place in the River Dochart and the environmental risk to the wider River Tay system following reports that diesel spread to Loch Tay over the weekend. (S6T-02909)

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): The Scottish Government was advised of the incident on Friday and has received regular updates throughout the weekend. Clearly, it is a serious incident, and I thank those who responded for their very quick actions.

I am pleased to hear that Scottish Water and the health board have agreed that, as of this afternoon, all remaining restrictions on using tap water can be lifted and the water is safe to drink. I understand that the environmental situation is stabilising and that efforts to contain the pollution at source are, thankfully, proving effective. SEPA inspections suggest that the east end of Loch Tay remains clear, and no impacts have been identified in the River Tay.

Evelyn Tweed: The diesel spill from the Certas fuel station at Lix Toll has led to a complex multi-agency response. How will the Scottish Government support the agencies to assess and mitigate any on-going impacts of the incident on wildlife and public health in a timely manner?

Gillian Martin: SEPA, Scottish Water and Public Health Scotland have supported the multi-agency response since the incident happened. In relation to impacts on the environment, SEPA has attended incident management team and local resilience partnership meetings, which have helped to co-ordinate the complex response. SEPA is undertaking ecological surveys and wider assessments to understand the impact on wildlife, and it will continue to work with public bodies to assess and mitigate impacts of the incident on public health and the environment.

In relation to public health, Scottish Water and the health board have agreed that, as I said, all remaining restrictions on using tap water can be lifted as of this afternoon. The water is safe to drink. In line with drinking water regulations, Scottish Water will continue to check the drinking water in Killin to ensure that it meets the strict public health requirements that are in place. Once

the immediate incident has been resolved, the drinking water quality regulator for Scotland will undertake an investigation into the incident, and its report will be published in due course. We will continue to work with SEPA and Scottish Water to support considerations and activities as appropriate.

Evelyn Tweed: The local community has expressed its gratitude for Scottish Water's swift response, and I put on record my thanks to Scottish Water. The incident has had a huge impact on the local community, including on the operation of care homes, dentists and hospitality businesses. Can the Scottish Government outline what support is available to businesses that have been impacted?

Gillian Martin: Evelyn Tweed is absolutely right. Throughout the weekend, the residents of Killin have been impacted and have been unable to use water for the purposes for which it is there. I am very grateful to SEPA, Scottish Water and other public bodies for their very swift response to the pollution incident. However, while that has reduced the potential impacts, there have undoubtedly been challenges for the local community and businesses.

Scottish Water worked to ensure that customers had the supplies and the support that they needed, including through door-to-door bottled water deliveries. I am pleased that the remaining restrictions on using tap water have now been lifted, which will ease a lot of the impact on businesses. However, I appreciate that some businesses will need additional advice. Where that is the case, I would encourage them to contact Scottish Water's customer support team.

Stephen Kerr (Central Scotland) (Con): Given that Police Scotland has indicated that no criminality can be established, what regulatory enforcement action is SEPA now considering under environmental protection legislation? Can the cabinet secretary confirm whether SEPA had previously inspected the site in question, when that inspection took place and whether any compliance concerns were recorded?

Gillian Martin: I will need to write to Stephen Kerr about the latter part of his question, because he is asking about things previous to the incident. I can catch up with SEPA, which can let me know whether that was the case.

I understand that SEPA is engaging with Police Scotland, and anyone who believes that a crime has been committed in this instance should report it to Police Scotland, which will be able to investigate appropriately. However, I cannot comment on live police investigations.

Mark Ruskell (Mid Scotland and Fife) (Green): Over the weekend, I visited Killin, and I saw a community of people who are doing an incredible job of supporting each other. They are also very grateful for the work of Scottish Water. However, the community is angry with Certas Energy, the owner of the Lix Toll filling station, which has left that facility vulnerable and abandoned for months on end.

Can the cabinet secretary confirm whether Police Scotland has uncovered any evidence of a theft of diesel at the site, as alleged by Certas? What actions are open not only to SEPA but to other regulators in order to punish Certas and seek compensation if the company is found to be liable for this pollution incident?

Gillian Martin: Mark Ruskell will appreciate that I cannot share any detail about anything that is happening with regard to a police investigation, but SEPA is engaging with Police Scotland. If people have witnessed anything that they believe might have been illegal activity, they should, of course, contact the police. Indeed, if anyone wants to contact Scottish Water's customer support staff about anything in relation to the whole situation, they should do so on 0800 0778 778. However, with regard to anything that they think is suspicious around the causes of the incident, it is the police they should contact.

Mercedes Villalba (North East Scotland) (Lab): According to news reports, SEPA confirmed that a specialist clean-up contractor was working to reduce the environmental impacts of the spill. That is the latest in a long line of outsourcing decisions taken by the environmental regulator, and it comes at a time when other public sector organisations such as Scottish Water have been criticised for outsourcing core work to contractors, whose workers are on inferior conditions and suppressed pay and pensions, which, according to the Scottish Trades Union Congress, leads to post-retirement poverty.

Does the cabinet secretary expect the public to believe that an individual private contractor can deliver that service more efficiently than the national body? If so, is that not an indictment of the Government's record on public services?

The Presiding Officer (Alison Johnstone): On the substantive question.

Gillian Martin: On the substantive question about the specific incident, SEPA has undertaken a visual inspection and has been able to say that the situation is stabilised and containment at source is proving effective.

SEPA received reports of oil in the River Dochart on Thursday evening and overnight, and it worked through Friday and over the weekend to identify

the source and mitigate the impacts. A specialist clean-up contractor, contracted by the garage, has been working at the site and is carrying out works to reduce the environmental impact of the spill. SEPA officers will continue to assess the progress of the specialist remediation contractor's clean-up.

Maternity and Obstetrics Care (Damages Payments)

2. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government what its response is to the reported disclosure that £96.2 million has been spent by NHS Scotland on damages, legal expenses and associated costs linked to maternity and obstetric care. (S6T-02910)

The Minister for Public Health and Women's Health (Jenni Minto): Patient safety in maternity services is a key priority for the Scottish Government. That is why we established a new maternity and neonatal task force and it is why the Patient Safety Commissioner is a member of that task force.

The vast majority of women and babies receive excellent care, but, when things go wrong, we expect boards to investigate fully, be honest with families and ensure that lessons are learned. My heart goes out to any woman, or any family of a woman, who has not received the high standard of maternity and obstetric care that we expect.

It is very important to note that the number or value of claims settled in any year does not directly correlate to an increase in incidents. As Mr Kerr will appreciate, I cannot comment on the figures for individual boards, but, in the interests of transparency, a clinical negligence and other risks indemnity scheme report is published annually by NHS National Services Scotland.

The latest published figures show that there has been variability in the value of obstetrics and gynaecology claims. This reflects the fact that the expenditure on negligence claims in any year is often determined by a small number of high-value claims, which vary each year.

Stephen Kerr: I pay tribute to Hannah Brown at *The Herald*, Marion Scott at the *Sunday Post*, Lisa Summers at BBC Scotland's "Disclosure" programme and whistleblowers who are speaking up for keeping this troubling issue in the public eye. The safety of mothers and babies goes to the heart of our nation. When we debated the issue in November, there was broad cross-party agreement that the concerns warranted a national investigation. The figure of £96.2 million is not just a number—it reflects trauma and loss. Instead, we have a task force that has met once, with no published remit or timetable. The Patient Safety Commissioner said:

"I worry that a taskforce that is so heavily government and NHS Scotland will be marking their own homework"

and that

"If there's anything I'm finding, it's that closing rank and that attitude of 'there's nothing to see here'".

When will the Government order a fully independent national investigation?

Jenni Minto: I agree that it is important that any situation in maternity services is highlighted and that we find the right way to improve services. I am very strong and clear on that.

I am pleased that the Patient Safety Commissioner is an independent public advocate for patients on issues of safety, and she is a key part of the maternity and neonatal task force. We had our first meeting at the end of January; we will have another meeting this month and a further one towards the end of March. We are working through exactly what we need to do, and specific work programmes will be led by a variety of people. I reiterate that it is important to have the Patient Safety Commissioner in the task force as an independent public advocate for patients on issues of safety.

Stephen Kerr: In a sense, that answer goes to the heart of the concerns that many of us have. Reports from Healthcare Improvement Scotland reveal recurring weaknesses in how health boards learn from safety incidents.

The Patient Safety Commissioner says that many expectant mothers feel ignored by the system, and we know that staff feel unsafe to raise concerns because of the past treatment of whistleblowers. What specific measures is the minister now taking to end this culture of secrecy and cover-up and ensure that health boards are held directly accountable when they fail to protect mothers and babies?

Jenni Minto: It is important to recognise that the Healthcare Improvement Scotland reviews provide clear information about areas where health boards are doing well and areas where they need to improve. The reviews are on-going, and we are working together with the health boards to ensure that they learn from them. I was at NHS Ayrshire and Arran last week, and I specifically talked to the director of midwifery to ensure that there was cross-health board sharing of information and improvement measures.

I note that Mr Kerr referred to whistleblowing. He will know from the answers to previous questions that he has asked in this area that the cabinet secretary and I feel strongly that staff whistleblowing should be recognised and that we should ensure that the concerns of staff are listened to clearly. That is exactly what was done during the Scottish Government's listening work.

The First Minister, the cabinet secretary and I are clear that health boards should follow up on the actions that have been taken on the recommendations that were made in each of the Healthcare Improvement Scotland reviews to improve things. I am pleased that NHS Tayside has already reached the conclusion of its actions.

The Presiding Officer: Briefly please, minister.

Jenni Minto: This is an on-going process to ensure that we have safe maternity services in Scotland.

The Presiding Officer: As ever, I appreciate members' interest in these important matters, but I would be grateful for concise questions and responses.

Carol Mochan (South Scotland) (Lab): Yesterday, the Patient Safety Commissioner warned that maternity services "urgently" need to be

"redesigned to address safety concerns".

She also warned that practical measures to ensure proper risk mitigation for rural maternity services have not been fully explored.

The maternity and neonatal task force overruled the commissioner's ask that rural maternity care be reviewed separately. That is disappointing, because we know that rural healthcare requires a distinct approach. Why was the commissioner's ask overruled? Will the Government give an update on its recent engagement with NHS Dumfries and Galloway regarding maternity services in rural Stranraer?

Jenni Minto: I underline to Carol Mochan that the review of rural maternity services has not been stopped or cancelled; it is one of the key areas of progress that we will make with the work of the maternity and neonatal task force. The cabinet secretary has engaged with NHS Dumfries and Galloway, and the Scottish Government has continual engagement with rural health boards.

Willie Rennie (North East Fife) (LD): The Parliament, with the support of the Government, agreed that there should be an independent national investigation. What has changed since the Parliament agreed to that? What is different about the task force from what the minister has done before? Is there now an independent element?

Jenni Minto: The task force is considering how we can do an independent review if that is deemed to be necessary. Willie Rennie will note from the Patient Safety Commissioner's comments to *The Herald*, which have already been referenced, that she has questioned the need for such a review. She said that the important thing is that there is continual improvement, which is exactly what the

Healthcare Improvement Scotland reviews of maternity services will help to achieve.

Finlay Carson (Galloway and West Dumfries) (Con): The Minister for Public Health and Women's Health, the former public health minister and the former health secretary are all in the chamber. They have heard over and over about the issues in Stranraer. We have held an independent inquiry, and three independent clinicians have suggested that midwife-led births should carry on in Stranraer, but that suggestion was ignored by the health board. The task force provides yet another review of a review. When will the Government start to take action and put women's safety first?

Jenni Minto: The Scottish Government puts women's health and safety at the centre of the decision-making process. As I have said in previous responses to Mr Carson, the decision on Stranraer was made by NHS Dumfries and Galloway. I also represent an island and rural constituency, and I have been clear that health boards must provide the best support that is possible for women during their pregnancy journey.

ScotWind (Audit Scotland Investigation)

3 Jamie Greene (West Scotland) (LD): To ask the Scottish Government what its response is to reports that Audit Scotland will investigate investment arrangements at ScotWind. (S6T-02917)

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): ScotWind reflects significant market ambition for offshore wind in Scottish waters, delivering more than £750 million in initial option fee revenues to the public purse. Over time, ScotWind could raise several billion pounds more in rental revenues when projects become operational. These revenues give us the flexibility to invest in long-term benefits for Scotland, helping to strengthen the limited financial levers that we have under the United Kingdom Government's fiscal framework.

The Scottish Government looks forward to engaging with Audit Scotland once the full scope of its report is confirmed.

Jamie Greene: Scotland's renewable sector is a huge economic opportunity, contributing more than £6 billion of gross value added to our economy annually. However, surely the £755 million in revenue that was raised through the auction—which many folk believe was massively undersold at the time—should have been focused on growing the economy, meeting our net zero ambitions and creating well-paid jobs. The whole point of the ScotWind sell-off was to create a

lasting legacy, not simply to use it as a short-term cash cow to fund public services.

Given Audit Scotland's current interest in how the money is being spent, I ask the Government: what exactly is the business money being spent on?

Gillian Martin: We do not have the full scope of Audit Scotland's audit of ScotWind.

I will outline some of the areas in which we are investing ScotWind revenues through the budget, which the Liberal Democrats are supporting. They include a range of projects that will deliver long-term benefits for Scotland, helping us to tackle climate change, grow the economy, create jobs and drive forward reform.

ScotWind funding for capital investment supports a range of projects that tackle climate change and support our net zero ambitions. Specific examples include supporting a just transition, including at Grangemouth, safeguarding its role as the leading industrial cluster; supporting our investment in the nature restoration fund, which has been at record levels for two years in a row; investing in interisland connectivity; investing in our heat and buildings programme; and supporting woodland creation and peatland restoration.

Jamie Greene: I do not think that people have a problem with the money going back into the Scottish budget, but the point being made—this is why Audit Scotland has clearly taken an interest—is that the money should go into the renewables sector. It should also go back into the communities that host the infrastructure. If the principle is, as we believe, that private companies that make money from generating renewable energy should give back to the communities, the same should be true of the Government, which has also made money from renewable energy.

The reality is that communities are facing huge upheaval in order to host renewables infrastructure, and community benefit must be part of the social contract with them. Places such as Shetland have some of the highest fuel poverty rates, yet they will be hosting ScotWind energy developments and have not seen a penny from the windfall. Will the Scottish Government commit to giving the communities that host Scotland's renewables infrastructure their fair share of the revenues generated from it?

Gillian Martin: We are doing a great deal of work at the moment on how we can ensure that we capitalise on the new powers that allow us to mandate community benefits for onshore renewables. We fund the community and renewable energy scheme, which enables communities to develop their own renewables

projects as well as pursue repowering opportunities. I announced a pilot a couple of months ago that would place onshore renewables on public land that is up for repowering, giving those communities first choice on whether they want to bid for the projects.

Jamie Greene raised a wider point about how, as ScotWind developments progress, we can ensure that the associated community benefits are delivered. At present, that is not rooted in individual communities and is not within their direct line of sight. That work is on-going. We want to ensure that, over time—I have mentioned the billions of pounds of revenue that are involved—Scotland as a whole benefits, with particular advantages flowing to communities, especially in relation to the just transition.

The Presiding Officer: I ask for concise supplementaries, please.

Katy Clark (West Scotland) (Lab): Scotland continues to lag behind the UK offshore wind farms' local content target of 60 per cent. For example, there is no conditionality for local employment in the supply chain development statements that Crown Estate Scotland requires developers to produce. Those statements require developers to set out how much they spend in Scotland, the UK, the European Union and other countries, but they do not translate those capital commitments into local job creation. Does the cabinet secretary recognise that, for Scotland to meet its ambitious local content targets and deliver meaningful employment, there must be conditionality for local employment and training in the ScotWind process?

Gillian Martin: I agree with that. One of the advantages of having the Crown Estate devolved to Scotland is that we were able to put conditionality into the licence options. However, I have been told that one of the biggest gaps in local procurement is in the transmission infrastructure build-out. There are no conditions around local procurement—or even UK procurement—for the build-out of transmission infrastructure. We are seeing contracts for cabling going to companies that are based in mainland Europe instead of companies that are based in Scotland. I have also been writing to the UK Government about that. *[Interruption.]* I seem to be being heckled by someone.

The Presiding Officer: Let us hear one another.

Gillian Martin: One thing that we need to—*[Interruption.]*

The Presiding Officer: Let us hear the cabinet secretary.

Gillian Martin: One thing that we need to see is consistency around procurement when it comes to all the contracts that could be available to local suppliers, and by that I mean not just in Scotland, but throughout the UK. A great deal of work is happening in the energy space around transmission infrastructure, and I would like to see conditionality in that area.

However, Katy Clark has a point. If we do not see companies proving that they have local procurement, there will be questions to ask about the viability of their licences.

Fergus Ewing (Inverness and Nairn) (Ind): When anyone sells anything at an auction, the purpose, surely, is to get the best price. That is the point of an auction. Why did the Crown Estate set a cap at all? Why did it set it at £10,000 per square kilometre of the seabed? Why did it then increase that cap by 900 per cent to £100,000? Was the Scottish Government involved in that, and did it agree to set a cap in the first place? If so, why on earth did it do so? That decision has cost the taxpayer in Scotland billions of pounds in wasted, lost revenue.

Gillian Martin: Obviously, we cannot compare licences for floating offshore wind with those for fixed-bottom-type options, so it is unfair to talk about the issue in those terms, if people are doing that. Some people are looking to what England and Wales are using as their cap, but those are different developments. A great deal more capital expenditure was involved in floating offshore wind, given the more challenging conditions.

As to the detail of what discussions the Scottish Government had with the Crown Estate about a cap or otherwise, I was not a minister at the time. If there is any information on that, we will provide it to Audit Scotland as part of the audit that it is taking forward.

John Mason (Glasgow Shettleston) (Ind): Is the fundamental problem here that the fiscal framework is flawed in that we do not have the flexibility to save or borrow in the way that we should have, and that is why the ScotWind money is having to be used in this way?

Gillian Martin: It is only right that when ScotWind money is used, it is used for things that benefit the people of Scotland. I hope that I have illustrated some ways in which it has been used in the current budget. As the cabinet secretary who is associated with climate action, I think that it is a good use of money to involve ScotWind licensing revenues in things that ensure that we have a just transition and improve the skills in our country that enable us to adapt to the opportunities that we have.

I agree whole-heartedly with John Mason's central point that Scotland should be able to make all its fiscal decisions as an independent country.

The Presiding Officer: That concludes topical questions.

Business Motion

14:38

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-20879, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Scottish Parliament (Recall and Removal of Members) Bill. I ask any member who wishes to speak to the motion to press their request-to-speak button. I call Graeme Dey to move the motion.

Motion moved,

That the Parliament agrees that, during stage 3 of the Scottish Parliament (Recall and Removal of Members) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress:

Groups 1 and 2: 1 hour 5 minutes

Groups 3 to 5: 2 hours 10 minutes

Groups 6 and 7: 3 hours.—[*Graeme Dey*]

Motion agreed to.

Scottish Parliament (Recall and Removal of Members) Bill: Stage 3

14:38

The Presiding Officer (Alison Johnstone):

The next item of business is stage 3 proceedings on the Scottish Parliament (Recall and Removal of Members) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 55A—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 the 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.

Section 1—How a member becomes subject to a recall petition process

The Presiding Officer: Group 1 is on how a regional member is recalled. Amendment 38, in the name of Sue Webber, is grouped with amendments 38 to 42, 42A, 42B, 42C, 43 to 46, 48, 52, 53, 61 and 68 to 70.

Sue Webber (Lothian) (Con): All the amendments in this group have been lodged by me and concern changes to the recall process for regional members. One of the key challenges of the bill is establishing a regional recall process that is fair, simple and cost effective. At stage 2, improvements were made to remove the two-step process for regional members, which was criticised in the Standards, Procedures and Public Appointments Committee's stage 1 report. However, I still believe that the process as laid out does not represent value for the taxpayer.

The financial memorandum to the bill found that a regional poll could cost the taxpayer £1.3 million, compared to £0.3 million for a constituency petition and the subsequent by-election. In the United Kingdom Parliament, six recall petitions were triggered between 2018 and 2024. If, in the next session, we had a similar number of recall petitions and polls, we could be talking about millions of pounds being spent at a time when fiscal resources remain tight. I know that there is hope across the chamber that we will never have to use the legislation, but we must ground ourselves in

the reality that we might have to use it. That is why I propose to abolish the recall process for regional MSPs and instead move to a system of automatic removal when the parliamentary sanction ground or criminal offence ground is triggered.

Amendment 42 is the substantive amendment in the group. It would establish a new process by which regional members would automatically be removed if they were sanctioned by Parliament for 10 sitting days or more, or if they were convicted of a criminal offence. Amendments 42A, 42B and 42C would change the wording of amendment 42 to remove reference to the criminal offence ground.

John Mason (Glasgow Shettleston) (Ind): Will the member give way?

Sue Webber: No, I shall not be giving way to Mr Mason.

Jeremy Balfour (Lothian) (Ind): Will the member give way?

Sue Webber: Yes, I will give way to Jeremy Balfour.

Jeremy Balfour: My concern is that the amendments would take away the responsibility and power from the electorate and would allow the Parliament to make a decision that the people might not want to happen. An MSP might fall out with the majority of members of the Parliament. I am sure that that would not happen in this session of Parliament, but it could happen in a future one. Does the member recognise that such an MSP could be removed, even if they had done nothing wrong?

Sue Webber: Indeed. Such vexatious complaints and what might or might not happen in a future session of Parliament are of grave concern to me. We must be mindful that the individuals in the Parliament who are elected under the regional list are not elected as individuals. The member and I were not elected as Sue Webber MSP or Jeremy Balfour MSP. We were both elected as Scottish Conservative MSPs.

If my amendments in group 2 are agreed to, the reference to the criminal offence ground will be superfluous. That is why amendments 42A, 42B and 42C would change the original wording to remove reference to that ground. They are all linked in that way. If members indicate that they will not support my amendments in group 2, I might be content not to move amendments 42A, 42B and 42C, but I will certainly listen to the debate this afternoon.

The other amendments in the group would remove reference to regional polls to reflect the substantive change that would be made by amendment 42.

The amendments are pragmatic and common sense and are designed to bring down the costs of the bill. The amendments reflect the fact that regional and constituency MSPs are elected in different ways. We might be equal when we enter the chamber, but we should have different recall processes to reflect that difference.

I move amendment 38.

Martin Whitfield (South Scotland) (Lab): I thank Sue Webber for her explanation of her amendments. I wish to speak to amendment 42. The member obviously received different advice from that which I received, but I am glad that she lodged the amendment. It is important that we recognise that the voyage into the chamber for members is different and that parity occurs once we come within it. The journey for regional or list MSPs is made on the basis of an internal political party decision on where people sit in the list.

The purpose of the list was to occasion a balance across Scotland of the vote of people outside this Parliament, so that political parties with fewer votes would potentially have a seat here to reflect their proportion of the total vote that was cast. That is important, but it also underpins a reality that there is a different way out of this chamber for regional and constituency MSPs.

14:45

The member's bill that has been introduced is fitting. It addresses the question of cost, but it also retains in the chamber the balance of the parties as it stood at the point of the election. Concern has been expressed that any system might upset the balance across the whole chamber, but this step—it allows regional MSPs to come in in accordance with their party affiliation and by choice of their party, however that choice is arrived at—would allow a maintenance of that balance throughout the process.

The other important element, which Sue Webber rightly picked up on, is that our constituency MSPs arrived in the Parliament because their name appeared on the ballot paper. They were chosen as individuals—many will have been chosen because of their political affiliation, but voters knew who they were voting for specifically. On the list vote, they choose a political party. On that basis, Sue Webber will find that there is support for amendment 42, but she will not find such support for amendments 42A to 42C, the subsequent amendments that relate to it, because there is disagreement over the criminality element, which will be discussed later.

The Minister for Parliamentary Business and Veterans (Graeme Dey): The Scottish Government cannot support any of Sue Webber's amendments in the group, because they would

change the nature of recall by removing Scottish voters from the process of determining whether their regional MSP should or should not be recalled from the Parliament as a result of that MSP's misconduct. Instead, they would provide that constituency MSPs would have their misconduct judged by voters, and regional list MSPs would be removed directly by the Presiding Officer. No right of appeal would be built into the regional process.

The amendments would abandon the principle of parity of esteem for Scottish Parliament recall processes, and MSPs who had committed the same level of misconduct would be treated differently, depending on the method by which they had been elected to the Parliament. Strong democratic accountability measures would be in place for constituency MSPs, whereas they would not be in place for regional members.

I want to return to the principle behind introducing a recall process, which the Scottish Government fully supports. The point of recall is not to design a process that derives from the manner by which the MSP was elected; it should be to enhance democratic accountability of all members of the Parliament by ensuring that, by engaging in the recall process, Scottish voters have a role in determining whether their MSP should or should not be recalled from the Parliament as a result of that MSP's misconduct.

Under Sue Webber's proposals, a regional MSP who was convicted of an offence on a matter of conscience would be denied the safeguard of the public judging whether their conduct was justified. The process of direct removal for regional MSPs would cut the costs that are associated with the bill, and costs have been an area of concern, given that the recall process is relatively simple. However, costs should surely not cut the corners of democracy or natural justice. It might make for a cleaner, simpler system, but would it be fair or equitable? No.

Introducing such a proposal, voting on it and then passing the bill at stage 3 without seriously considering detailed evidence is not the right approach to introducing such a significant change and potentially severe new process. I therefore urge the Parliament to reject all Sue Webber's amendments in the group.

Graham Simpson (Central Scotland) (Reform): Sue Webber's amendments would apply the recall petition process only to constituency members and provide for automatic removal of regional members in cases in which the parliamentary sanction grounds apply.

There are two questions for Parliament to consider in relation to this group of amendments.

First, would a resolution of the Parliament to sanction a regional MSP be sufficient grounds to automatically remove them? Secondly, would regional MSPs and constituency MSPs be treated with parity of esteem, as far as possible, if there was no recall process of any kind for a regional MSP?

During the bill's policy development, I considered carefully what the appropriate triggers should be for the recall process. I also sought to ensure that the recall process that followed any ground for recall being met included features that would enable any MSP, whether they were a regional MSP or a constituency MSP, to have the time and opportunity to make their case to the electorate—a fair opportunity to campaign and, therefore, remain in their post.

Given that constituency MSPs and regional MSPs are elected using different systems, they must be replaced using different systems. There is no way to treat members in an identical way, but they can be treated fairly and with parity of esteem as far as possible. In my opinion, part of the process for all MSPs must involve the electorate.

Drawing on the UK model for constituency MSPs and the Welsh model for regional MSPs, my officials worked painstakingly to ensure that the two processes in the bill—the constituency MSP recall process and the regional MSP recall process—will operate in ways that reflect the need for parity of esteem.

For example, it is intended that the campaigning time available for an MSP before a signing period closes for the constituency MSP petition process will be comparable with the time available before a vote requires to be cast in the regional MSP recall process. Therefore, the amount of time that the electorate will have to consider their decision will be of comparable length.

On the basis that the system that Sue Webber's amendments would create would not include a role for the electorate in relation to regional MSPs and, therefore, would not seek to treat constituency MSPs and regional MSPs fairly, I will not support her amendments.

The Presiding Officer: I call Sue Webber to wind up the debate and to press or withdraw amendment 38.

Sue Webber: I find it slightly ironic that two regional MSPs are supporting my amendments but the Government minister who was elected in a constituency is not. I push back on the member who introduced the bill, who, in my opinion, did a fair bit of heavy lifting in that section.

We have to figure out whether the public will understand the process. If we want to involve the electorate, the process must be simple and

understandable. We should avoid creating a complex and unwieldy process that, quite frankly, might push the electorate away from engaging whole-heartedly in it.

I press amendment 38.

The Deputy Presiding Officer (Annabelle Ewing): The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this will be the first division of stage 3, I suspend the meeting for about five minutes to allow members to access the digital voting system.

14:53

Meeting suspended.

14:58

On resuming—

The Deputy Presiding Officer: We will proceed with the division on amendment 38. Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): On a point of order, Presiding Officer. I could not connect to the app. I would have voted no.

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

15:00

Sharon Dowey (South Scotland) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Dowey. We hope you will have your camera on next time.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-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, Fergus (Inverness and Nairn) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)

McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 69, Abstentions 0.

Amendment 38 disagreed to.

The Deputy Presiding Officer: We now turn to group 2, on removal for offending. Amendment 1, in the name of Sue Webber, is grouped with amendments 2 to 6, 8, 9, 22, 25, 27 and 32 to 34. I point out that, if amendment 32 is agreed to, I cannot call amendment 59, in the group headed “Minor and technical”, because of pre-emption.

Sue Webber: The sound was all over the place there, Presiding Officer. It was coming in and out, and I did not quite hear everything. Perhaps whoever is working the sound can—

The Deputy Presiding Officer: If you resume your seat, Ms Webber, I will repeat what I said, and we will see if we can get it all on the record.

Sue Webber: Thank you.

The Deputy Presiding Officer: Amendment 1, in the name of Sue Webber, is grouped with amendments 2 to 6, 8, 9, 22, 25, 27 and 32 to 34. I take this opportunity to point out that, if amendment 32 is agreed to, I cannot call amendment 59, in the group headed “Minor and technical”, because of pre-emption.

I call Sue Webber to move amendment 1 and speak to the other amendments in the group.

Sue Webber: That was much clearer—thank you so much, Presiding Officer.

Once again, all the amendments in the group have been lodged by me. As I laid out at stage 2, we should be guided by the fact that the public expects far more from MSPs, and we should be held to higher standards than those we represent.

Being a member of this Parliament is a privilege, not an entitlement. I believe that, regardless of the severity of the crime, any MSP who is convicted of an offence should be removed automatically, bypassing the need for a recall petition or by-election. As we saw with the case of Margaret Ferrier—

Lorna Slater (Lothian) (Green): Will the member give way?

Sue Webber: Yes, I will give way to Ms Slater.

Lorna Slater: Would the member say that that was true even in circumstances where the UK Government has criminalised peaceful protest? Members of this Parliament who are protesting for causes that they support, such as those relating to nuclear weapons or war, or even Scottish independence, could be criminalised for that sort of peaceful protest and therefore lose their seats.

Sue Webber: I believe that the law is the law, Ms Slater. Perhaps my black-and-white nature is a little bit uncomfortable for those on the Green benches. I believe that, regardless of the severity of the crime, any MSP who is convicted of an offence should be removed automatically.

Stephen Kerr (Central Scotland) (Con): Does Sue Webber agree that those who make the law cannot then break it with impunity? The public expect a certain level of conduct from members of Parliament, both here and in other Parliaments. When we let the public down by not adhering to those standards, we are undermining public confidence in the democratic institutions that our country stands by.

Sue Webber: We cannot escape the fact that we are in a world right now where trust in politicians is at an all-time low. With the case of Margaret Ferrier—

Kevin Stewart (Aberdeen Central) (SNP): Will the member give way?

Sue Webber: I think that I have taken enough interventions.

As we saw with the case of Margaret Ferrier, the recall process can be very lengthy, allowing law-breaking politicians to draw their salary for months, even after being found guilty.

At stage 2, there were concerns that my amendments on remand would fall foul of the European convention on human rights, so I removed that reference for that reason. The amendments that I have lodged for debate today are still being challenged under the spotlight of the ECHR, but I lodged them because the Conservatives are tough on crime. *[Interruption.]*

The Deputy Presiding Officer: Members.

Sue Webber: My amendments would still abolish the criminal conviction ground for recall.

Instead, members given a custodial or community sentence would be removed automatically. My amendment 34 would modify the Scotland Act 1998 to make provision for the automatic removal of any member who is convicted of an offence. Other amendments in the group would remove references to the criminal offence ground to reflect that change.

Collectively, the amendments would strengthen the principle that MSPs should be held to the highest possible standards of conduct. Members who break the law should not be afforded the opportunity to keep their job through costly petitions, polls or by-elections. They should be treated like the vast majority of the public, who would likely lose their job if they committed a crime. The amendments would provide the Parliament with clear and coherent mechanisms to give effect to that principle, because that is what the public expect from their MSPs who they elect to this chamber.

I move amendment 1.

The Deputy Presiding Officer: I call Alex Cole-Hamilton.

Alex Cole-Hamilton (Edinburgh Western) (LD): I pressed my request-to-speak button only because Sue Webber had signalled that she would not take interventions.

We recognise that we are not reinventing the wheel by instituting a power of recall for our constituents; such a power has existed in the Westminster Parliament for a number of years. The consensus that has been built over time on recall at Westminster specifies the length of custodial sentence that members would have to receive before there could be a recall.

We must recognise that there are laws in our land that we, as parliamentarians, may never vote for and, as such, may never agree with. By force of our conscience or circumstances beyond our control, we might find ourselves on the wrong side of those laws. I am thinking of peaceful protest and civil disobedience and I would hope that, in a less enlightened time in the future, with a more draconian Administration, there would be members of this Parliament who would rise up against more draconian policies. By having a blanket removal of anyone who breaks the law, irrespective of the grounds on which they came to the decision to do so, which might be rooted deeply in conscience—

Stephen Kerr: Will Alex Cole-Hamilton give way?

Alex Cole-Hamilton: I will.

Stephen Kerr: It is really confusing to hear a parliamentarian—someone who makes the law of the land—argue that the law must be partial. The famous figure of justice is blindfold because we stand equally before the law. In that sense, the law is blind to who we are and why we did what we did. It is a matter for the courts to decide such issues. Once convicted, we have to face up to the consequences of our law breaking. For a senior parliamentarian to argue the contrary is very baffling to me.

Alex Cole-Hamilton: It should not be baffling to Mr Kerr. Justice is blind, but, as a famous politician once said, sometimes, the law is an ass. In the future, parliamentarians might decide to test it and submit themselves to the judgment of their peers and their constituents. It is wrong that we should, by amendment, as Sue Webber proposes, bring in the blanket removal of such parliamentarians.

Patrick Harvie (Glasgow) (Green): Does Alex Cole-Hamilton find it odd, as I do, that we are being asked to accept that argument from members of a political party that in recent years has provided two Prime Ministers who broke the law while in office?

Alex Cole-Hamilton: Patrick Harvie is receiving some much-deserved applause for what was an excellent intervention. I can see the faces of our Conservative colleagues growing red with shame—[*Interruption.*]

The Deputy Presiding Officer: Mr Cole-Hamilton, will you resume your seat for a second? There is far too much noise all over the chamber. We need to hear the member who has the floor.

Alex Cole-Hamilton: Patrick Harvie is absolutely right. The Conservatives should feel shame at the incongruity between their amendment and the recent actions of their own leadership, with not just one but two Prime Ministers who have broken the law and who, by their own admission—[*Interruption.*]

The Deputy Presiding Officer: Members, please make less noise.

Stephen Kerr: Will Alex Cole-Hamilton give way on that point?

Alex Cole-Hamilton: I will.

Stephen Kerr: It is ridiculous that that point was made by Patrick Harvie and was agreed with by the leader of the Liberal Democrats, because both of the individuals to whom we are referring paid the price for breaking the law. If we are going to talk about leaders of political parties who break the law, I do not think that the Liberals have a particularly esteemed history in that respect, and members of the Scottish National Party should certainly think twice about throwing stones in that particular glasshouse.

The Deputy Presiding Officer: We have got the gist of the intervention.

Alex Cole-Hamilton: Stephen Kerr has evoked the memory of Jeremy Thorpe, bringing the sublime proceedings of this Parliament into the ridiculous realm of Conservative fantasy. My goodness, is that the best that they have, Presiding Officer?

Boris Johnson broke the law. Yes, he paid the ultimate price but only after, in his words, he was dragged out of number 10 with a blowtorch. My goodness me, is this what we have come to?

Let us simmer all this down. Fundamentally, this is not about the pastiche—[*Interruption.*]

The Deputy Presiding Officer: Members, please.

Alex Cole-Hamilton: Fundamentally, it is about the very real proposition that, in the future, we might find ourselves in less enlightened times, when Opposition parliamentarians may vote against, rail against and stand against the laws of this land and, by extension, and sometimes by dint of their own conscience, civilly disobey those laws. If they commit a small crime, those members should not be recalled; however, if they are recalled, it should be up to the public to discern whether their crime merits their being removed from the chamber; it is about the case that such a member would make to the people who sent them to Parliament. I completely oppose the amendments in the name of Sue Webber.

Martin Whitfield: I take up the point that was made by the member who lodged the amendments in this group about the risk that the amendments could fall foul of the ECHR. I must say that I, along with Scottish Labour, am unable to support any of the amendments in the group. However, if, for some reason, they were agreed to, would she support the member in charge of the bill and would she feel that the matter should be referred back to the committee?

The Deputy Presiding Officer: Perhaps that can be dealt with by the member in her winding up. I call the minister.

Graeme Dey: Sue Webber's amendments are, on the whole, a mixture of her amendments at stage 2 that were either not moved or disagreed to, and, as at stage 2, the Government remains opposed to them.

As I set out during stage 2, the amendments would, in the first instance, remove from the bill the criminal offence ground as a trigger for recall, leaving recall to be triggered solely by parliamentary sanction. In that case, any member who was convicted of an offence for which they received a community sentence of any type or a

sentence of imprisonment for up to 12 months would be disqualified and cease to be a member immediately, without consideration of any recall process or any element of an appeal against that conviction. That would give rise to ECHR considerations, which would cause the Scottish Government to have concerns about the competence of the bill.

Although, thankfully, Ms Webber has dropped her initial idea of disqualifying members who have been remanded in custody but have not faced trial and have therefore not been convicted of any offence, we are still in the territory of disqualifying members before the outcome of any appeal against a conviction or sentence that would disqualify them. That cannot be right and may give rise to challenge.

That difficulty also gives rise to competency issues for the bill, which cannot be overlooked. That may go to Martin Whitfield's point. If the amendments were to be agreed to, the Government might need to lodge a motion to adjourn proceedings so that we could seek to address those concerns about competency.

I also note that, as drafted, Ms Webber's amendments would leave gaps in the process. They would mean that an MSP who received a sentence of imprisonment of more than 12 months but who was not imprisoned as a result would be subject to neither recall nor removal.

The amendments are also deficient in that they provide no legal definition of the term "community sentence". We may all have a rough understanding of what Sue Webber refers to, but legislation needs more than that, and the term is not defined in Scottish legislation.

Brian Whittle (South Scotland) (Con): I have genuine concerns, in that if you got a prison sentence of up to one year that would mean that you were missing from Parliament for up to one year, but getting a sanction of 10 days from the parliamentary committee would also trigger a recall. Do you not think that there is an issue there? You might be able to appeal against a prison sentence, but you cannot appeal against the Parliament. There seems to be a conflict there.

The Deputy Presiding Officer: Always speak through the chair.

Graeme Dey: We will come to the sanctions process in due course.

I will give the Parliament a flavour of what might be captured by community sentences. For example, Scottish Government statistics on community sentences cover community payback orders, restriction of liberty orders and drug treatment and testing orders. Are we seriously

suggesting that those should be captured by the process?

The bill as amended at stage 2 makes a clear distinction in relation to convictions arising from a criminal offence. Any sentence of imprisonment that did not result in disqualification under the law that is currently in place—therefore, a sentence of more than 12 months that resulted in imprisonment—would result in recall, whereby the electorate would decide whether its MSP should remain a member of Parliament. There would be no gaps in relation to sentences of imprisonment, and community sentences would form part of neither the recall process nor the removal process.

The issue of community sentences was not raised during the stage 1 debate. Therefore, a significant change of direction that was not raised at stage 1, and that was not agreed at stage 2, has now been reintroduced in a revised, yet incomplete, form through a new amendment at stage 3.

I will also mention here the sanctions process that the recall would be based on, which is a process that would depend on a regime that is currently under review and, therefore, yet to be agreed by the Parliament.

15:15

Kevin Stewart: That review, which has not yet finished, puts us in a bit of a dilemma in relation to this entire bill today. One would have thought that it should have been completed and in place before we were legislating on this particular issue. Does the minister agree?

Graeme Dey: I agree with Kevin Stewart. Although the Agnew report has been published and sent to the standards committee, when, in the four weeks that are left in this parliamentary session, would parliamentarians have a chance to discuss and debate it, never mind to set out and agree on what they want the sanctions process in this Parliament to look like and how associated changes—such as changes to standing orders and the code of conduct—should take place?

As someone who is leaving Parliament, I would not want to leave legislation that is not underpinned by an independent, agreed sanctions process, with associated guidance and relevant changes to our standing orders. Our new Parliament needs to discuss and agree that process so that it can have confidence in it—*[Interruption.]* I will not give way now; I have given way quite a lot. I apologise.

That is what a committee of the new Parliament ought to do. As I have said throughout discussion of the bill, the processes that are being decided on are for Parliament and its members.

Graham Simpson: Sue Webber's amendments all broadly relate to where the line should be drawn in terms of when a member commits something sufficiently serious that it warrants automatic removal from Parliament altogether.

I gave careful consideration in developing the bill to what the appropriate grounds for the initiation of a recall process should be, and what the appropriate grounds for automatic removal should be. Key considerations were whether the electorate will be left without a representative for an unreasonable period of time, whether the taxpayer will continue to pay for someone who is not undertaking their role as an MSP—for example, if they are imprisoned—and what conduct is required by the Scottish people of MSPs in order for them to be worthy of the position of MSP.

I have sought to mirror, in general terms, the policy intentions and processes of the Recall of MPs Act 2015 in relation to the grounds for recall. In addition, for the criminal offence ground, I also considered grounds that were not included in the 2015 act in order to see whether the criminal offence ground could usefully be built upon.

In relation to community sentences, I took the view that such a sentence would not necessarily remove greatly from the MSP's ability to undertake their role in working for the electorate.

Alex Cole-Hamilton: Does Graham Simpson agree that recall, rather than straight removal, matters? This Parliament has passed legislation that creates a range of criminal offences and, in relation to all of those crimes, has sanctioned the level of punishment and remedy. Simply removing a member, without the recall process, would therefore add an additional tariff to legislation that already exists.

Graham Simpson: Yes. It would be absolutely absurd not to involve the electorate. Alex Cole-Hamilton is right.

If a serving MSP receives a custodial sentence, they are, quite obviously, not able to undertake the role of parliamentarian. However, a short community sentence might be issued for a very minor offence, and that might not reasonably be considered sufficiently serious to justify going back to the electorate, or the associated expense to the taxpayer of that recall process.

In relation to prison sentences, appeals processes need to be considered. In that regard, I have again sought to mirror the appeal provisions in the 2015 UK act, which allow for all appeal processes to be exhausted before the recall process can commence. As the minister said in his letter to Sue Webber, amendment 34 contains no provision for appeal and it may not be ECHR

compliant. That is a serious matter. Sue Webber should not move that amendment.

Brian Whittle: Will the member give way?

Graham Simpson: I will not, if Mr Whittle does not mind. I am almost done.

In addition, if a person was found guilty of a sufficiently serious offence, it is likely that they would receive a lengthy prison sentence that would certainly be over 12 months. That means that they would automatically be removed from office at the point of sentencing without waiting for any appeals period to expire. That automatic removal would eliminate the need for a recall process to be run at all. I stand by my position as reflected in the bill.

Kevin Stewart: Will the member give way?

Graham Simpson: I will.

Kevin Stewart: I thank the member in charge of the bill for giving way. Does he agree that it would be absolutely unbelievably stupid to see somebody removed from this place and replaced by someone else only for them to go through an appeal process that found them not guilty? Where would that leave the legitimacy of the replacement member? What would be the repercussions for this Parliament if, after somebody was rejected, a court of appeal found them not guilty?

Graham Simpson: That is clearly why we need an appeal process. Amendment 34—

Brian Whittle: Will the member give way?

Graham Simpson: I will give way now.

Brian Whittle: That was a very genuine question from Kevin Stewart about the right of appeal. However, is there a right of appeal if this Parliament decides that a member must take a 10-day sabbatical from here?

Graham Simpson: I say to Brian Whittle that there are two different processes here—

Brian Whittle: An appeal—

Graham Simpson: I wish that he would stop interrupting from a sedentary position. He is normally far more polite.

The Deputy Presiding Officer: Mr Simpson, please resume your seat. I try my best to stop interruptions from a sedentary position, but I rely on members to comply with standing orders and show courtesy and respect to all members at all times. Please continue, Mr Simpson.

Graham Simpson: Indeed.

The bill essentially mirrors the Recall of MPs Act 2015, which allows for a parliamentary sanction.

Stephen Kerr: Will the member give way?

Graham Simpson: No. I say to Mr Kerr that I am almost done.

Having said all of that, I am against all the amendments in the group.

The Deputy Presiding Officer: I call Sue Webber to wind up and to press or withdraw amendment 1.

Sue Webber: I am content that the minister drew attention to the fact that there would have to be a custodial sentence or a community sentence that was given following a guilty verdict. I say to Mr Cole-Hamilton that it is not just about someone being found guilty. However, Mr Cole-Hamilton was correct to state that the law is often an ass. It certainly is if we consider some of the legislation that we have passed in this place.

I do not think that the public believe that it is okay for an MSP who has been found guilty to be in this place representing them.

Graeme Dey: Will the member give way?

Alex Cole-Hamilton: Will the member give way?

Sue Webber: I will give way to the minister. I saw his name come up on the screen first.

Graeme Dey: I do not want to reduce this debate to a ridiculous level, but I have a simple question for Sue Webber. If she was nicked for speeding on her way home from Parliament tonight, should she be removed from this place? Based on what she is telling us today, the answer is yes.

Sue Webber: I think that I would get some points. I would not get a community sentence or a prison sentence—

Kevin Stewart: You might. *[Interruption.]*

The Deputy Presiding Officer: Members.

Sue Webber: —unless I was driving at 100mph along the Cowgate at 7 am. We know that none of us should be doing that. *[Interruption.]*

The Deputy Presiding Officer: Members!

Alex Cole-Hamilton: Will the member give way?

Sue Webber: I am not going to give way to Mr Cole-Hamilton.

As we have heard several times, a 10-day sanction can be given by Parliament and there is no appeal process for that. We are looking for parity in appeals, which we hear about time and time again. What opportunity has there been to make the bill what it was originally intended to be and what it is for?

On the standards review, the minister's comments made me ponder whether the Government may be reconsidering its support for the bill. Maybe we will get into that a bit more at some point in the afternoon.

I say to Mr Dey that I accept that there is no definition of “community sentence” in the Scottish legislation, but the other members and parties in the chamber seem to be rather soft-touch on justice, and to want to allow MSPs who have been found guilty and sentenced to either a custodial sentence or a community sentence to remain representing the public. I do not believe that the public would accept that, so, on that premise, I will press amendment 1, and I intend to move my other amendments in the group.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Carol Mochan (South Scotland) (Lab): On a point of order, Deputy Presiding Officer. Apologies—I could not get logged in. My vote is no.

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

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): On a point of order, Deputy Presiding Officer. I could not get my phone to log in. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Fairlie. Your vote will be 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 23, Against 84, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

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)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 2 disagreed to.

Amendment 39 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)

McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)

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

The Deputy Presiding Officer: The result of the division is: For 40, Against 69, Abstentions 0.

Amendment 39 disagreed to.

15:30

Amendment 40 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): On a point of order, Deputy Presiding Officer. I could not connect; I would have voted no.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Doney, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)

Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment 40, in the name of Sue Webber, is: For 42, Against 69, Abstentions 0.

Amendment 40 disagreed to.

Amendment 41 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Doney, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)

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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment 41, in the name of Sue Webber, is: For 42, Against 68, Abstentions 0.

Amendment 41 disagreed to.

After section 1

Amendments 42 and 42A moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 42A 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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment 42A, in the name of Sue Webber, is: For 26, Against 85, Abstentions 0.

Amendment 42A disagreed to.

Amendment 42B moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 42B 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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment 42B, in the name of Sue Webber, is: For 25, Against 85, Abstentions 0.

Amendment 42B disagreed to.

Amendment 42C moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 42C be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

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

The Deputy Presiding Officer: Thank you, Mr Hoy. Your vote will be 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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)

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

Amendment 42C disagreed to.

The Deputy Presiding Officer: I call Sue Webber to press or withdraw amendment 42.

Sue Webber: I press amendment 42.

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 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)

Against

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

Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Ind)
 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)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 69, Abstentions 0.

Amendment 42 disagreed to.

Section 5—Recall initiating notice

Amendment 3 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 3 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)
 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)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 3 disagreed to.

Amendment 4 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 4 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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 85, Abstentions 0.

Amendment 4 disagreed to.

Amendments 43 to 45 not moved.

Amendment 5 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

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)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 85, Abstentions 0.

Amendment 5 disagreed to.

Section 9—Early termination of process

Amendment 46 not moved.

The Deputy Presiding Officer: Group 3 is entitled “Minor and technical”. Amendment 47, in the name of Graham Simpson, is grouped with amendments 49, 7, 50, 51, 21, 23, 24, 26, 30, 54, 31, 55 to 60, 62, 63, 36 and 37. I point out that if amendment 32, which was debated in the group on removal for offending, is agreed to, I cannot call amendment 59, due to pre-emption. I call Graham Simpson to move amendment 47 and speak to the other amendments in the group.

Graham Simpson: Most of these minor and technical amendments are mine; some are from the minister. I will go through each in turn.

A number of the amendments restructure the bill, including to reflect the deletion of part 2 at stage 2. Amendments 47 and 49 reflect that part 2, on removal, was deleted at stage 2 and that the reference to a “recall termination notice” applies to the act as a whole, as opposed to one part of it.

Section 21 is concerned with the conferral of subordinate legislation-making powers.

Amendment 7 would place the wording of section 21(5), which was inserted at stage 2, in a stand-alone section, after section 9. That is because this rule-of-law provision confirms the terms on which a recall process may be questioned and does not confer regulation-making powers. Amendment 30 would remove the provision from section 21(5).

Amendment 50 is a stylistic refinement—I bet members have never heard of that type of amendment before—which would remove the word “but”, as it is not required. The effect of the provision would remain the same.

Amendment 51 would ensure that the expressions that are contained in section 14A apply to the relevant chapters of the bill as it has been restructured at stage 2 and following any required printing amendments.

15:45

Amendment 54 reflects that, in the bill as amended at stage 2, section 31, on commencement, mentions that

“This Part”—

meaning the final provisions—will come into force after royal assent and all other provisions will

“come into force on such day as ... regulations appoint.”

The amendment places section 21, on regulation-making power, before section 29 in the part of the bill titled “Final Provisions”, such that section 21 will come into force after royal assent.

Similarly, amendment 55, in respect of the provision in section 21A, requires the Scottish ministers to consult with the Electoral Commission prior to making regulations under section 21.

Amendment 57 moves section 22, on the power to replace references with actual dates, to part 3, “Final provisions”—

Martin Whitfield: Will the member give way?

Graham Simpson: Is amendment 57 from Mr Whitfield? Yes, I will take an intervention.

Martin Whitfield: I take Graham Simpson back to amendment 26, which makes the references to the Scottish jurisdiction more accurate. Does he envisage a potential challenge, if the conviction and appeal process is in England, that any consequence may be missed or delayed? I understand the challenge that we cannot instruct the English courts to make the notification, but is he confident that there are enough assurances in the bill that we will not end up with an event that bypasses us?

Graham Simpson: The point of Mr Whitfield’s intervention is very important. I have considered

the issue and I am confident that the bill is sound—or it will be if we pass these amendments.

Amendment 56 reflects that the provision in section 22 should apply to the whole act, as opposed to only the part that it originally applied to prior to amendment at stage 2. It reflects part 2 having been deleted from the bill at stage 2. Similarly, amendment 58 amends section 23, on the meaning of expressions relevant to the criminal offence ground, so that it applies to the act as a whole and not a particular part.

Amendment 59 is another restructuring amendment. It moves the interpretation provisions in section 23, which are relevant to the criminal offence ground, into the “Final provisions” part of the bill. Similarly, amendment 63 moves the general interpretive provisions in section 24 to the “Final provisions” part. That is so that both sets provisions can come into force after royal assent and not be subject to regulations that would bring those provisions into force at a later date.

Amendments 60 and 62 reflect that bill was amended to remove the original part 2, on the removal of members, and that it now concerns only the recall of MSPs. The reference to the word “Part”, which is removed by both these amendments, clarifies that the general interpretive rules under section 24 will now apply to the act as a whole, as opposed to applying only to part 1, on recall, as they did originally.

Amendments 31, 36 and 37 amend the short title of the bill to remove reference to “removal”, to reflect that the part of the bill concerning removal of members was deleted at stage 2.

I move amendment 47.

Graeme Dey: As this is the first group with amendments from Mr Simpson, I advise Parliament that we will support all the amendments that he has lodged at stage 3.

I support Mr Simpson’s minor and technical amendments in this group, particularly in relation to the short title and the removal of the word “removal”, on the basis that I do not support Sue Webber’s amendments on the removal of members in group 6, which we will come to. I am pointing that out now because it is a quirk of the voting order today that the short title amendments will be voted on before the debate on the amendments to reinstate removal of members for non-attendance has taken place. It will happen before all the debate has been had on whether the bill should include removal provisions.

My amendments 21, 23, 24 and 26 might well be technical, but they are not minor—even if I say so myself. They are intended to provide clarity that the courts that are referred to in sections 18, 19 and 20 are courts in Scotland.

Sections 18, 19 and 20 require a court that is dealing with a case that might meet the criminal offence ground for recall to notify the Presiding Officer of the outcome of the case and the status of any appeal made. I will come back to the question that Martin Whitfield posed to the member in charge of the bill in a moment.

As we are all aware, the power to create an obligation for courts in Scotland is within the competence of the Scottish Parliament, but the power to make law for other parts of the UK or to place duties on courts in other parts of the UK is not. My amendments in the group will ensure that there can be no doubt on that point.

The criminal offence ground in the bill will continue to apply when a member is sentenced to imprisonment in relation to an offence anywhere in the UK. Of course, publicly available information will be at the disposal of the Presiding Officer to be the source of the information that is needed to act. However, if the Parliament chooses to pass the bill, the Scottish Government could explore with the UK Government the use of an order under the Scotland Act 1998 to extend notification duties to courts elsewhere in the UK.

Martin Whitfield: On the Government amendments, there is a concern that a conviction in England will still count legally but that the notification could be problematic, depending on circumstances. It would potentially rely on the MSP saying, “By the way, I’m appealing this.” I welcome the assurance that an investigation might be carried out if the bill is passed.

Graeme Dey: Given today’s media, it is unlikely that an MSP could be sentenced in that way and that that would not be picked up on. I strongly suspect that any appeal process would also be recorded. However, there is an opportunity to take a belt-and-braces approach, and I think that the Government would take that opportunity, were the bill to pass.

I urge members to support the amendments in the group.

The Deputy Presiding Officer: I call Graham Simpson to wind up.

Graham Simpson: I have nothing to add.

Amendment 47 agreed to.

Amendment 6 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Katy Clark (West Scotland) (Lab): On a point of order, Presiding Officer. I could not vote. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Clark. Your vote will be 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Thomson, Michelle (Falkirk East) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, 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)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 23, Against 81, Abstentions 0.

Amendment 6 disagreed to.

Amendment 48 not moved.

Amendment 49 moved—[Graham Simpson]—and agreed to.

After section 9

Amendment 7 moved—[Graham Simpson]—and agreed to.

Section 3—Criminal-offence ground

Amendment 8 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 8 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)
 Dowey, Sharon (South 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 8 disagreed to.

Section 4—Criminal-offence ground: expiry of appeal period

Amendment 50 moved—[Graham Simpson]—and agreed to.

Amendment 9 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 9 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)
 Dowey, Sharon (South 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
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 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
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 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 26, Against 83, Abstentions 0.

Amendment 9 disagreed to.

Section 14A—Meaning of expressions used in Chapter 2

Amendment 51 moved—[Graham Simpson]—and agreed to.

Section 17A—Returning officer's duty to organise poll

The Deputy Presiding Officer: Group 4 is on the recall poll process for regional members. Amendment 10, in the name of Graham Simpson, is grouped with amendments 11 to 18, 28 and 29.

Graham Simpson: I will probably speak on this group for about five minutes, which might help members decide what to do—I see that some are leaving. I always try to be helpful.

At stage 1, 81 members supported the bill, but concerns were raised about the regional recall process. At stage 2, I made changes in response to those concerns, and I later lodged further amendments for consideration at stage 3. The original proposed process involved two stages: a petition and a poll. The new process would involve only a poll, which would be held on one day in the relevant region. If more than 50 per cent of voters were to say that the MSP should be recalled, the member would lose their seat and be replaced in the usual way.

At stage 2, the Standards, Procedures and Public Appointments Committee gave unanimous cross-party support to the proposed new process and supported all but one of my amendments. The new proposed process would be simpler, easier for the electorate to engage with, quicker, cheaper for the taxpayer and more reflective of electoral processes. It is based on advice from the Electoral Commission and the Electoral Management Board and the process set out in the Welsh Government's equivalent bill, which is also at stage 3.

One amendment was disagreed to on the ground that there was insufficient detail in the bill. The minister was concerned that the Government would need to decide on matters during the development of regulations, as opposed to the Parliament deciding the detail in primary legislation.

My amendments in this group would set out much more detail in the bill. However, they would not detail question wording for the poll, so that the Electoral Commission could conduct user testing on proposed wording once the bill was passed. I think that that is entirely right.

16:00

Amendment 10 would require the returning officer to designate voting places and the days and/or the times of day when people could vote.

The returning officer would set the poll date. Another option would have been to require the Presiding Officer to specify that date. I am aware that that is the approach in the Welsh Government's bill and that our Presiding Officer already sets the date for by-elections.

However, in my view, using the regional returning officer option would be preferable. First, returning officers would set the date for the constituency recall petition process, so appointing the regional returning officer would ensure consistency. Secondly, the poll must take place within, at most, seven weeks of the recall initiating notice being issued. On that basis, regional returning officers, working alongside constituency returning officers, would be best placed to

establish the date, based on practical considerations such as the availability of polling place venues. The Welsh bill would allow a period of three months for that process, but I consider that it could take place within seven weeks and that, in working to shorter timescales, people on the ground, who would have informed experience, would be best placed to identify a workable date.

The seven-week period proposed in amendment 11 would broadly mirror the timescales for the recall petition process for constituency MSPs. As I mentioned during the debate on group 1, I want to ensure that MSPs are treated fairly, which would include giving constituency and regional MSPs comparable campaigning time to inform the electorate's decision.

Amendment 11 sets out that the returning officer must ensure that those who are entitled to vote in the poll have a reasonable opportunity to do so. The returning officer must ensure that there are "reasonable facilities" for in-person voting, including those that are accessible for disabled people. The amendment also includes a requirement for returning officers to consult constituency returning officers on the poll date.

Amendment 12 would add detail on the provision of notice to the electorate that a recall poll is to take place. The notice of the poll must be issued at least 20 working days before the polling day, to ensure that adequate notice is given.

Amendment 13 would require the returning officer to ensure that a person who is entitled to vote is able to do so in person at the designated times and places or by post.

Amendment 14 would allow a regional poll to be rescheduled in the same circumstances as are set out for a recall petition for a constituency MSP, subject to the same requirements for consultation with the returning officer, the Electoral Commission and the convener of the Electoral Management Board. For example, it might not be possible to hold a poll due to a snap UK general election or a local disaster such as a flooding event.

Amendment 14 sets out the requirements on the Presiding Officer, and would set an outer limit of eight weeks, from the original date that was designated as polling day, for the new poll to take place. The provision is modelled on section 2 of the Scotland Act 1998, which allows the Presiding Officer to postpone a Scottish Parliament general election.

Amendment 15 sets out that a person is entitled to vote in a recall poll if, on polling day, they would be entitled to vote at a Scottish Parliament election. It also provides for when alterations are

made to the relevant electoral register to determine people's eligibility to vote in the poll.

Amendment 16 is on entitlement to vote in person, by post and by proxy. It proposes that a person may vote only once and cannot withdraw that vote. They would be permitted to vote more than once only if they were acting as a proxy. Amendment 17 provides for a minor tweak, for consistency, on the entitlement to vote. Amendment 18 provides clarity on the meaning of the key terms "entitled to vote" and "polling day".

Amendment 28 provides that regulations made under section 21 may make provision about the times of day that must, or must not, be designated for voting in the regional poll. Amendment 29 would align the language that the bill uses about voting in a recall poll.

In summary, many of those provisions will sound familiar to members because they reflect existing electoral processes. In addition, the provisions in amendments 10 to 13, 15, 16 and 28 mirror the bill's sections on the constituency recall petition process to ensure that those processes are as similar as possible so that members would be treated fairly and parity of esteem would be employed.

I move amendment 10.

Sue Webber: At stage 2, the minister was clear that the regional recall process would need to be redesigned by the member in charge, and to quite a degree. The amendments in this group go some way towards achieving that. Although I have already expressed my thoughts on how I would have wanted a regional recall process to be, I recognise that the proposed process has been changed. If it is to go forward, Scottish Conservatives will support the amendments in the group.

Graeme Dey: I support all Mr Simpson's amendments in the group, as they will enhance the clarity of the regional recall process by putting more detail in the bill. The committee asked for that at stage 2, and the Government agreed. New amendments that reflect consultation and engagement with parliamentarians were needed.

The latest amendments would make the roles and responsibilities of those who will be responsible for administering the regional recall process clearer. Where appropriate, there is detail about the regional poll process that mirrors the detail for the constituency poll. I welcome the consistency in approach on the power to amend dates relating to the poll, including confirmation that that responsibility will rest with the Presiding Officer. I also welcome clarity on the point that regional returning officers would set the date for

the poll, in consultation with constituency returning officers.

Mr Simpson and I have had several discussions about the details of his recall provisions. The amendments would help to redress the balance between matters that should rightly be considered by and agreed by the Parliament and matters that should be dealt with by the Scottish ministers by means of regulations with agreed parameters, and I support them.

Amendment 10 agreed to.

Amendment 11 moved—[Graham Simpson]—and agreed to.

Amendment 52 moved—[Sue Webber].

The Deputy Presiding Officer (Liam McArthur): The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I could not connect. I would have voted no.

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

The Minister for Equalities (Kaukab Stewart): On a point of order, Presiding Officer. I could not connect either. I would have voted no.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 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)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)

McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 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)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)

Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 67, Abstentions 0.

Amendment 52 disagreed to.

After section 17A

Amendments 12 to 16 moved—[Graham Simpson]—and agreed to.

Section 17B—Determination and notice of poll outcome

Amendment 17 moved—[Graham Simpson]—and agreed to.

Amendment 53 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 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)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 67, Abstentions 0.

Amendment 53 disagreed to.

After section 17B

Amendment 18 moved—[Graham Simpson]—and agreed to.

The Deputy Presiding Officer: We come to group 5, which is on reporting on and observing recall processes. Amendment 19, in the name of the minister, is grouped with amendment 20.

Graeme Dey: My amendments 19 and 20 respond to two suggestions that the Electoral Commission made in its briefing note on stage 2 proceedings.

First, the commission noted that the bill did not, at that stage, contain provisions imposing a duty on it to publish reports on how well any recall process was run. The commission has such a duty in relation to all other electoral events in Scotland, including Scottish Parliament and local council elections and UK Parliament recall petitions. The commission suggested that the same should apply to Scottish Parliament recall provisions.

Amendment 19 therefore provides for a duty on the Electoral Commission to report in relation to each—rare, we hope—recall event. It will enable the Electoral Commission to report on recall issues at any time, at its discretion.

Amendment 19 makes clear what the Electoral Commission will and will not be able to report on. It will not, for example, be able to report on whether the grounds for recall should be changed; that is a matter for this Parliament. However, the commission will be able to report on matters associated with recall, such as the process itself, campaign funding and accessibility assistance offered to disabled persons.

Secondly, the commission noted that there would be merit in extending the electoral observers scheme in a way that would be consistent with the approach taken for UK Parliament recall petitions, so amendment 20 seeks to do that for the Scottish Parliament processes. Those reporting and observation provisions will improve the

transparency and public understanding of the new recall processes in Scotland, if they are used.

Amendment 20 sets out who will be able to observe recall processes and what elements of recall processes it will be possible to observe. Individuals accredited by the Electoral Commission may observe only the final count, not the signing of the petition or voting in the poll under this proposal. The exclusion of the signing of the petition is consistent with UK provisions. It will protect the secrecy of the petition process, bearing in mind that there is only one option on the signing sheet—to recall—so attending a signing place indicates a voter's intention.

In the interests of parity of esteem between petitions and polls, and of simplicity of administrative processes, we have extended the same approach to the regional poll. Only the final count may be observed by accredited observers. Officials representing the Electoral Commission will be able to observe every part of the process, including by being present at the signing or polling places, to provide us all with assurance that the process is properly conducted.

I urge members to support amendments 19 and 20.

I move amendment 19.

Graham Simpson: I think that the minister has explained his amendments very well. I simply note that I agree with them.

16:15

Amendment 19 agreed to.

Amendment 20 moved—[Graeme Dey]—and agreed to.

Section 18—Notice if member convicted

Amendment 21 moved—[Graeme Dey]—and agreed to.

Amendment 22 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 22 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)
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)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
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)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foyso (Lothian) (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) (Ind)
Ewing, Annabelle (Cowdenbeath) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greene, Jamie (West Scotland) (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)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)

McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 22 disagreed to.

Section 19—Notice if appeal brought

Amendments 23 and 24 moved—[Graeme Dey]—and agreed to.

Amendment 25 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 25 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)
 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)
 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)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 23, Against 82, Abstentions 0.

Amendment 25 disagreed to.

Section 20—Notice of appeal outcome

Amendment 26 moved—[Graeme Dey]—and agreed to.

Amendment 27 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Jeremy Balfour: On a point of order, Presiding Officer. Can I just check whether my vote was registered? If it was not, I would have voted no.

The Deputy Presiding Officer: It was not recorded, Mr Balfour, but I will make sure that it is.

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)
 Halcro Johnston, Jamie (Highlands and Islands) (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)
 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)
 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)
 Choudhury, Foyso (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 23, Against 82, Abstentions 0.

Amendment 27 disagreed to.

Section 21—Power to make further provision about processes, etc

Amendments 28 to 30 and 54 moved—[Graham Simpson]—and agreed to.

Section 21A—Consultation with Electoral Commission on section 21 regulations

Amendment 31 moved—[Graham Simpson].

The Deputy Presiding Officer: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)

Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 81, Against 26, Abstentions 0.

Amendment 31 agreed to.

Amendment 55 moved—[Graham Simpson]—and agreed to.

Section 22—Power to replace references with actual dates

Amendments 56 and 57 moved—[Graham Simpson]—and agreed to.

Section 23—Meaning of expressions relevant to the criminal-offence ground

Amendment 58 moved—[Graham Simpson]—and agreed to.

The Deputy Presiding Officer: I remind members that, if amendment 32 is agreed to, I will not be able to call amendment 59, due to a pre-emption.

Amendment 32 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 32 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)
 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)
 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)
 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)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is, For 23, Against 84, Abstentions 0.

Amendment 32 disagreed to.

Amendment 59 moved—[Graham Simpson].

The Deputy Presiding Officer: The question is, that amendment 59 be agreed to. Are we agreed?

We are agreed—[*Interruption.*]

Stephen Kerr: I said “No” very clearly.

The Deputy Presiding Officer : I would contest that you said it very clearly. I have to say that I have been relying more on the front bench to indicate.

Nevertheless, we are not agreed, so there will be a division on amendment 59.

The vote is closed.

Monica Lennon wishes to make a point of order.

I call Monica Lennon to make a point of order. Ms Lennon appears to be muted.

The Cabinet Secretary for Finance and Local Government (Shona Robison): On a point of order, Presiding Officer. I would have voted yes.

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

Marie McNair (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. I would have voted yes.

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

Gillian Mackay (Central Scotland) (Green): On a point of order, Presiding Officer. I think that my vote has been recorded. However, if it has not been, I would have voted yes.

The Deputy Presiding Officer : Thank you, Ms Mackay. I can confirm that your vote was indeed recorded.

Monica Lennon (Central Scotland) (Lab): I think that I am finally off mute. I apologise. I could not connect. I would have voted yes.

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

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)

Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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)
 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)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer : The result of the division is: For 83, Against 21, Abstentions 0.

Amendment 59 agreed to.

Section 24—General interpretative rules

Amendment 60 moved—[Graham Simpson]—and agreed to.

Amendment 33 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer : There will be a division.

The vote is closed.

I call Ariane Burgess for a point of order.

Ariane Burgess (Highlands and Islands) (Green): I apologise, Presiding Officer. That was for the previous vote.

16:30

The Deputy Presiding Officer: Thank you, Ms Burgess.

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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 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)
 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)
 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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 24, Against 83, Abstentions 0.

Amendment 33 disagreed to.

Amendment 61 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)

Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Choudhury, Foyso (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-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)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (LD)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Reform)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 67, Abstentions 0.

Amendment 61 disagreed to.

Amendments 62 and 63 moved—[Graham Simpson]—and agreed to.

After section 24

Amendment 34 moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 34 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)
 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)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)

Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 25, Against 82, Abstentions 0.

Amendment 34 disagreed to.

The Deputy Presiding Officer: Group 6 is on removal for non-attendance. Amendment 64, in the name of Sue Webber, is grouped with amendments 65 to 67, 67A and 71.

Sue Webber: At stage 2, the committee voted in favour of removing the non-attendance element from the bill. At that stage, I lodged a series of amendments that recognised that, whether we like it or not, we have accepted that hybrid attendance is as valid as physical attendance.

However, I believe that it is right for the full Parliament to debate and vote on the element of non-attendance. That was originally a key provision of the bill, and much was made of its removal in the press. In our 2021 manifesto, the Scottish Conservatives pledged to

“introduce Mackay’s Law, allowing the public to recall MSPs who have broken the law, grossly undermined trust or failed to contribute to Parliament for more than six months.”

I remain committed to that element of the bill, but I recognise—as I have said—that there were concerns at stages 1 and 2 that there would be an impact on the privacy of members. I totally agree that attendance provision needs to be balanced with the need to respect the personal lives of members. That is the reason why I lodged amendments 64, 65 and 66, which set out alternative provisions for reintroducing removal for non-attendance.

Amendment 64 would make provision for an MSP to be removed automatically if they fail to attend Parliament within a 180-day period, unless they receive a leave of absence from the Presiding Officer. There is a prescribed list of reasons for

which the Presiding Officer can grant such a leave of absence.

Amendment 65 would make provision for an MSP to be removed automatically if they fail to attend Parliament within a 180-day period, unless they have received a leave of absence from the Presiding Officer, who would have discretion over the leave of absence and could grant it for any reason.

Amendment 66 would make provision for an MSP to be removed automatically if they fail to attend Parliament within a 180-day period, unless they request a leave of absence in line with a process set out in standing orders.

Amendment 67 sets out a process for standing orders as mentioned in amendment 66. The Presiding Officer must then refer the decision on whether to grant the leave of absence to a committee, which would then vote on the decision. I think that the Standards, Procedures and Public Appointments Committee—and I, as a sitting member of that committee—would not be too keen on that, which is why I have presented alternatives. The MSP would be able to appear in front of the committee in order to make representations, and the committee would have the final decision on whether to grant the leave of absence, although it would not be able to disclose any personal details about the MSP’s circumstances for requesting such a leave of absence.

Lorna Slater: Some political parties, notably Sinn Féin, say that their members will not take their seats, as a point—for them—of ethics and morality. They stand on that, and it is a principled stance for them. Is the member saying that that sort of principled stance would not be allowed in the Scottish Parliament? However much I might disagree with a member doing that, should it not be allowed?

Sue Webber: Thankfully, we do not have Sinn Féin on the ballot paper in Scotland. To be frank, I think that if someone is elected and has the privilege to represent their constituents, they at least need to turn up for work.

My amendment 67A would change the wording of amendment 67 so that the process set out in amendment 67 is not legally binding but, rather, advisory. Amendment 71, which I believe has a little bit more support among members across the chamber, would reintroduce “removal” back into the long title to reflect the fact that if my amendments are agreed to—

Ross Greer (West Scotland) (Green): Will the member take an intervention?

Sue Webber: I will, Mr Greer, if you give me a second.

Amendment 71 would mean that, if my amendments are agreed to, the bill would allow for the immediate removal of MSPs in some circumstances, not just recall.

I give way to Mr Greer.

Ross Greer: Sue Webber said that it is a privilege to be elected to this place, and I agree. She said that, in return for that privilege, members should at least turn up for work. I cannot help but notice that about a third of the Conservative group have not turned up to vote in these proceedings, either in person or online, which appears to be a consistent pattern of non-attendance in that group. Surely, if being a member is a privilege and we should turn up for work, that should start with the group of members who have lodged these amendments on attendance.

Sue Webber: My amendments ask members to turn up at least once in 180 days, Mr Greer—

Craig Hoy: [*Made a request to intervene.*]

Sue Webber: There have been instances in which members of the party of government have not turned up, which is the very reason that we introduced the bill.

I will take the intervention from Mr Hoy.

Craig Hoy: I thank Sue Webber for giving way. Perhaps Mr Greer has spotted that, this afternoon, some Conservative MSPs have been meeting members of community councils from across Scotland who are appalled at the industrialisation of our countryside under the so-called green revolution led by the Green revolutionaries on the other side of the chamber.

Sue Webber: Thank you, Mr Hoy. As MSPs, we have very challenging and complex diaries to manage and we cannot be in every single proceeding in every single committee. That is the whole point of having parliamentary and party groups—[*Interruption.*] Are members okay with that?

I recognise that non-attendance has clearly garnered some concern among members, but I raise the fact that such a provision already exists at local government level, and there have been a number of instances in which disgraced members have been able to continue to draw a salary without doing any work for the constituents who elected them. I invite members to work with me to find a solution that would bring non-attendance back into the bill.

I move amendment 64.

Martin Whitfield: I rise in relation to group 6, in order to oppose the amendments that seek to reintroduce the issue of non-attendance. Throughout the consideration of this bill, there has

been much discussion about non-attendance. One of the challenges that constantly came up was, “What do you mean by non-attendance?” We have heard in the interactions in the debate this afternoon that members might not be in the chamber because they are undertaking legitimate constituency or regional duties elsewhere, and we have heard assertions about whether physical attendance in the chamber is necessary. That sits at the heart of the challenge with regard to non-attendance. As Sue Webber mentioned at the end of her remarks, reference is often made to the situation within our councils, where the point about attendance is specifically referred to in relation to a specific meeting, and that can be matched up or not matched up.

In the Parliament, does attendance relate to attendance at committees, in the chamber or remotely? Is it about voting? We do not have a settled view on how to assess it, and the challenge with regard to all of these amendments is that they would place on the Presiding Officer an almost unimaginable pressure, with people screaming about non-attendance.

Sue Webber: Will the member take an intervention?

Martin Whitfield: I will in a moment.

The Presiding Officer could be aware of information that they rightly cannot put into the public domain but is pertinent to the decisions that they make using the prescribed list of approved reasons for non-attendance.

I will take the intervention now.

Sue Webber: One of the suggestions that I have put forward is something that is akin to the current system for giving members a proxy vote, which I accept has worked well. I do not think that any member has had an issue with that being presented to them. That is why I lodged that specific amendment.

Martin Whitfield: It might be that Parliament will find an ability to coalesce around the issue of non-attendance in the same way that we were able to coalesce around the requirement for people, who are unable to vote for personal reasons, to pass that vote on to someone else. It took the best part of two and a half years to reach that point. It came about through discussions, so we had an agreement about what we meant and about how far we intended those edges to go. With all respect, we have not reached that point with non-attendance, because we have not been able to agree on its definition—whether that be in the chamber or remotely—during the consideration of this bill. It is not that a debate on that issue is not important—indeed, it is important that the debate continues—but it is perhaps best done outside the

scope of the bill until we can reach an agreement on what non-attendance amounts to.

Graeme Dey: At stage 1 and again at stage 2, the Government made its views known on provisions to remove members of this Parliament on the grounds of non-attendance. We did not support removal for non-attendance then and we do not do so now.

Mark Griffin's amendments, which were agreed to at stage 2, removed the non-attendance provisions from the bill, helping to make it only about recall. Mark Griffin set out his concerns about

"monitoring, privacy and having a committee of MSPs making judgments on what does and does not constitute a reasonable explanation for non-attendance."

His concern then and my concern now is that the bill would

"force members to disclose personal circumstances or, perhaps, the circumstances of family members for whom they act in a caring capacity."—[*Official Report, Standards, Procedures and Public Appointments Committee*, 29 January 2026; c 47.]

As an alternative to Mr Griffin's amendments, Sue Webber said that she was testing the water with her stage 2 amendments, which she did not press, as it was clear that the committee did not support them. These new amendments revive the issue, but with a range of options on the table. I am afraid that none of the options is satisfactory and they all give rise to competence concerns—like those that I raised in relation to Sue Webber's group 2 amendments—that could, if the options were agreed to, result in the Government having to seek a motion to adjourn these proceedings.

Before I move to issues of legality, I will set out a key point: none of the three options would actually address the problem of non-attendance. All an MSP would need do is set foot in this building for one day in 180, or log on to proceedings for one day in 180 in order to avoid being removed as an MSP.

However, the amendments would impose a burden on those who have a genuine and legitimate reason for being away from the Parliament for an extended period. A monitoring and reporting bureaucracy would also need to be put in place to enable the legislation to work.

16:45

The first option, which is provided for by amendment 64, would put into law a limited list that that the Presiding Officer would use to deem whether an absence is for an acceptable reason. As with any list, the reasons that are noted in the amendment are not exhaustive. Although I

welcome that one of the suggested reasons is caring for someone

"who is near the end of life",

it would not be deemed to be an acceptable reason for absence if a person is caring for someone who is seriously ill or going through treatment for a serious illness such as cancer but who is expected to, or who it is hoped will, recover.

With respect to the office of the Presiding Officer, I have concerns about such significant discretionary power being placed in the hands of the Presiding Officer, as would be provided for in option 2. The Presiding Officer would be responsible for determining what reasons are acceptable outside of any framework or guidance. Where are the transparency and fairness in that for the member or for the Presiding Officer?

A system of notification and approval that is set out in standing orders with determinations made by a committee would provide for a degree of transparency. However, I return to the point that I made earlier that introducing such a system would require the construction of a bureaucracy to force those who have genuine reasons for absence to justify themselves. By requiring reasons to be shared with a committee, option 2 does not take account of the need for privacy or confidentiality with regard to the member or their loved ones.

I move to the issue of competence. The two options that involve the Presiding Officer would lack any external or independent oversight of the removal process, while the third option for removal would involve a committee decision to approve a reason for non-attendance. None of the options would include a plenary vote on removal; the decision of the Presiding Officer or committee would be the only way to avoid removal. A decision to refuse to accept a reason would not be subject to any form of appeal or review, so could be considered to be arbitrary. That would engage concerns that relate to the ECHR and give rise to issues of competence.

The bill is intended to address misconduct and improve the democratic accountability of MSPs. Non-attendance, however frustrating it might be for other MSPs, does not indicate misconduct, nor does presence indicate that someone is taking their responsibilities as an elected member seriously. The amendments would not address misconduct, nor would they improve democratic accountability, but they would give rise to issues of competence. I therefore oppose amendments 64, 65, 66, 67 and 67A.

As I will discuss when we arrive at group 7, I support Mr Cole-Hamilton's amendment 35, which would add a review provision to the bill. As a consequence of amendment 35 being agreed to, a

change to the long title of the bill would be required. I note that Mr Cole-Hamilton supports Ms Webber's amendment 71, which would make the required change. On the basis that the change would be necessary as a result of Mr Cole-Hamilton's amendment being agreed to, I support Ms Webber's amendment 71.

Graham Simpson: In this group, Sue Webber has reintroduced the idea that MSPs should be required to attend proceedings in the Parliament at least once every six months unless they have good reason not to. That approach was what first started me on this journey. However, that provision was removed at stage 2. The committee was unconvinced that it could work fairly, even though every workplace in the land does not allow staff to stay away for as long as they like without good reason.

Sue Webber's amendments in this group do not quite fulfil the brief, save for one of them. Amendment 64 includes a very short list of reasons that Sue Webber presumably thinks are acceptable for taking a leave of absence. My issue with the amendment is that there may be other valid reasons for someone being unable to be at work. I also share the minister's concern about a lack of any external or independent oversight of the removal process. I therefore oppose amendment 64.

Stephen Kerr: Graham Simpson's journey with the bill started with the levels of discontent that he and others felt about one particular instance in which a member did not turn up to work for years. Now that we are at stage 3, the primary purpose of introducing the bill will not be fulfilled in the legislation that is before us. I ask Graham Simpson for his reflections on why, given that we started off with the intention of remedying a situation that many of us found unsatisfactory, the bill does not do what we set out to achieve. I say "we" because the Scottish Conservatives were promoting the idea initially.

Graham Simpson: Stephen Kerr is entirely right—that is the history of the bill. It actually began with a discussion between me and the now Baroness Davidson. Throughout this process, I have been at pains not to name individual members, and I have not done so. I have to say that, when I was in the Conservative group, we did that in relation to one member and I was uncomfortable with it. I stopped doing it because I do not think that this is about individuals. However, there will always be members who do not attend—there have been, and there are, members like that. That is just life. My view was, and is, that we need to tackle the issue. The question before us is whether these amendments are the right way to do that.

Mr Kerr was probably not following the proceedings at stage 2—not that I expected him to—and he perhaps did not read the committee's report, which was very uncomfortable with the proposal. I simply had to take a pragmatic view and accept that that is the way it is, but the issue still needs to be addressed—if not now, in the next session of Parliament. I offer this suggestion to Mr Kerr: if he is returned and I am returned, we ought to revisit the issue.

Amendments 65 and 66 are essentially alternatives to amendment 64. My issue with them is that they consider remote participation as attending. That is our current way of working, but my original proposal was that MSPs should be making the effort to come into Parliament once in a while. I know that not everyone agrees with that—Mr Kerr possibly does—but I feel very strongly about that, so I oppose these two amendments on that basis.

I can see what Sue Webber is trying to do with amendments 67 and 67A by taking the standing orders route, but, although I am strongly of the view that the non-attendance issue needs to be tackled, I share the minister's concerns about competence and I would not want to pass amendments that are not competent, as that could put the whole bill at risk if it passes.

All amendments in this group should be opposed.

The Deputy Presiding Officer: I call Sue Webber to wind up and to press or withdraw amendment 64.

Sue Webber: I think that the public expect us to attend and participate in Parliament. I accept the challenges with the definition of attendance and perhaps with that of participation.

I press amendment 64.

The Deputy Presiding Officer: The question is, that amendment 64 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Fulton MacGregor (Coatbridge and Chryston) (SNP): On a point of order, Presiding Officer. I had difficulty connecting. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr MacGregor. I will make sure 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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 64 disagreed to.

Amendment 65 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 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)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 65 disagreed to.

Amendment 66 moved—[Sue Webber].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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)
 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)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

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)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 23, Against 83, Abstentions 0.

Amendment 66 disagreed to.

Amendments 67 and 67A moved—[Sue Webber].

The Deputy Presiding Officer: The question is, that amendment 67A 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)
 Dowey, Sharon (South 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (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) (Ind)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 25, Against 82, Abstentions 0.

Amendment 67A disagreed to.

The Deputy Presiding Officer: I call Sue Webber to press or withdraw amendment 67.

Sue Webber: I press amendment 67.

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

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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

Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 67 disagreed to.

The Deputy Presiding Officer: Group 7 is on review of removal: protection of vulnerable groups.

Amendment 35, in the name of Alex Cole-Hamilton, is the only amendment in the group.

17:00

Alex Cole-Hamilton: Members who were elected to the Parliament in the 2016 to 2021 session might recall that, when we amended the Protection of Vulnerable Groups (Scotland) Act 2007, I tried to make amendments that would have required MSPs or candidates for the Parliament to undergo the disclosure checks that we ask of anyone who is in a regulated childcare position or who is regulated as part of working with vulnerable adults.

I want to tackle head-on from the outset any incongruity that might be perceived between the intent of my amendment 35 and the scope and reach of the bill and the aims therein. In discussing the bill, we are deliberating the means by which constituents can legally recall their members of Parliament if the conduct of those members falls below a threshold so that it is no longer fit or proper for them to serve in this chamber. I believe that, should a member of Parliament be barred from working with either children or vulnerable adults, they no longer meet the standards that should be required of the democratic representatives that our constituents send to this place, and that in itself should represent a threshold for recall.

The only means that we have of verifying that somebody is not barred from working with children or vulnerable adults is to subject them to the disclosure regime under the auspices of the Protection of Vulnerable Groups (Scotland) Act 2007. Many members might have disclosures through the 2007 act process for other roles that they hold, but the act is clear that it is an offence to require a PVG check of someone who is not deemed to hold a regulated position. MSPs were excluded from those who are deemed to hold a regulated position when the act was introduced. Therefore, there is no voluntary route to give effect to such a measure. We cannot simply undertake, as good public representatives, to go through the disclosure process, or the Scottish Parliamentary Corporate Body cannot suggest that as good practice or make it part of the induction of new MSPs, for example. Changing that would require amendment of the existing laws in the ecosystem and maybe even its own act of Parliament. My amendment 35 seeks to begin that process.

Before politics, I worked for more than 19 years in youth work, the children’s rights sector and youth policy. In that context, I was asked to join the voluntary sector issues unit of the protection of vulnerable groups implementation board under the Scottish Government. I was closely involved in the development of the 2007 act and its subsequent implementation. Since then, the PVG scheme has

provided some level of protection and reassurance in relation to people who hold a regulated position, as defined by the 2007 act, through their work or volunteering responsibilities and who have unsupervised contact with children or vulnerable adults.

As the 2007 act makes it an offence to require a check of someone who does not hold such responsibilities, the professional roles and volunteering activities that are required are explicitly listed. Although the reasoning for that is clear, it leads to inflexibility in the application of the scheme when it comes to those who hold elected office. To my knowledge, PVG checks are required only of local councillors who are involved in particular functions relating to the role of corporate parent or who, through their responsibilities, have access to looked-after children or carry out other education-related activities. However, the discussion in those early days should have considered including politicians more broadly.

We know from bitter experience that those who would harm children or vulnerable adults will, and do, seek out positions in our society that confer on them power, influence and opportunity. I contend that, in our role as MSPs, we have all three.

Consider the times when we offer work experience to high school students. On more than one occasion, time pressures have seen me ferry a work experience volunteer from the constituency to the Parliament or to a visit in the constituency. I have never regarded doing so as inappropriate, because I have disclosure checks for other roles that I have held, but even if I had regarded it as inappropriate, nobody in the Parliament has ever warned me not to do it. In my 10 years as an MSP, vulnerable adult constituents have asked many times to see me privately at my surgery without my caseworker being present, and we are naive if we think that a predator who has been elected to parliamentary office would not take advantage of or manufacture such circumstances.

I recognise that the Parliament has not taken evidence on the matter that amendment 35 raises, nor does the bill's scope lend itself to the not insubstantial level of amendment to attendant acts that such a measure would require. Instead, instructing a review, as my amendment proposes, would signal this Parliament's intent to get this right and introduce a checking regime in time for the parliamentary session that commences in 2031, so that we can reassure our constituents that every member of that Parliament will be a fit and proper person in respect of information that is held by the police relating to working with children and vulnerable adults.

PVG checks are not foolproof, but they are all that we have. Members of the press and the

general public are, frankly, astonished to learn that we are not already subjected to them. I contend that the case for our inclusion in the scheme is fast becoming unanswerable.

I move amendment 35.

Graeme Dey: At stage 2, I was happy to support Mr Cole-Hamilton's amendment in principle, but I could not support it as it was drafted. As I noted at stage 2, his amendment called for a thorough review of a complex topic that we all agree needs careful consideration to be conducted in 12 months, which was too short a period, particularly given that some of that time would be captured by the election and the formation of a new Government.

I am pleased that we have been able to work with Mr Cole-Hamilton on his amendment and have suggested that 18 months is adequate time for the Government to carry out such a review.

Martin Whitfield: *rose—*

Graeme Dey: As Mr Cole-Hamilton said, amendment 35 signals intent, so I support it.

Graham Simpson: I saw that Martin Whitfield wanted to intervene on the minister. He can intervene on me if he likes, but I will be very brief.

I understand the importance of the issue that Alex Cole-Hamilton has raised. People would think it very odd that we are not subject to PVG checks. A key consideration for me is what requirements there should be of any member at their point of election to the Parliament. If they are barred from regulated roles or working with vulnerable groups for any reason, should such an individual be able to be elected to Parliament at all?

Alex Cole-Hamilton: I am grateful to Graham Simpson for working with me on the issue. Does he agree that we need to do more? He mentioned the induction of new MSPs. Even if we cannot legislate to require a disclosure scheme check for new MSPs, at the very least the Parliament and the Scottish Parliamentary Corporate Body still have a duty of care to vulnerable adults in our constituencies who seek our help and school students who come to us for work experience. Should that duty not include ensuring that training on working safely—in a supervised capacity wherever possible, with doors open and similar safeguards—is part of the induction for new MSPs?

Graham Simpson: I agree with that. All that Alex Cole-Hamilton's amendment 35 does is commit the Government to a review.

Martin Whitfield: The minister finished just too quickly, so I was not able to intervene on him. I agree with Graham Simpson, and we have heard

in the interventions today that the issue is massively important and needs to be looked at.

I am aware that Alex Cole-Hamilton has tried to progress his proposal in the past and has kept hitting the same barriers. One of the things that might be helpful from the Government is an indication that, if amendment 35 does pass, it might be possible to extend the review slightly wider than what is proposed in the amendment, given what we have heard about people coming into the Parliament when a ban was perhaps already in place.

My question to the minister was going to be about whether there is a need to amend the long title, given that the amendment would only require a review and would require primary legislation to bring any consequences of the review into force.

Graham Simpson: Martin Whitfield has raised very sensible points, as he always does.

I agree with amendment 35.

The Deputy Presiding Officer: I call Alex Cole-Hamilton to wind up the debate and to press or withdraw amendment 35.

Alex Cole-Hamilton: In this Parliament, we have to govern for people as we find them, not as we would wish them to be. Unfortunately, we have recent cause to know that, in various aspects of public life, predators have sought and exploited positions of power, influence and opportunity. We cannot wait for something bad to happen before we act because of a public clamour to do so.

Stephen Kerr: Will Alex Cole-Hamilton take an intervention?

Jeremy Balfour: [*Made a request to intervene.*]

Alex Cole-Hamilton: I am happy to take both interventions. I will take Stephen Kerr's intervention first.

Stephen Kerr: It is worth putting in the *Official Report* a point that has not been mentioned, which is that parties have a responsibility in relation to the selection and vetting processes that they apply to their candidates.

Alex Cole-Hamilton: Stephen Kerr is absolutely right. I hope that, in the fullness of time, regarding all aspects of elected office for which we have competence—obviously, we cannot make provisions relating to members of Parliament at Westminster—and at every level of political activity, we recognise that, in the white heat of an election campaign, the candidate is the central figure around whom people gravitate, because they sometimes have a magnetic personality, and that they, too, have late-night access to volunteers, even though we would perhaps sometimes rather that they did not. We cannot just assume that

candidates are good people and that they are coming here with the best of intentions, so I fully agree with Stephen Kerr.

I am happy to take an intervention from Jeremy Balfour.

Jeremy Balfour: I wonder whether I can develop the point slightly. In an ideal world, would we not carry out checks before the person was nominated to stand in an election? That would provide more clarity and probably prevent problems in the future, but it would also let the electorate know who they were voting for. Does Alex Cole-Hamilton agree that, in an ideal world, there would be some way for checks to be carried out before someone was nominated to be a candidate?

Alex Cole-Hamilton: I am aware that, like the Liberal Democrats, the Conservative Party—Jeremy Balfour is now an independent; forgive me—and, I think, all parties represented in the Parliament already have vetting procedures so that, to the best of their knowledge, they field people of upstanding probity who are seeking elected office with the best of intentions. Ultimately, the natural conclusion of my efforts would be the regime that I have set out being extended to candidates through vetting processes.

Keith Brown: I think that I am right in saying that Alex Cole-Hamilton would have needed to have undergone a PVG check in order to host a Ukrainian family—I certainly did. If the proposals were extended, the only rational point for carrying out the check would be at the point of nomination. In the same way as candidates have to declare that they are not a lord or mentally unfit, they would have to declare that they had passed a PVG check.

I forget how much such checks cost, but my concern is that we do not want to put in place further obstacles for people who want to stand for election. Surely, in the interests of democracy, the fee for undergoing a PVG check should be waived for candidates, as it was for those involved in the Ukrainian scheme.

Alex Cole-Hamilton: Keith Brown makes an excellent point. I do not think that it would be legal for us to create a financial impediment to running for election, other than the deposit scheme that we have for all candidacies. I absolutely agree with Keith Brown's point.

We do not need to reinvent the wheel. When the original disclosure regime was developed, a voluntary body covered the cost of voluntary sector organisations of a certain size undertaking PVG checks. I do not think that there is any reason why we could not replicate such a system for those seeking elected office.

Paul O’Kane (West Scotland) (Lab): Will Alex Cole-Hamilton take an intervention?

Alex Cole-Hamilton: I am loving the violent agreement that is being shown, so I am happy to take an intervention.

Paul O’Kane: What engagement has Alex Cole-Hamilton had with the Convention of Scottish Local Authorities on these issues, given that many members in the chamber would have had to have undergone a PVG check when they were councillors?

That would not have happened prior to our election or at our nomination as candidates for the council, but it would have happened when we joined the local authority as a member. What engagement has the member had with local authorities on that issue?

17:15

Alex Cole-Hamilton: As the bill does not have the scope for the change to the regime that I seek, I have not taken the time to have the full discussions that I would wish to have with representative organisations such as the Convention of Scottish Local Authorities and others to give effect to it. However, I have spoken with councillors in my party, and I reflected in my opening remarks on this group of amendments that the nature of the disclosure checks means that councillors, particularly those who are part of the corporate parent or who have inspection duties in the education authority, are subject to the requirements.

I will wind up now. Fundamentally, we have access, influence and opportunity to meet vulnerable adults in our surgeries every week and they might, and often do, ask for a private word with us without the ear of our caseworker, particularly on intimate issues such as health, for example. There are also children who seek to access this place for work experience or volunteering opportunities. We cannot just assume that everybody is okay without the one threshold of check that we have available to us, which is a check against the information that is held by Police Scotland in the disclosure regime. I will press amendment 35.

Amendment 35 agreed to.

Section 32—Short title

Amendment 36 moved—[Graham Simpson].

The Deputy Presiding Officer: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)

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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 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 Deputy Presiding Officer: The result of the division is: For 83, Against 25, Abstentions 0.

Amendment 36 agreed to.

Schedule

Amendments 68 and 69 not moved.

Amendment 37 moved—[Graham Simpson].

The Deputy Presiding Officer: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)

Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Ind)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (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) (Ind)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

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

Against

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)
 Gosal, Pam (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

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

Amendment 37 agreed to.

Amendment 70 not moved.

Long Title

Amendment 71 moved—[Sue Webber]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

17:20

Meeting suspended.

17:26

On resuming—

The Deputy Presiding Officer: Before we move to the next item of business, members should note that, subsequent to amendment 36 being agreed to, the title of the bill that is the subject of today's proceedings is now the Scottish Parliament (Recall of Members) Bill. I invite

members to note that, in advance of the stage 3 debate on the bill, Graham Simpson lodged a new motion, S6M-20904, on the Scottish Parliament (Recall of Members) Bill at stage 3.

As members will be aware, the Presiding Officer is required under standing orders to decide whether, in her 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 the case of this bill, the Presiding Officer's view is that no provision of the Scottish Parliament (Recall of Members) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Scottish Parliament (Recall of Members) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-20904, in the name of Graham Simpson, on the Scottish Parliament (Recall of Members) Bill at stage 3. I invite members who wish to speak in the debate to press their request-to-speak buttons, and I call Graham Simpson, the member in charge of the bill, to speak to and move the motion.

17:28

Graham Simpson (Central Scotland) (Reform): It is customary to thank a number of people when we reach this stage in a member's bill, so I will start with some thanks. First, I thank the non-Government bills unit for its support throughout what has been a very long process.

My various staff throughout the years of working on the bill deserve my thanks, and, in particular, I single out Abigail Fletcher, who will be mortified that I have mentioned her. She was super efficient and a great source of advice, and she will do well where she works now and wherever she works in the future.

I thank everyone who has engaged with me on the bill or who responded to the committee's call for evidence, because being challenged on your ideas is a vital part of the process.

The former Minister for Parliamentary Business, Jamie Hepburn, has my on-going respect for the collaborative way in which he engaged with me on the bill, as does the current minister, Graeme Dey.

Finally, I thank Baroness Davidson for setting me on this course. I hope that it has not been a waste of time and that the Parliament does the right thing and legislates.

When I first started talking to Baroness Davidson about the bill, as I mentioned earlier, our idea centred on whether it was right that MSPs could get elected for five years and then, perfectly legitimately and without having to provide any excuse, never turn up again after being sworn in, or, now, in the age of hybrid working, without even logging into proceedings. That rather cushy arrangement would not be found in any other workplace, and to assume that people will not swing the lead is ludicrous, because they have done so and they will do so. Having been a councillor, I knew that councillors can lose their positions if they are absent for more than six months without good reason. The committee that looked at the bill was not entirely persuaded of the

concept that I proposed—it was never about trying to catch MSPs who are off for a variety of very understandable reasons—so we lost that part of the bill at stage 2. The Parliament must return to that, because it is simply an unacceptable situation.

I also proposed that MSPs should lose their jobs if they were jailed for six months or more. Being jailed for six months is a very unlikely event in Scotland, but I wanted to avoid a repeat of the situation in the past whereby a member was jailed for 12 months but the law said that he would lose his job only if he was incarcerated for “more than” 12 months. That section of the bill was also sacrificed, so we are left with a recall bill.

The Parliament accepted that we should legislate. The question was: how? The fundamental challenge for me was to design a recall system that works for both constituency and regional members. It is impossible to have the same system, because we are elected differently. My initial effort was clunky and potentially very expensive. I accepted that and went back to the drawing board, because that is the process: we need to listen.

The difficult bit was the regional element. However—luckily—I had engaged with the Senedd Standards of Conduct Committee in Wales where the Welsh Government was legislating under the new entirely list system. It seemed to me that I could largely adopt the Welsh system for recalling regional members, which was to ask voters only once whether a member should stay or go, if they had met the threshold for being recalled—a poll, rather than a petition. That system is far easier to understand than my initial two-stage proposal and is, obviously, a lot cheaper.

That is what I proposed at stage 2. I had responded to the committee's concerns. My officials worked with the Government on amendments. However, when we got to stage 2, the minister revealed that he was not entirely happy with one of the amendments. He wanted more detail, so I have provided that. The Parliament accepted my amendments today and the minister backed all of them, so I hope that that has been enough to secure his support. We will hear about that soon.

Today, I have heard concerns about the Agnew review and the parliamentary sanctions element of the bill. Nothing in the bill, as it is now, prevents our waiting for that review to complete. The bill can pass, and we can wait for the Agnew review.

Kevin Stewart (Aberdeen Central) (SNP): I recognise the hard work that Graham Simpson has put in and the fact that he has been co-operative with other members. However, the lack of the

Agnew review is a problem; there is a bit of cart before horse, which is troubling. As I have said previously, I have no skin in the game, as I am not coming back, but we need to get this absolutely right for the members of the future. I would not like anyone to be excluded without due process—

The Deputy Presiding Officer: Thank you, Mr Stewart. Mr Simpson, I will give you the time back, as that was quite a long intervention.

Graham Simpson: I am extremely grateful. Kevin Stewart has made a good point. We need to get legislation right, and he knows that I take that very seriously. However, I assure him that nothing in the bill, as written and as amended today, prevents us from waiting for the Agnew review. That is not an argument for opposing the bill.

Martin Whitfield (South Scotland) (Lab): [*Made a request to intervene.*]

Graham Simpson: I am happy to take an intervention from Martin Whitfield, if I can. I have almost finished.

The Deputy Presiding Officer: Be very brief, Mr Whitfield—briefer than Mr Stewart was, please.

Martin Whitfield: I will be brief. It may assist people to understand from Graham Simpson when he envisages that the bill will, in fact, take effect and influence the career paths of MSPs in the future.

Graham Simpson: There is no commencement date. I guess that the point that I am making is that we can afford to wait. The fact that there is no commencement date is the result of a request from the Government, which I was happy to go along with. I have done all that I can to please as many people as I can, including Mr Whitfield, and especially Mr Dey.

We have a recall system for MPs, and there will be a recall system for members of the Senedd. Kicking this down the road into the next session will therefore leave this Parliament looking rather silly, and it will be unnecessary, because the bill works.

We should not be the only part of Britain without recall. We should do the right thing and pass this bill tonight.

I move,

That the Parliament agrees that the Scottish Parliament (Recall of Members) Bill be passed.

The Deputy Presiding Officer : I call Graeme Dey to open on behalf of the Scottish Government.

17:35

The Minister for Parliamentary Business and Veterans (Graeme Dey): All in this chamber care

about democratic accountability—I think that that is a given. For many, the ultimate exercise in democratic accountability awaits in just a few weeks' time, when re-election is sought. That is accountability in its most profound form.

A recall process provides accountability beyond and between regular parliamentary elections. It provides for a process in those—we hope, rare—situations where a member's conduct falls short of accepted standards so that they can be held accountable to the electorate. Direct democratic accountability should not be a once-in-an-election event, which is why this Government strongly supports the introduction of a recall process in the Scottish Parliament.

It is precisely because recall is a process that goes right to the heart of our system of democracy that it is vital that the way in which it is designed reflects that commitment to democracy. I hope that the member in charge of the bill would agree—I think that he has done so—that the Government has fulfilled its commitment, which I gave, to engage with him on the technical and practical matters that are required to produce a workable bill, should Parliament choose to support it. We have engaged with Mr Simpson on the legislation and provided support where we could, including by working with him on his amendments at stage 2 and by lodging Government amendments. I commend his collaborative approach.

The amendments that have been agreed to improve the bill, and they demonstrate that this Parliament has the ability to work together to make the right improvements to our system of democratic governance. However, that work needs to be done in a considered, clear and holistic way, so that there can be confidence in a recall system that is based, rightly, on criminal misconduct, but also—vitaly—on a sanctions system that has the confidence of the Parliament's own members. Some good work has been done by this Parliament, and absolutely by the member in charge.

Although the Scottish Government and my party support the introduction of recall, I regret to say that we cannot support this recall bill. Far too much remains unknown about the complaints and sanctions process that so much of the bill depends on. That is not a criticism of the member in charge, but I could not in all good conscience leave this Parliament, as I will do shortly, with a law—I remind people that this is a law—that is based so much on an unknown process. Our new intake of MSPs deserves better.

The Parliament only recently received Rosemary Agnew's report and referred it to the Standards, Procedures and Public Appointments Committee. There is much in the report for the

committee and Parliament to consider and to make decisions about, never mind implementing it in any way. My colleague Kevin Stewart lodged stage 2 amendments seeking to future-proof the bill against developments in the system of sanctions. However, they were rejected. The shape of the complaints and sanctions process that the bill relies on is, therefore, far from clear.

The system of sanctions, and the recall process that rests and relies on it, are matters that need to be considered together, and in the right order, so that they complement each other. The two processes, taken together, will mean a weighty and consequential task for the MSPs on any committee that is empowered by the bill. By recommending sanctions above or below a certain level, they could, in effect, end a fellow parliamentarian's political career. That could be the beginning of a process that might change the balance of power in a Parliament that, by design, produces more balanced chambers under a proportional voting system.

Out of fairness to the MSPs who will be judged by such a committee, the MSPs who may sit on it and do the judging and those who elect us, who expect the highest standards from their representatives, it is therefore vital that all parts of the system of deliberation are fair, balanced and effective. Can we believe that that would be the case under the bill? For my part, standing here, I do not believe that we have before us the complete, fair, balanced and effective system that we should all want. I reiterate that that is not a criticism of the efforts of the member in charge of the bill.

The Parliament can take action early in its next iteration and introduce a sanctions regime and a recall system that will command the confidence of both the public and those who will be subject to them. I hope that a committee, whether it is the next Standards, Procedures and Public Appointments Committee or a committee that is specifically established by Parliament for this very purpose, will introduce legislation following the May election that can be supported by all in Parliament. I am happy to commit the Government and my party to supporting such a considered and more rounded approach in the next session, leaning on the process that we have undergone to get to this point and the foundations that it has laid.

17:40

Sue Webber (Lothian) (Con): The bill began life as a Scottish Conservative pledge. We proposed a Mackay's law as long ago as 2021. The intention was to give people the ability to remove an absentee MSP: an elected representative who, without legitimate reason, simply withdrew from Parliament and ceased to do

their job. There was a clear requirement for such a bill. Derek Mackay, the former finance secretary, did not attend Parliament or engage with it in any way after he was forced to resign in disgrace, yet he was paid about £100,000 during that period. Public anger and common sense demanded a Mackay's law. The bill will not be that law, but that law is still very much required.

Our original proposal was to recall MSPs for non-attendance, either in person or remotely, that exceeded 180 days, with appropriate exemptions and safeguards. However, that simple provision is not part of the bill. The bill does not contain what we pledged and it is not Mackay's law. It is not what this Parliament badly needs. I am bitterly disappointed that my amendments at stage 3 were not agreed to this afternoon. They would have left us with a still imperfect yet workable bill.

Kevin Stewart: Ms Webber must realise that, if her amendments had been agreed to this afternoon, they would have wrecked the bill completely and utterly and would have set back the next Parliament in doing this absolutely right. We have to ensure that human rights are dealt with as part of this, but Ms Webber's amendments would have run roughshod over that.

The Deputy Presiding Officer: Mr Stewart, that was a very lengthy intervention again. Ms Webber, I will give you the time back.

Sue Webber: Thank you, Deputy Presiding Officer. I sought to deliver what the public expected of me—what was in the Scottish Conservatives' manifesto. The bill is not that.

As things stand, we risk creating an inconsistent act that would do little to restore public faith in this Parliament, which I believe is badly eroding every day. It is not satisfactory that an MSP could be sentenced to anything up to a year in prison, yet not face removal by any means. The bill would allow an MSP who was in prison for an extremely serious offence to continue picking up a large salary at the taxpayer's expense. I hardly need to add that the problem is being made worse by the SNP's soft-touch justice system.

At the same time, an MSP who was suspended by this Parliament for 10 days would be subject to the recall mechanism with no appeal. That clear disparity is uncomfortable for members on the Conservative benches. It is deeply regrettable that my amendments that would have allowed the removal of any MSP who was found guilty by the courts and given either a custodial sentence or a community sentence were also rejected.

SNP and Green members have found very different difficulties with the bill and I understand that, ultimately, their votes will kill it. To be clear, Presiding Officer, I note that our problem with the

bill is that it is not tough enough. It would fail to achieve what the public expect and what this Parliament needs. It would fail to turf out the likes of Derek Mackay.

For those reasons, with a good deal of regret, my party is unable to support the bill and we will abstain in the vote this evening. The Scottish Parliament (Recall of Members) Bill is a missed opportunity. However, we in the Scottish Conservatives have long campaigned for a better system of sanctions that will meet public expectations and enhance the standing of this Parliament, and we will continue to do so.

17:45

Richard Leonard (Central Scotland) (Lab): We all agree with the intent of this bill: that every other part of the United Kingdom has a system of recall, and so should we—that there should be accountability and control through the ballot box, not just to test popularity and measure support, but to hold members of this Parliament to account for any act of gross misconduct or of criminality, and so, in law, establish control not only by the police station, but by the polling station.

What has proved difficult, of course, is the conversion of theory into practice: the design of the legislation for achieving this. Even today, it is still beset with potential anomalies: a recall petition for constituency MSPs and a recall poll for regional list MSPs, and the potential debasement of the democratic right, established a century and a half ago, to a secret ballot. If the only reason to visit a polling place, to apply for a postal vote or to arrange a proxy vote is in order to vote one way and one way only—to vote for recall—that negates that secrecy. And, as far as I can tell, there has still been no equality impact assessment, when we know that women, for example, are more likely to be hounded on social media, and so more likely to be targeted in a recall petition, than men.

We have to understand this, too: that we are living through an era in which political leaders are less interested in a battle of ideas and much more concerned with personal smears; less interested in idealism, principle and power, and more concerned with individualism, privilege and positioning.

An awful lot—too much, in my opinion—of the making of this law, if the bill were to become an act, would reside in the hands of future ministers through regulations and in the hands of the next Parliament through secondary legislation, and may, therefore, not come into effect until after the 2031 election. That, in my view, is not just unsatisfactory; it is a monumental deficiency. After all, this legislation is supposed to be about the dispersal and the decentralisation of power, and

the transfer of power and political control to the people. We should not be reversing this by, at the same time, switching power to the ministerial box from the ballot box.

The bill is in a much more reasoned and reasonable position now than it was when first presented. Some of the overcomplexities have been simplified. Some of the more contested elements have been dropped altogether, such as the automatic removal of MSPs sentenced for a custodial sentence of any length, which many of us could not support, and the removal of an MSP for not physically attending Parliament.

However, it is self-evident to me that, for all of its flaws, we have to pass this bill tonight, because to not pass it is unconscionable; to not pass it would disconnect us from the real world; and to not pass it would send out the message that we were completely out of touch. Because there is growing discontent, and there is a corrosion of trust in politics. We need democratic renewal.

As I step down from Parliament in the coming weeks, I leave it with the privilege of this experience—experience which is converted into determination—

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): *rose—*

The Deputy Presiding Officer: The member is concluding.

Richard Leonard: It is experience that is converted into determination, and articulated in the inspiring words of Angela Davis, who famously declared:

“I am no longer accepting the things I cannot change. I’m changing the things I cannot accept.”

That is the spirit of resistance, the sense of injustice and the scale of ambition—of vision—that the next Government, the next members of this Parliament and the next session of this Parliament, must adopt as their own, and that is how we must approach our vote on this bill tonight. It is how I will approach my vote tonight: a vote that the Labour Party will support.

17:49

Lorna Slater (Lothian) (Green): Although the Scottish Greens were uncomfortable with the implementation of the bill as drafted at stage 1, we abstained at that point in order to give the member in charge of the bill the opportunity to review and correct some of its problems. However, even with the substantial changes that have been made, we do not feel that the core issues in the drafting have been resolved.

The recalling of MSPs is something for which there should be robust and transparent processes

that do not discriminate against MSPs who have health conditions, disabilities or caring responsibilities. We note Engender's repeated and on-going concerns about the impacts that the bill, as written, could have on already underrepresented groups, particularly in relation to privacy.

It should be relatively difficult to remove duly elected members from office before their time of service is completed, in order to limit the possibility that such removals could be instigated by party politics or by prejudice. We are elected by the public and we are accountable to them.

I have concerns that, under the United Kingdom Police, Crime, Sentencing and Courts Act 2022, which criminalises peaceful protest, members could acquire criminal records and significant jail time for things such as peacefully protesting against nuclear weapons or war, or peacefully protesting for the environment, Palestine or trans rights. This UK law raises the potential for ugly political misuse if members could, for example, get criminal records for peacefully protesting in favour of Scottish independence. It would be a horrendous repression of democratic expression if a poorly drafted recall bill prevented members from participating in peaceful protests for causes that they wish to support, including Scottish independence, if it meant risking their seats.

We have seen from recent history that we cannot draft legislation in the hope that no future Government will abuse it for political gain or to remove dissent. Crossing our fingers that all future people in power are good old chaps with good intentions is dangerous. Famously, Boris Johnson illegally prorogued the UK Parliament with the intention of gaining political advantage, so we know that the UK Government is as much at risk of abusing process as any regime.

This bill, as drafted, does not give us comfort in this matter. The Scottish Greens would like the Scottish Parliament, led by the Standards, Procedures and Public Appointments Committee, to develop a robust and well-thought-through recall bill for MSPs. We will not support this bill today, but we would like the project to be taken up as early as possible in the next session of Parliament, with the aim of creating a bill that all parties in the Scottish Parliament can come together and support, in order to create a transparent and fair process for the recall of MSPs.

The Deputy Presiding Officer: I call Alex Cole-Hamilton to open on behalf of the Scottish Liberal Democrats.

17:53

Alex Cole-Hamilton (Edinburgh Western) (LD): I congratulate the member in charge of the bill—and his staff—on getting us to this point.

It has been more than 10 years since commensurate legislation was passed in Westminster. Despite the rhetoric, it is shameful that we are doing this only now—we should have done it at around the same time. Ultimately, the people who send us to Parliament—our constituents, who give us our instructions—are our employer and our boss. Unless we pass this bill, they will not have the means of terminating our employment beyond the normal rhythm of elections. They are our boss. They decide whether we get to stay here and they cannot do so on a whim. The bill rightly builds in safeguards around the thresholds that would trigger an action to remove one of us.

In the time available to me, I will address the criminality aspect of Sue Webber's amendments. I have had time to consider this aspect further. We should not just have criminality as a trigger for expulsion, because, in the future, we might live in less enlightened times.

I have a lot of sympathy with Lorna Slater's remarks about peaceful protests. Sometimes, peaceful protests that cross the line of the law are a democratic necessity and imperative. We need only look across the Atlantic at the activities in Minneapolis, where some democratically elected members have tried to obstruct the inhumane activities of the United States Immigration and Customs Enforcement officers in the conduct of their duties. In a black-and-white analysis, those members breached the law, but they were not able to do otherwise because their consciences would not have allowed them to. We cannot be in a situation in which our consciences driving us to take steps that are outside the law would lead to a recall or, as Sue Webber's amendments would have provided for, an immediate expulsion.

There was another flaw in Sue Webber's amendments. She pointed out that breaking the law and receiving a custodial sentence would likely result in someone losing any other job. That may well be the case, but it would not be the court that would terminate that employment but the employer, who would do so after assessing the facts as they had them. It would have been inappropriate to include that provision in the bill, because it would have given the final say to the Parliament rather than the people who send us here.

I want to reflect on the fact that my amendment 35 was perhaps the first amendment that I have lodged in my entire parliamentary career of 10 years to have been unanimously agreed to by the

Parliament. I am grateful for that and for the chorus of interventions that explored the issue that the amendment raised. I look forward to picking up on the amendment's provisions in the next parliamentary session. When I tried to introduce them in the previous session, the amendment crashed to utter defeat—by something like 125 votes to four.

We have drawn an important line in the sand. The Parliament recognised that we are omitting to check that the people who stand for election are of the right calibre and probity to work with protected groups, whether that be vulnerable adults or children. We cannot go on like that. There is no question but that, ultimately, in the fullness of time, such an omission will lead to an exploitation of the reach, power, influence and opportunity that we, as parliamentarians, are offered through the privilege that we have in this role.

Reflecting on that in the tea room with Jeremy Balfour, I realised that we need not just ensure that parliamentarians are subject to the disclosure process; that would, in large part, be closing the barn door after the horse had bolted. Instead, we need to provide that, in the vetting process for candidates, parties are expected to ensure that disclosure regimes are applied to those who would seek high office.

As Liberal Democrats, we are happy to support this very democratic bill.

The Deputy Presiding Officer: We move to the open debate.

17:57

Rona Mackay (Strathkelvin and Bearsden) (SNP): I want to make it clear, as the minister has done, that the Scottish Government and the Scottish National Party support the introduction of a fair and independent recall process in the Scottish Parliament to improve democratic accountability and to strengthen trust in our political system. I thank Graham Simpson for the work that he has done on the issue and for shining a light on what needs to be done in the next parliamentary session. His member's bill has opened up a conversation on and a necessary study of the measures that are needed to hold MSPs to account and restore trust in this institution.

As MSPs, we are in a privileged position and our responsibilities to our constituents—the people who voted for us—cannot be underestimated. As a member who is standing down from the Parliament this year, I want there to be a fair, democratic and transparent system that is fit for the future. However, the bill rests on a system of parliamentary sanctions that is currently under review. The SNP believes that an independent and

fair complaints and sanctions process with guidance is needed ahead of a recall process being established and agreed to. That is particularly the case with regard to how such a recall system would work for regional MSPs, as we have heard today. There must be parity between constituency and regional MSPs in our democratic system.

If the bill were to pass today, MSPs would be agreeing to a bill that is based on a purely unknown process. That uncertainty would present risks, particularly in relation to how such a recall system would work for regional MSPs.

We have said throughout the consideration of the bill that matters relevant to the conduct and recall of members are for the Scottish Parliament to lead on, not the Government of the day or Scottish ministers.

The Government's overriding concern, as set out during stage 2 and during this debate, is that the bill is for Parliament to progress. It is only right that an independent, fair complaints and sanctions process, with guidance, is developed ahead of a recall process being established and agreed.

The sanctions process is crucial and at the heart of the matter. Fairness and proportionality must be at the heart of it. To progress how we believe the process should take place, we are recommending that the next Parliament should set up a committee at pace to consider the matter, just as it did successfully last year to consider Scotland's commissioner landscape.

As was mentioned, Graham Simpson's bill rests on a system of sanctions that is currently under review, so it is not the right time to introduce a bill of such magnitude and complexity.

Graham Simpson: Will the member take an intervention?

Rona Mackay: I am sorry—I have only a wee bit more to say and I am running out of time.

We must ensure that the processes work smoothly and are sufficiently clear to command public confidence, should they need to be used. The review may bring about changes to the consideration and delivery of sanctions to deal with any concerns or perceived concerns about the independence and impartiality of the process in the future.

Although the SNP supports, in principle, the introduction of a form of recall in the Scottish Parliament, it is for all the reasons that I and others have outlined that we cannot support the bill at stage 3.

The Deputy Presiding Officer: I call Christine Grahame. You have up to four minutes.

18:01

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Thank you for taking my late request to speak, Presiding Officer.

There are two reasons why I will not support the bill. First, the review of by the Standards, Procedures and Public Appointments Committee must be undertaken, given the huge flaws in the process. Secondly, I want to refer specifically to Richard Leonard's summing up on behalf of the Labour Party. He said two things that, in my view, were actually reasons why the Labour Party should not vote for the bill. I very much support having the means to recall Parliament and deal with miscreant MSPs. However, the first thing that Richard Leonard said was that he would support the bill

"for all of its flaws".

Then, to justify that, he said that the bill sends a message. Legislation can, indeed, send a message, but it should not be flawed—not from the outset. That is my major concern.

This is a serious business. For legislation to be effective, it must be tightly drawn, it must be just and it must not have unintended consequences. In this case, it should not be introduced ahead of the review that is already due to be carried out.

For those reasons, I cannot see why the member and the group on the Labour benches are supporting the bill. Like Richard Leonard, I will be retiring, and to hear someone in here supporting flawed legislation is simply wrong.

The Deputy Presiding Officer: We move to closing speeches.

18:02

Martin Whitfield (South Scotland) (Lab): The Parliament exists by the consent of the people of Scotland. That consent is not unconditional; it rests on trust, integrity and accountability. When that trust is broken, the public must be confident that there is a fair, clear and credible means of response. That is the purpose of the bill before us today. Scottish Labour has long supported the principle that the people of Scotland should have the power to recall their elected representatives where serious wrongdoing has occurred. That principle has applied to Westminster for more than a decade, and it cannot be right that MSPs should be subject to a weaker or less certain standard of accountability simply because they serve in this Parliament.

As has been said many times, public office is a privilege; it is not a possession. Holyrood's electoral system is distinct. We elect constituency

and regional MSPs under an additional member system designed to ensure proportionality. Any recall mechanism must therefore be tailored to Scotland's Parliament, not simply transplanted from elsewhere. That challenge has sat at the heart of the bill from when it first started its journey all those years ago.

However, Scottish Labour has been clear throughout the passage of the bill that our test has been whether the system is workable, proportionate and intelligible to the public. At earlier stages, we raised concerns about unnecessary complexity. Those concerns were not abstract; they were grounded in evidence from the electoral administrators, the Electoral Commission, about voter confusion and administrative burden.

The bill is complex, and no recall system—particularly one operating within a mixed electoral model—will be perfect at first enactment. However, to address the question about flawed legislation, this Parliament and the Scottish Government are perhaps the champions of what is becoming known as legislation that is discovered to be flawed.

Christine Grahame: I spare no one in commenting on legislation being flawed, including members in my own party group, and I have made such comments since I came to Parliament. As a former solicitor—as the member is, too—I cannot say that I am content to pass something that is flawed and that could, in fact, be made better.

Martin Whitfield: The reality is that we can also point to examples of when we have not passed proposed legislation or something else has not happened, and then the issue has been kicked into the long grass never to return again. When there has been flawed legislation, we have seen Parliament move incredibly quickly when need be.

Scottish Labour will support the bill on the basis that it represents a reasonable and workable framework, while we recognise that the experience of its operation might demonstrate that further refinement or adjustment is needed in future. Scottish Labour will support it at decision time because, ultimately, accountability that is delayed, confused or diluted is accountability denied to the people of Scotland. Parliament owes the people of Scotland better than that.

The Deputy Presiding Officer: I call Annie Wells to close on behalf of the Scottish Conservatives.

18:06

Annie Wells (Glasgow) (Con): A very simple principle underlies the bill and also my colleague Sue Webber's amendments: when politicians fall

below the standards expected of them, there must be real consequences. For too long in Scotland, that has not been the case. Voters have watched MSPs break the law, breach parliamentary standards or walk away from their responsibilities and yet remain protected by a system that prioritises politicians over the public. That is not acceptable, which is exactly why the bill and my colleague's amendments mattered. I am disappointed that the Parliament has voted those amendments down.

Kevin Stewart: Will the member give way?

Annie Wells: I will not—I have just started.

In our 2021 manifesto the Scottish Conservatives made a clear commitment to introduce a recall system for MSPs, because accountability should not stop once someone is elected. However, the bill that is before us today is a watered-down version of what it could have been. It could have finally begun to close the gap. My colleague's amendments would have put in the bill clear thresholds and safeguards and the requirement for a meaningful level of public support before a seat could be vacated.

Let us be honest about why the bill exists. Scotland has seen high-profile cases in which MSPs resigned from Government, vanished from public life and stopped doing the job that they were elected to do, yet they continued to draw a full taxpayer-funded salary. Not only is that embarrassing; it amounts to a breach of trust. Every time that the Parliament fails to act decisively, public confidence takes another hit.

Kevin Stewart: Will the member give way?

Annie Wells: No, I will not, thank you.

My colleague's amendments could have allowed a very different message to be sent. They said that no one is untouchable, that standards matter and that, when those standards are breached, the public—not politicians—should get the final say.

They also would have put measures in the bill to improve the transparency and accessibility of the recall process. If recall is to happen, it must be clear, workable and trusted by voters and by the people who administer the process. That is why clarity on timing, reporting and oversight matters. Accountability must not only exist but be seen to exist.

Too often in this chamber we hear speeches about restoring trust in politics. However, trust is not restored by warm words or worthy statements but by action, by drawing firm lines, by enforcing standards and by refusing to protect errant colleagues.

Kevin Stewart: Will the member give way?

Annie Wells: No, I will not, thank you; I am in my last minute. [*Interruption.*] I am sorry—I said no to the intervention.

The Presiding Officer (Alison Johnstone): Let us hear Ms Wells.

The bill could have done exactly that. It could have put power back where it belongs: with the electorate. It could have ensured that serious wrongdoing would have serious consequences; and it could have strengthened the integrity of the Parliament. If an MSP breaks the law, they should be removed. If they disgrace the Parliament, they should face the voters. If the public has lost confidence in them, politicians should not be shielded from the consequences. That is accountability and that is leadership, which is why I am so disappointed that my colleague Sue Webber's amendments were not agreed to. I believe in the principles of the bill, but this watered-down version cannot be the end of the discussion. Scottish Conservatives will abstain at decision time tonight.

18:10

Graeme Dey: The Government supports the introduction of a recall process—let there be no doubt about that—but this bill, at this time, is not the right way to deliver a recall process that commands the confidence of the Parliament and those who elect us. I am not seeking to make a partisan point here, but we know that the mood in the Parliament about many matters can become disputatious and divided. That can reflect strength of feeling about important issues but, sometimes—too often—it is the product of unconstructive reflexive disagreement.

We owe it to those who would serve on any sanctions committee, and those who would be judged by one, to put in place a better process than what is set out in the bill and one that takes full account of whatever follows from the Agnew report on the Parliament's complaints and sanctions system. Protecting those who serve on any sanctions committee is every bit as important as protecting the interests of those who might be judged by it. In this session of Parliament, judgments that have been reached by the Standards, Procedures and Public Appointments Committee on our behalf have been challenged in the chamber. Indeed, the member in charge of the bill, which seeks to bring significant sanctions into play, was one of a number of MSPs who opposed the comparatively modest punishment of another member by the committee just a few weeks ago.

Let us imagine that session 7 turns out to be even more fractious than this one. Let us imagine, too, that the relevant committee is asked to sit in judgment on multiple colleagues. Do they not

deserve the protection of a system that has been properly shaped? Are we really prepared to introduce a recall bill now, without having in place a clearly understood set of parameters for sanctioning MSPs that ensures that everyone knows where they stand?

Alex Cole-Hamilton: It is clear that those on the Government benches, and others, will not support the bill tonight. Laying aside the dismay that Scottish Liberal Democrats feel at that reality, I am gratified by the constructive work that we undertook together on my amendment 35, which was on conducting a review about introducing a disclosure scheme or a protection of vulnerable groups checking regime for future parliamentarians. In that spirit, and given that we still have four weeks before the end of the session, will the minister instruct officials to begin work towards that aim now, so that an incoming Government can pick it up in the new session?

Graeme Dey: At stage 2, I committed to the Government progressing a public consultation on that very issue—well, it would be on electoral reform and would encompass that issue. I noted particularly that, if the bill did not progress, the consultation would be a vehicle for exploring that. I reiterate that contribution. The matter that Mr Cole-Hamilton has brought to the Parliament is incredibly serious, and it is one that the Parliament must grasp by reviewing not just the concept of some sort of checking system but how that would work in practice and the complexities that would go with it. We must acknowledge that there are a lot of complexities.

At this time, right at the end of a session of Parliament, what the Government supports, rather than the bill, is something that is put together on a cross-party basis with the parameters that I mentioned earlier at the forefront. On behalf of my party, I am happy to commit to supporting a process at the very start of the next session, when members come together as a Parliament—I nearly said “we” there—first to agree how to implement a sanctions regime based on the findings of the Agnew report, and then to support the development of a committee bill that would build a recall system on top of that. I do not believe that that is in any way beyond this institution, largely because of the work that Mr Simpson has done through the scrutiny of the issues. However, from listening to Sue Webber’s remarks, I am concerned that those who succeed us will perhaps find the Tories a barrier to creating a fair and balanced system.

Although the Government is unable to support the bill, I again highly commend the work that Graham Simpson has done and his approach to the bill. If the bill is rejected, I am optimistic that, in the next session, the Parliament can deliver the

democratic accountability that we all want to put in place. I have confidence that a committee process—it is important that it should be a committee process—will be able to consider and come up with solutions to the difficulties that the Parliament has identified during the stages of this bill, not least in working out the best form of recall for regional members.

Let us ensure that that can be done on a cross-party, non-partisan basis, considering all the issues in this complex process. Even though my decision not to stand for re-election means that I will not contribute to that process, I will watch on as an interested member of the public to see what the next Parliament chooses as the best way forward.

18:15

Graham Simpson: I will be brief, because I think that members want to get to the vote, and I think that they all know how they will vote.

We are about to miss an opportunity. The Parliament wants to have a recall system, which the bill would allow to happen. As I said, it would allow the recommendations of the Agnew review to come into force. It is flexible enough to allow that, so there is simply no reason not to pass it.

Christine Grahame knows that I have a great deal of respect for her, but she called the bill flawed legislation that could be made better. A lot of legislation is like that, though.

Christine Grahame: [*Made a request to intervene.*]

Graham Simpson: If Christine Grahame would listen to the point that I am about to make, perhaps she could respond then.

We have a process that goes through stages 1, 2 and 3. Stages 2 and 3 are for members to improve proposed legislation. Very few members engaged with the bill to raise concerns. Kevin Stewart did so at stage 2—he valiantly attempted to get an amendment agreed to, but it was not—but few other members engaged with it. If they had had concerns, they could have raised them.

If Christine Grahame still wants to intervene, I will take her intervention.

Christine Grahame: To amend the record, I was quoting Richard Leonard, who said that, despite the bill’s flaws, he would vote for it. I could not understand the rationale behind that position. I admire Richard Leonard in many respects, but not for that comment.

Graham Simpson: I, too, admire Richard Leonard. As he knows, I am very sorry that he is standing down.

When we get to the vote in a few seconds, we will have the opportunity to do the right thing. If we do not do so, Scotland will be left without any recall process. My concern is that failing to pass the bill will kick the issue into the long grass. Even if a special committee is formed in the next parliamentary session, the process could take years. It has already taken five years, and it could take a further five years. We could be waiting until the parliamentary session after that, or beyond, before we get a recall system or tackle members' non-attendance. That is what we are voting on tonight.

All those voting against the bill will be viewed dimly. I think that people know what is going on here—I will leave it at that. Let us get to the vote.

The Presiding Officer: That concludes the debate on the Scottish Parliament (Recall of Members) Bill at stage 3.

Points of Order

18:18

Russell Findlay (West Scotland) (Con): On a point of order, Presiding Officer. I seek your guidance in relation to parliamentary procedure. The Parliament is supposed to hold the Government to account. Last week, the Lord Advocate responded to an urgent question, which was about why the Lord Advocate tipped off John Swinney with sensitive information about criminal proceedings against Nicola Sturgeon's husband—*[Interruption.]*

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

Russell Findlay: —and what Mr Swinney did with that information, which was kept secret from the public.

I had the opportunity to ask only one question, which was limited to 45 seconds. Thirteen other members also asked brief questions, but the Lord Advocate's lengthy responses mostly failed to answer the questions that were put. By the time she sat down, MSPs had even more unanswered questions. The Lord Advocate, who is a minister in the Scottish National Party Government, has refused to make a full statement to the Parliament. John Swinney and the SNP voted down our attempts to secure a statement. Instead, this afternoon, she dumped 70 pages of selective material into the public domain.

Much of that material is irrelevant to the pertinent issue, but it contains at least one striking new admission: the Lord Advocate tipped off John Swinney with sensitive information about the criminal case against Nicola Sturgeon's husband 11 months ago. John Swinney—

The Presiding Officer: Mr Findlay, for clarity, I note that a point of order should describe which procedure you think has not been followed or is not being followed.

Russell Findlay: I understand, Presiding Officer. I am just attempting to put context around it.

John Swinney failed to disclose that when I questioned him at First Minister's question time last week. Instead, he resorted to the usual angry bluster and deflection. It seems that a two-tier system is at work—one tier for the SNP First Minister and his spin doctors, and another tier for everyone else in Scotland.

John Swinney, his SNP Government and the Lord Advocate reckon that we should all just go away quietly and forget about it. We cannot and

we will not. This is about parliamentary scrutiny and Government accountability—

The Presiding Officer: Mr Findlay, I am very keen that you identify the procedure that you are concerned about in relation to our standing orders.

Russell Findlay: I am just doing so.

This is about parliamentary scrutiny and Government accountability—*[Interruption.]*—so can you please tell me whether—

The Presiding Officer: Let us hear Mr Findlay.

Russell Findlay: Can you please tell me what methods or mechanisms are available to me, or to any other member, to compel the Lord Advocate to provide a full statement to this Parliament?

The Presiding Officer: If a member seeks a ministerial statement, they can speak with their business manager, who would bring the request to the Parliamentary Bureau, or they can directly approach the Minister for Parliamentary Business and Veterans. If the minister is content to grant the request, the bureau will consider it before the statement request comes before the Parliament. Of course, Mr Findlay will be aware of other means of scrutinising the Government, including through oral questions, written questions, Opposition business and so on.

Kevin Stewart (Aberdeen Central) (SNP): On a point of order, Presiding Officer. I seek your guidance on some of the issues that were raised just seconds ago. Mr Findlay said that the answers that the Lord Advocate gave last week were too comprehensive, and he said that the dump, as he described it, of 70 pages today was too comprehensive, too. *[Interruption.]*

The Presiding Officer: Let us hear Mr Stewart.

Kevin Stewart: I seek your guidance, Presiding Officer. What do you think would be answers that are too comprehensive?

The Presiding Officer: I would suggest that that is not a point of order, Mr Stewart. When I feel that my intervention is required, I will make one.

Douglas Ross (Highlands and Islands) (Con): On a point of order, Presiding Officer. Can I ask you directly why you interrupt points of order from Conservative members but allow SNP members uninterrupted time to make their points of order? *[Interruption.]*

The Presiding Officer: Mr Ross, it is not appropriate to challenge the chair. I am making my decisions in the chair, live, according to what I have heard. I ask that you consider whether you think that challenging the chair is appropriate. It is not.

Douglas Ross: Further to that point of order, Presiding Officer.

The Presiding Officer: Is it on the same subject?

Douglas Ross: It is further to that point of order.

The Presiding Officer: I call Douglas Ross for a point of order on another subject.

Douglas Ross: Our standing orders are there to protect all members—not just those of the SNP and not just the Presiding Officer. *[Interruption.]* Standing orders are very clear that each member is allowed up to three minutes to make their point of order. You interrupted Russell Findlay a number of times. Last week—

The Presiding Officer: Mr Ross, please take your seat. I am wholly impartial and fair in this chair.

Douglas Ross: No, you are not.

Members: Oh!

The Presiding Officer: Mr Ross, I ask you to withdraw that. I would very much like you to remain with your colleagues until the end of the day. I think that it is very important that you have the opportunity to do so, but it is simply not appropriate for you to challenge the decisions and the authority of the chair in this Parliament. I would very much like you to stay with us, so I would be grateful if you would withdraw your remarks.

Douglas Ross: I will withdraw them even though I believe them.

The Presiding Officer: Thank you, Mr Ross, but I am afraid that that is not satisfactory and I now regretfully ask you to please leave the chamber.

Douglas Ross: No.

The Presiding Officer: I would be grateful if we could suspend proceedings for a moment.

18:25

Meeting suspended.

18:28

On resuming—

The Presiding Officer: Given the situation in which we find ourselves, with on-going disregard for the authority of the Presiding Officer, but cognisant of the impact on all other members—I simply will not allow one member to continue to impact on our business—we will continue.

Motion without Notice

18:29

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 to move the motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 6.29 pm.—*[Graeme Dey]*

Motion agreed to.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): On a point of order, Presiding Officer. Could you clarify whether the suspended member is allowed to vote?

The Presiding Officer: The member will not vote, because the member has been asked to leave the chamber. The member is refusing to do so. The member was given every warning that I was very keen that he should remain and carry on joining in the day's proceedings, but the member decided that that was not appropriate. It is extremely important that I protect the rights of all members equally across the chamber; therefore we cannot have on-going disruption.

Decision Time

18:29

The Presiding Officer (Alison Johnstone):

There is one question to be put as a result of today's business. The question is, that motion S6M-20904, in the name of Graham Simpson, on the Scottish Parliament (Recall of Members) Bill at stage 3, be agreed to.

As this is a motion to pass the bill, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

18:30

Meeting suspended.

18:33

On resuming—

The Presiding Officer: We come to the vote on motion S6M-20904, in the name of Graham Simpson, that the Scottish Parliament (Recall of Members) Bill at stage 3 be agreed to. Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Housing (Màiri McAllan): On a point of order, Presiding Officer. I could not vote. I would have voted no.

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

Pauline McNeill (Glasgow) (Lab): On a point of order, Presiding Officer. I would have voted yes.

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

Michelle Thomson (Falkirk East) (SNP): On a point of order, Presiding Officer. I was unable to connect. I would have voted no.

The Presiding Officer: I can confirm that your vote, too, has been recorded, Ms Thomson.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (Lothian) (Ind)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Ind)
 Ewing, Fergus (Inverness and Nairn) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (LD)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)

Marra, Michael (North East Scotland) (Lab)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Reform)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Ind)
 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)
 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)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

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)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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-20904, in the name of Graham Simpson, on the Scottish Parliament (Recall of Members) Bill at stage 3, is: For 30, Against 66, Abstentions 27.

Motion disagreed to.

The Presiding Officer: For clarity, I note that the Scottish Parliament (Recall of Members) Bill is therefore not passed.

Graham Simpson (Central Scotland) (Reform): On a point of order, Presiding Officer. We have just witnessed something that I have not seen in my time in the Parliament, which is a member refusing to leave after being instructed to leave by the Presiding Officer. I have never seen that before, and I think it is pretty disgraceful. It challenges your authority as chair, Presiding Officer, which no member should ever do. It is rather ironic, given that we have been discussing a bill that is all about the behaviour of members.

Can you advise how you intend to proceed with this matter?

The Presiding Officer: Thank you, Mr Simpson. As always, I will proceed fairly, treating all members impartially. That is the reason why I cannot allow one member to disregard the standing orders of the Parliament, one of which very clearly is to respect the authority of the chair.

We conclude decision time at that point.

Clydebank Blitz (85th Anniversary)

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-20595, in the name of Marie McNair, on the 85th anniversary of the Clydebank blitz. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak button.

Motion debated,

That the Parliament commemorates the 85th anniversary of the Clydebank Blitz on 13 and 14 March 2026; understands that on these days in 1941, 439 Luftwaffe bombers dropped more than 1,000 bombs in their raid over the Clydeside, which killed 528 people from Clydebank and seriously injured 617, with Second Avenue having the highest number of deaths; notes that the bombings resulted in Clydebank experiencing a massive loss of housing, with 12,000 houses in the town damaged and 4,300 completely destroyed; further notes that the main targets were the armaments factory in the Singer Sewing Machine works, John Brown & Company's shipyard and Beardmore's engine works; acknowledges what it sees as the huge impact the Blitz had on Clydebank, causing incomprehensible hardship, anger and sadness; commends the people of Clydebank for their resilience and celebrates the heroes who saved victims on these dark days and helped with the rebuilding efforts; pays tribute to those who lost their lives, and promises to never forget.

18:39

Marie McNair (Clydebank and Milngavie) (SNP): I am honoured to have secured this debate to commemorate the 85th anniversary of the Clydebank blitz, and I thank members for supporting my motion.

I take the opportunity to thank Clydebank artist and historian Tom McKendrick and many of my constituents for sharing their knowledge of the blitz and shaping the contribution that I will make today. I dedicate this speech to the memory of all those who lost their lives in the Clydebank blitz.

On 13 and 14 March 1941, Clydebank was changed forever. During those two terrifying nights, Clydebank was pounded by the Luftwaffe, which dropped more than 1,000 bombs in its raid over the town, killing 528 people and seriously injuring 617. Those are the official figures, but many more died later as a result of their injuries. Clydebank experienced a massive loss of housing, with 12,000 houses damaged and 4,300 destroyed, leaving only seven houses in the area untouched. It resulted in 35,000 people being made homeless.

The main targets were the armaments factory at the Singer sewing machine factory works, the John Brown & Company shipyards and the William

Beardmore and Company engine works. While most of those in the constituency will now be too young to remember the blitz, the stories and the feeling of sheer horror have been passed down through generations. It is not something that the town will ever forget—nor should it—and it has been, and always will be, part of the primary school curriculum.

Clydebank has always been a tight-knit town. Prior to war, it had a dynamic community that truly considered itself to be socialist. The notion that we are all Jock Thompson's bairns was felt across the town. That is not to say that it was a perfectly equal society—we know that it was not—but, across the board, the Clydebank sense of community was strong and the people were never complacent, with strikes for better pay and working conditions being part of many people's lives.

Oil was a high-priority target during the war, and Clydebank lay beside what has been described as a category A target, which contained potentially 178 million gallons of fuel oil. At 11:30 pm on 13 March, two and a half hours into the raid, a 250kg mine bomb landed at the junction of Kilbowie Road and Second Avenue in Clydebank, obliterating the town's water mains, with supplies to firefighting services being instantly cut. Clydebank burned. People could see Clydebank burning from all over Glasgow—I know from speaking to people that that is one of their memories.

It would simply not be possible, in this short speech, to fully depict the devastation and tragedy that occurred. As Tom McKendrick so perfectly put it:

"The Clydebank Blitz could not be least described in a single story. It is thousands of tragic experiences bonded together by a single catastrophic event and like all things which entail human activity it is complex."

The blitz had a huge impact on my home town of Clydebank. It was the only town in Britain that was rendered uninhabitable as a result of bombing, and the biggest loss to a single family in the blitzing of Britain was that experienced by the Rocks family in Clydebank. Fifteen of the Rocks family were killed on the first night at 78 Jellicoe Street in Dalmuir, alongside so many others.

Ann Holmes, the daughter of Annie Rocks and Walter Greig, records a heartbreaking account of the impact on her family in the book, "Untold Stories: Remembering Clydebank in War Time", and I commend it to Parliament. Ann promised her mother that she would honour the memorial to the event every year, and the Rocks family attend the service at the communal grave every year in big numbers.

The blitz caused incomprehensible hardship, anger and sadness. For the people of Clydebank,

those nights were terrifying, as is made clear in these quotations from Tom McKendrick's book:

"What I'll never forget as long as I live was the noise and the screams and cries when I was taken to the First-Aid post. This was something you couldn't believe, the screams were terrible, people had lost arms and legs, people were doing what they could to help but it was just too much for them".

"These people were your neighbours, people you had known all your life".

"The dead were laid out in rows in the school ... it's a sight etched in my mind for ever. All those bodies lined up in neat rows, after all that noise it was the silence that got to you".

Among this fear, though, was bravery and solidarity. We will never forget the many brave souls who saved others and who often sacrificed themselves. They are our heroes, who will never be forgotten.

The blitz caused irreparable damage and hardship to Clydebank. Many close-knit communities were severed, with many relocated. However, Tom McKendrick is correct to say:

"Clydebank people were no stranger to hardship",

as those who know the town's history will know,

"the psychological effect was the exact opposite of what was intended. Rather than divide the community and throw it into frenzied panic, it strengthened and immeasurably hardened peoples' resolve to survive and resist."

The sense of community and of a shared longing, as I mentioned earlier, has never left our town and I hope that it never will.

Clydebank paid a heavy price on those nights, but the burden of rebuilding the town fell on the council and the citizens of Clydebank. The replacement of houses resulted in the Burgh of Clydebank being left with an annual deficit of £61,000 for the next 60 years—£61,000 in 1941 would be equivalent to around £3 million now. Not only did the people of Clydebank suffer the bombing; they were also burdened with such a heavy charge because of the high replacement costs for capital lost in the form of houses. That was not right.

I pay tribute to all those who lost their lives on the tragic nights of 13 and 14 March 1941. Eighty-five years on, their memories live on with the people of Clydebank. Clydebank has always been resilient, and no more so than in the aftermath of the blitz. I am forever grateful to the heroes who saved victims on those fateful nights and who helped with the rebuilding of our town. They will never be forgotten.

It is hard for many of us now, in 2026, 85 years on, to comprehend what the Clydebank blitz must have been like. To understand that level of terror and anguish is hard, and in remembering events

like the Clydebank blitz, we must be resolute and clear about one thing: this cannot happen again. We, in Clydebank, resolutely take time to remember the blitz and those who were killed.

We also remember the brave Polish sailors of the ORP Piorun, which was docked on the Clyde. They fired their anti-aircraft guns at the bombers in defence of our town, and I pay tribute to those in our town who have done so much to galvanise efforts in their memory, such as Kilbowie St Andrews church, West Dunbartonshire Council, the late Jack Tasker and so many more.

Every year, we gather at the communal grave at Old Dalnottar cemetery above Clydebank, and we will always remember those we lost to such evil.

The Deputy Presiding Officer: We move to the open debate.

18:47

Stephen Kerr (Central Scotland) (Con): I am grateful to Marie McNair for lodging the motion and for her speech. She has brought to us all remembrance of the events of 13 and 14 March 1941, when Clydebank was subject to devastation on a scale that is beyond belief: 439 Luftwaffe bombers and thousands of bombs; 528 killed and 617 seriously injured; and 12,000 homes damaged, with 4,300 destroyed completely. She mentioned the seven houses that were, famously, not damaged, which is an incredible statistic. Second Avenue suffered the heaviest loss of life. As Marie McNair said, whole families were wiped out and streets disappeared.

The targets were strategic. As has been mentioned, they included John Brown's shipyard, the Beardsmore engine works and the Singer factory. Incendiaries were dropped first, to set the town ablaze, followed by high explosives and parachute mines to finish the job. That was calculated and deliberate—it was the work of a regime that believed that terrorising civilians would break a nation's will. It did not.

For me, this commemoration is personal. My mother was six years old when her own street in Birmingham was bombed from 19 to 20 November 1940. She lived in a small back-to-back house beside St Andrews football ground. That night, there was no siren and no warning. She remembered her mother suddenly shouting, with absolute authority, "Get out—into the shelter." There was no visible threat, but she and the other children in the family obeyed. They hurried into the Anderson shelter at the back of the house and, moments later, the bomb struck. Their home was obliterated—brick, timber and dust filled the air, and a fractured pipe began to flood the shelter. My mother told me and my sister many times how she sat in the darkness, hearing the crash of masonry

above her, and kept saying to her mother, who was praying for the family, "Pray louder, mummy. Pray louder."

For six hours they were buried in the rubble, and, when they were finally dug out, cold and soaked, my grandfather, who had been on duty as an air raid warden, was there in what had become a smoking ruin. She remembered being lifted from the rubble and passed into his arms. She carried that night with her for the rest of her life—interestingly, not with bitterness but with gratitude.

Clydebank endured that horror on an even greater scale. Some 35,000 people were left homeless, yet, the next morning, people dug, rescued, cleared and began to rebuild.

The crew of the Polish destroyer that was docked at John Brown's yard for refitting manned their guns that night and fired back. They stood their ground.

That generation understood evil, because it fell from the sky on to their homes. They knew what Adolf Hitler and his gangsters represented—tyranny, racial hatred, the crushing of liberty—and they defeated it. They endured the bombs, they buried their dead, they rebuilt their town, they refused to be broken. We stand here today because they did that.

We honour the 528 people who were killed that night in Clydebank. We honour those who were injured. We honour the homeless. We honour a generation that faced down violence and terror and prevailed. We will remember them, and we will not forget what they secured for us—our freedom.

18:51

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I am grateful to Marie McNair for lodging her motion, which gives us the opportunity to mark the 85th anniversary of the Clydebank blitz—two nights that left an indelible mark not only on Clydebank and Clydeside, but on all of Scotland.

I grew up in Glasgow, a city that, through gaps in tenements that are now largely filled but that were there when I was a child, bore the scars of wartime bombing. However, I was driven to speak in the debate today mainly in memory of my grandparents' generation and, in particular, in memory of what my grandmother told me of her experience of home-front living in Dumbarton, not too far down the river from Clydebank.

We know that the river was a vital artery of the war effort, which made its communities a target. I see that Jackie Baillie is due to speak, and she will probably speak more about this, but we know that Dumbarton was targeted on the same night as the Clydebank blitz. Thankfully, it suffered nowhere

near the same devastation as Clydebank. Of course, a few months later, there was another bombing raid on Dumbarton, but, because of the experience of the previous raid, various mitigations had been put in place, including the misdirection measures and decoy targets that were installed on Lang Craigs moor, so the town was spared a similar fate. Indeed, I recall my grandmother telling me that her father, who was an inspector at the Garshake waterworks and was required to check on those waterworks the next day, said that, if those decoy measures had not been put in place, Dumbarton would definitely have suffered the same fate as Clydebank.

Marie McNair has laid bare the horrors of the Clydebank blitz. In two nights, more than 400 Luftwaffe bombers dropped more than 1,000 bombs, and 528 people were killed and 617 seriously injured. In the retelling of the history of war, there is often a tendency to use numbers like that, but they are not just abstract figures. Among the dead and injured were mothers, fathers, children, sons and daughters, workers and neighbours.

As has already been said, of the roughly 12,000 houses in Clydebank, only a handful—seven—escaped any form of damage, which is quite a staggering thing to imagine, and more than 4,000 were completely destroyed. By the morning after the second raid, there were not only the dead and the injured, but tens of thousands of homeless people. Contemporary accounts describe families walking towards Glasgow, carrying what little they could salvage, with smoke still rising behind them.

We also know that the immediate aftermath brought scenes of extraordinary courage. We know that firefighters—many drafted in from surrounding areas—battled flames that lit up the night sky. Rescue workers and volunteers dug through rubble in search of survivors. Churches and halls became shelters. Neighbouring towns opened their doors. That is a salient reminder that, in the face of incomprehensible hardship, anger and sadness, solidarity prevailed.

The suffering did not conclude with the last bomb. Displacement, overcrowding and trauma persisted for years. The psychological toll was borne quietly by a generation. Despite that, Clydebank endured. It rebuilt its homes and its civic institutions. It sustained its proud industrial tradition and heritage. It did so because its people possessed a resilience forged in adversity and a determination that their community would not be defined solely by destruction.

As we mark and commemorate this 85th anniversary, we should pay tribute to those who lost their lives and to all those who were injured and displaced. We commend the bravery of those

who saved others in those dark days and who laboured in the long years of rebuilding that followed. To remember is not merely to look back, but to honour sacrifice and reaffirm our commitment to peace, community and solidarity.

We remember Clydebank.

18:56

Jackie Baillie (Dumbarton) (Lab): I start by thanking Marie McNair for bringing the debate to the chamber. Like others, I pay tribute to the resilience of the people of Clydebank. They paid a heavy price, with direct strikes by the German Luftwaffe in one of the most destructive bombing raids of the second world war almost 85 years ago.

As we have heard, the raid started on Thursday 13 March 1941, just after 9 pm, when 236 German bombers arrived above Clydeside. Towns along the River Clyde were targeted because of their shipyards and factories, which were the engines of Scotland's war effort. Even Dumbarton was not spared, as a plane got lost and mistook the town for Clydebank, with the result that high-explosive devices and parachute mines destroyed more than 100 homes and claimed 17 lives in the town. As Jamie Hepburn rightly noted, misdirection measures were subsequently implemented, with starfish bunkers presenting a series of decoy fires that directed German bombers away from Dumbarton in further raids.

However, in Clydebank, the devastation was significantly worse. As Marie McNair rightly said, 528 people lost their lives that night, a further 617 were seriously injured and thousands more were hurt, cut or traumatised by the blast. Some 12,000 dwellings were destroyed. Every community, from Bowling and Old Kilpatrick through Dalmuir, Radnor Park, Parkhall, Mountblow, Whitecrock and Duntocher to Yoker, was razed to the ground. The next day, almost 40,000 people started the great evacuation out of the area. Some ended up walking to Glasgow, others to Kirkintilloch. The lucky ones came to Dumbarton and the Vale of Leven.

I came across a letter from Thomas Kearns, a riveter who fled his home the day after the raid with his family and moved to Main Street, Alexandria. He wrote it to his pal Patrick Diamond. Unfortunately, Patrick never received it, because the censor would not let it through, such was the detail it contained. I will share some of it with the chamber. The letter talked about

“a ‘Murderous Attack’ on the poor defenceless women and children in their homes, terrorising and sending to eternity the peaceful and industrious citizens of the industrious town of Clydebank.”

Thomas continued:

“We were just sitting at the fire after the children got to bed, the gunfire started, this made us a bit panicky naturally, a hurried dressing of the children and rush down to the close level with our neighbours and there we remained for 9½ hours, with the bombs and land-mines dropping from the moon-light heavens.

They seemed never to cease ... The buildings began to rock with the heavy high explosives, windows began to blow in, doors and ceilings, slates and plaster with mixtures of soot and God knows what.

The building was on fire at the bridge end, and to keep Goering's Bombers with a good target Singer's enormous piles of wood got set to a raging furnace which could be seen for miles and high. They peppered away, never a lull in all this time.”

Time prevents me from sharing more, but I commend the letter to members.

Within weeks of that devastation, production resumed along the Clyde. Thomas Kearns, who wrote that letter, was among those who had returned to work. The people along the Clyde were not intimidated, and the same spirit endures today. The threats that we face today may be different, but they are present and evolving. We need to make sure that the lessons of the second world war are never forgotten.

A previous generation rebuilt the towns along the Clyde from the ashes. Today, as we remember those who lost their lives, their homes and their families in the blitz, let us honour them by paying tribute to their determination to rebuild and to defend their nation.

19:00

Bill Kidd (Glasgow Anniesland) (SNP): I thank my colleague Marie McNair for bringing this important debate to the chamber and for giving us the opportunity to remember and reflect. We remember the losses, the lives cut short, the families broken and the homes reduced to rubble on those terrible nights, yet we also remember the ordinary men and women who, in extraordinary circumstances, displayed such resilience and courage.

As we have heard, Clydebank bore the brunt of the raids, but the attacks were not confined to there. Bombs fell across our city of Glasgow, especially in areas such as Partick, Temple and Knightswood. Tenements shook, windows shattered, families huddled in closes and, ultimately, many lost their lives or their loved ones.

In the aftermath of the Clydebank bombing, thousands of survivors fled from Clydebank, and many went to Glasgow. Communities that were already strained by war were almost overwhelmed, but they were proud to open the doors to those displaced people who had bravely stood up to what had happened to them.

In 2010, John MacLeod captured the trauma in his celebrated book, “River of Fire: The Clydebank Blitz”. As the author so eloquently recounts, it had been

“a beautiful day in Clydebank—dry, sunny, the first bashful daffodils—and, after school, after their tea and till well after dusk, nine-year old Brendan Kelly played football on Jellicoe Street with his big pal, 13-year-old Tommy Rocks.

But, bedtime beckoning, they abandoned their game and sat at the tenement door, marvelling as the great full moon rose over the town, illuminating every highway and the shimmering Clyde itself.

‘God,’ breathed Tommy. ‘Look at that moon. If Jerry comes tonight, he cannae miss...’

Jerry did come that very night and took little Tommy Rocks. John MacLeod continues:

“The attack was of such intensity that the explosions could be heard in distant Bridge of Allan; the glow in the night sky, as Clydebank burned, visible from Aberdeenshire, from the Inner Hebrides, and even from Ireland.”

Yet, for all that suffering, for all that sacrifice, history did not always give those events the prominence that they deserved. Much of the devastation and death from the German bombing raid was, for a time, wiped from our national story. The lack of adequate air defences and the lack of preparation were matters too uncomfortable for those in authority to confront. Shamefully, many victims were not even given a proper burial, with a vast mass grave being dug in Dalnottar cemetery, where, without the dignity of even cardboard coffins, corpses were interred wrapped in sheets knotted with string. Similarly, in the cellar beneath a Dalmuir pub, where dozens were killed, authorities did not even bother to recover the bodies—they just poured in quicklime. In the national press, a photograph of that mass grave was cropped on censors’ orders, so that its sheer size would not be apparent.

As we know, the second world war ended with the unprecedented horror of the nuclear devastation in Hiroshima and Nagasaki—cities annihilated in moments, humanity brought to the brink by weapons of unimaginable power. Today, those dangers have not receded. We live in an age of renewed geopolitical tension, of modernised arsenals, of doctrines that still contemplate the unthinkable. Here, in Scotland, we have HMNB Clyde a short distance from Clydebank and our largest city of Glasgow. Just as in 1941, we must ask ourselves whether that proximity places a target on our back—whether we have learned the lessons that history has written in fire. Today, as we remember those past horrors, we must speak out against the potential of today’s, and we must work together to ensure that they are not repeated.

I will offer a minor tangent. My granda, Davie Gray, who worked on the building of the

Kelvingrove art gallery in Glasgow—a famous and beautiful place—was a very good stonemason and he built a massive Anderson shelter at the back of our family’s house, in Temple. One night—it would be the night of the Clydebank blitz—the bombing was very intense and the family all went into the Anderson shelter. The old man from upstairs ran in and said, “Oh, Davie, I think we’re gonnae get it this time—just listen to how close they’re getting there.” My granda said, “I think you might be right, Willie—I think you might be right. Just think, though: there’s weans in here—away and put your bloody troosers on.”

That is one of the true stories that took place at the time. Sorry for the industrial language, Presiding Officer, but there you go.

The Deputy Presiding Officer: Thank you—I think—Mr Kidd.

19:05

Carol Mochan (South Scotland) (Lab): I thank Marie McNair for bringing the debate to the chamber.

People might ask why a member from Ayrshire who represents the South Scotland region would ask to speak in a debate about the Clydebank blitz. The truth is that my dad, Bill Mochan, is a Bankie. He has not lived in Clydebank for a long time, but he has always maintained his connection to the town and has spoken with pride, humour and love for Clydebank.

My nana and papa, Annie and Jimmy Mochan, and my Auntie Agnes all lived through the two nights of bombing. My nana and papa did not often speak about those evenings—there was nothing about the fear, the loss of life or the effect that the bombing must have had on them emotionally. Rather, they spoke occasionally about the loss of buildings or the loss felt by other families. On the other hand, Auntie Agnes did speak about the nights themselves—about the noise, the shelters and the devastation as they emerged from the bunkers.

I do not think that I fully understood the events until I was much older. I know now that the Clydebank blitz was one of the most destructive air raids in Scotland during the second world war and had lasting impacts on the town and its people. As others have said, the brutal attack occurred over two nights, on 13 and 14 March 1941. People were killed and infrastructure was damaged, and pretty much the whole population of Clydebank became homeless basically overnight. On reflection, I wonder why my elders did not describe it in that way to me. Perhaps, like so many working-class people throughout history, they accepted the things—often, brutal things—that happened to their communities.

I want to raise three points in my reflections on the Clydebank blitz. First, as my Uncle Jim reminded me last night, the Government covered up what was happening at the time. The media reports cited only a town in western Scotland, while official censorship suppressed casualty figures and imagery of the near-total destruction of the town's housing. Photos were cropped and film crews were not permitted in. In this day and age, with immediate films, Instagram and all the social media that we now have, it seems unbelievable that such restrictions were able to be put in place.

My second point relates to the rebuilding of Clydebank after the war. The devastation happened in 1941, but I have a childhood memory of sitting in the back of a car—probably in about 1977, more than 30 years later—and asking about a little side building that had an old fireplace and wallpaper that seemed out of its time. My papa replied, “Yes, that came down in the blitz.” That was many years later, so I now think to myself that the Clydebank community, like so many working-class communities, was somewhat abandoned during the rebuilding in favour of perhaps more affluent and less industrial communities.

My final point is how similar that feeling is to the feeling in my community. I live in a working-class ex-mining area. It was not bombed in 1941, but it has definitely been abandoned at times by Governments. Just as the pit closures were an insult to the miners who contributed so much to Scotland's culture and economy, deindustrialisation in the years after the war led to Clydebank experiencing generations of unemployment, a lack of investment by Governments and an accepted decline in services. Neither the miners nor the shipbuilders created those conditions; rather, their communities fell victim to the social and economic problems that we all know about and have observed. Governments had no contingency plans, provided no support and had no sympathy for communities as times changed and decisions were made that removed opportunities from people in those areas. Working-class communities continue to face those realities.

I pay tribute to the people of Clydebank. I pay tribute to those who lost their lives during the blitz and to the local people who immediately came to people's aid in many different ways. I also pay tribute to the communities that went on, are resilient and continue to demand that Governments do better.

The Deputy Presiding Officer: I invite Graeme Dey to wind up the debate.

19:09

The Minister for Parliamentary Business and Veterans (Graeme Dey): I thank Marie McNair for

securing this members' business debate to mark the 85th anniversary of the tragic events that took place in Clydebank on 13 and 14 March 1941.

It is entirely fitting that we come together today to reflect on what was the worst destruction and civilian loss of life in Scotland during the second world war. It is something that should never be forgotten, especially as we move further away from the events themselves. I am sad to say that the lessons of the past are becoming increasingly relevant as world events grow more turbulent in ways that we might not have expected a few years ago.

Standing here responding to the debate, I have a sense of *déjà vu*. Five years ago, I found myself filling exactly the same role when Ms McNair's predecessor, Gil Paterson, brought a members' business debate to mark the 80th anniversary of the blitz. Just to spare mischievous colleagues from indulging in research, let me assure them that my speech is not a copy-and-paste job from 2021. However, I must say that I seem to have heard before the tangential tale that Bill Kidd regaled us with, and there is a nagging doubt at the back of my mind that it may have featured five years ago.

To be serious, what is clear from the debate—we have had some excellent contributions from members, who have vividly brought back to life the events of 85 years ago—is that we are united in recognising the formidable spirit of the people of Clydebank and that their courage, their determination and their efforts to rebuild their community amid such devastation deserve lasting remembrance.

As we have heard, in just two nights, Luftwaffe bombers transformed a once vibrant industrial community into a landscape of ruin. The scale of destruction was immense, with only seven of about 12,000 homes undamaged by the blitz and 35,000 people left homeless. Many families were devastated by loss and injury. It is almost impossible to comprehend the scale of what unfolded.

Those nights left an indelible mark on Clydebank, but they also forged a legacy of unity and resolve that continues to define the community today. In the face of devastation, people pulled together and worked tirelessly for three days to rescue trapped victims and minimise loss of life. Their actions serve as a lasting reminder of the strength that can arise from even the darkest of circumstances.

Of course, it was not only the people of Clydebank who pulled together but the brave crew of the Polish navy destroyer ORP Piorun. As we heard, the destroyer came to the defence of the town, where it was docked for a refit at the John Brown & Company shipyard. Coincidentally, the

vessel was, when she was acquired by the Polish navy in 1940, constructed in the same John Brown dockyard at Clydebank that she later defended during the blitz. By the time of the blitz, the vessel and its commander had already played a key role in the sinking of the German battleship Bismarck.

The story of the ship and her crew are symbolic of the enduring ties between Scotland and Poland, which span centuries and reach across culture, economy and society. The very depth of our ties is demonstrated by the fact that, by the 17th century, there were more than 30,000 Scots in Poland.

We are extremely grateful to our large Polish community today for making the opposite journey and calling Scotland home. From the courageous Polish soldiers of world war two to the young families who have settled here in more recent years, and the many Polish nationals who now contribute their talent and dedication within the Scottish Government, we thank them for their service and the vital role that they play in shaping the Scotland of today.

The redevelopment of the former John Brown shipyard, which is now called Queens Quay, where the ORP Piorun was built and docked on the night of the blitz, marked a major milestone in the regeneration of the historic shipyard site. The first phase of the development has delivered 146 high-quality affordable homes, which is a significant investment in the future of Clydebank's community.

We have a monument commemorating the civilians killed during the Clydebank blitz that was unveiled in West Dunbartonshire in 2009, with the names of the people inscribed on a bronze plaque. The memorial sits over the remains of Clydebank's unclaimed dead, to ensure that we never forget those who lost their lives and that current and future generations learn of these historic events and the strength that emerged from them.

Stephen Kerr: The minister is making an excellent speech. Does he think that it is highly appropriate that we are debating this subject on the fourth anniversary of the Russian invasion of Ukraine, in which at least 15,000 Ukrainian civilians have died? The lessons of Clydebank and this country's experience in the second world war are not lost on us now, as we support the Ukrainians. Does he agree with that sentiment?

Graeme Dey: I absolutely agree with that sentiment. Oddly enough, as I was sitting here earlier today thinking about the debate, the thought that was going through my mind was that this is unfolding in Ukraine right now, so we really have not learned the lessons of the terrible tragedy of 85 years ago.

As I prepare to step down from my role as minister for veterans, I find myself reflecting on what a privilege it has been to represent our armed forces and the veterans community. Commemorating the Clydebank blitz reminds me, as I think it should for all of us, that sacrifice during conflict is not solely the preserve of combatants and their families. Remarkable courage was shown in Clydebank in the face of profound loss and unimaginable hardship, and it is absolutely right and proper that we recognise that tonight.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 19:15.

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