



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Tuesday 7 May 2019

Session 5



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Pàrlamaid na h-Alba

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Scottish Parliament

Tuesday 7 May 2019

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is Madinah Javed of Andalus Glasgow, who is a law graduate, peace activist and campaigner for women's rights to perform public Qur'an recitations.

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

Two years ago, I was invited to the same cathedral in which I had spent my childhood attending the Montessori nursery. My local Christian friends welcomed me back to St Mary's cathedral in Glasgow to share a recitation of the Qur'an. I was touched when the congregation came up to thank me and express how moved they were. News of the event reached all corners of the world. There was an outcry from groups in America. As offensive and threatening messages were sent, the congregation showed me an outpouring of love, support and kindness.

Madinah Javed recited from the Qur'an in Arabic and provided the following translation.

"O humankind! We created you from a male and female, and made you into peoples and tribes so that you might come to know each other."

During Eastertide, Dr Greta-Mary Hair, whom I met at the cathedral, sent me a card wishing me a wonderful Ramadan with a gift of a box of ma'amoul, which are pastries from the middle east that are made with dates. She told me that the design on top of the pastries represents the crown of thorns and that the pastries are shared between Muslims and Christians. We had run out of dates to break our fast that evening, so I had one of Greta-Mary's ma'amoul. The reward of my fast was thus shared with her, as whoever feeds a fasting person will have the reward of their fast too.

Ramadan is here once more. The purpose of fasting is to reconnect with God, to renew intentions and to recognise the potential within oneself to be a more beautiful-hearted human being.

Love of God does not mean much at all if it does not mean love for our neighbours. We draw closer to God when we draw closer to one another. At St

Mary's cathedral, we all came together to know one another. We must all come together—people of faith and people of no faith at all.

Madinah Javed recited from the Qur'an in Arabic and provided the following translation.

"Each person faces a particular direction so race each other to do good deeds. Wherever you are, God will bring you all together. God has power over all things."

Business Motion

14:04

The Presiding Officer (Ken Macintosh): Our next item of business is consideration of business motion S5M-17199, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out revisions to this week's business.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for:

(a) Tuesday 7 May 2019—

delete

5.00 pm Decision Time

and insert

5.20 pm Decision Time

(b) Wednesday 8 May 2019—

delete

2.00 pm Portfolio Questions:
Social Security and Older People;
Finance, Economy and Fair Work

and insert

2.00 pm Ministerial Statement: Deposit Return
Scheme for Scotland

followed by Portfolio Questions:
Social Security and Older People;
Finance, Economy and Fair Work

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time

(c) Thursday 9 May 2019—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Ministerial Statement: The Scottish
Government's Response to the Sturrock
Review

and insert

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: The Scottish
Government's Response to the Sturrock
Review—[*Graeme Dey*]

Motion agreed to.

Topical Question Time

Police Scotland (Deployment of Firearms Officers)

14:04

1. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what its position is on reports that firearms police were deployed to routine incidents that did not require a weapon more than 5,000 times in the last year. (S5T-01644)

The Minister for Community Safety (Ash Denham): The vast majority of officers in Police Scotland are not routinely armed. The changes to the deployment model that were considered by the Scottish Police Authority in December 2017 and introduced last May followed extensive consultation by Police Scotland with a wide range of organisations as well as members of the Scottish Parliament's Justice Committee. Those changes have allowed armed officers to utilise their core policing skills and attend incidents where speed of response or vulnerability is a key factor. The incidents that are being referred to equate to around 0.3 per cent of the total number of incidents that Police Scotland officers attend each year.

The deployment of armed officers is an operational matter for the chief constable and is overseen by the Scottish Police Authority. When I spoke today to the chair of the SPA, she informed me that the SPA board had already planned to consider the first year of the revised deployment at its next board meeting, which is scheduled to take place later this month.

Liam McArthur: The minister mentioned the commitment to keep Parliament and the public updated, which is critical. We all recall Police Scotland adopting a fundamentally different policy in 2013—allowing firearms officers who were carrying weapons to do all routine duties—having deceived the SPA and not told anyone else.

In his evidence to the Justice Committee in January, the Cabinet Secretary for Justice said that the community impact of the deployment model continues to be assessed. At that point, Police Scotland was considering an independent evaluation by the Scottish institute for policing research. Has that been undertaken yet? When will it be published?

Ash Denham: It has been undertaken and it is part of the substantive papers that will go before the SPA board for discussion at its next meeting, in May.

The decision to make the change was made in the interests of sensible use of police time to enable the police respond to incidents where speed of response and vulnerability are key issues. When I spoke to her this morning, the SPA chair, Susan Deacon, assured me that it is being done in a proportionate way.

It is important to keep in consideration that Police Scotland responds to about 1.8 million incidents per year and the responses to incidents that we are discussing represent just 0.3 per cent. A monitoring process is in place to consider the matter and Police Scotland reports to the board regularly—it does so quarterly. As I mentioned in my previous answer, the board had already planned to discuss the issue in more detail at the next board meeting.

It is important to restate that we are not routinely arming police officers. We have a proportionate approach that represents a measured use of police resource, and it is subject to the proper oversight.

Liam McArthur: I assume that the report that has been prepared will be published.

Five of the eight legacy forces had the policy of firearms officers storing weapons in the boots of their armed response vehicles and undertaking routine duties unarmed. Weapons were accessed only when firearms were necessary or when the public or police officers were at imminent risk. However, the SPA refused to include that option in its consultation back in 2014, including only visible carriage, covert carriage and threat-to-life deployment. Does the minister believe that the previous model is worthy of further consideration?

Ash Denham: This is a matter for the Scottish Police Authority, which has informed me that it is keeping it under review. It is due to substantively look at the issue at its next board meeting. It would obviously be up to the SPA to decide whether it wanted to change the model at all.

I reassure the member that we are not routinely arming police officers. Armed response officers attend just 0.3 per cent of incidents, and there are criteria for that. Police officers are sent out by a tactical unit in cases where speed of response is important. I am sure the member appreciates that, at times, speed of response is of the essence in cases such as missing persons and domestic violence.

The SPA is keeping the issue under review and Police Scotland reports to it on the matter quarterly.

Liam Kerr (North East Scotland) (Con): I have no objection to the nearest officers being able to attend incidents in order to speed up police response, but does the minister accept that some

of those deployments would have been unnecessary if the Scottish National Party had not slashed front-line policing?

Ash Denham: Liam Kerr will not be surprised to hear that I do not agree with that analysis. The change to the deployment model was a measured approach in order to use capacity appropriately. As I have already said, it is used in only a small number of cases in which speed of response is important. In his question, the member alluded to the fact that he does not have an issue with the nearest unit of police officers responding to an incident, and I think that everyone in the chamber would agree that that is at times appropriate in order to keep our communities safe.

Fulton MacGregor (Coatbridge and Chryston) (SNP): In her earlier answer, the minister mentioned missing people. How many missing and vulnerable people have been traced or assisted by officers deployed in armed response vehicles since their roles were extended last year?

Ash Denham: According to information that was provided by Police Scotland, more than 3,500 missing and vulnerable people have been traced or assisted by officers deployed in armed response vehicles since their roles were extended. Those officers have also provided medical assistance at more than 600 incidents and dealt with more than 1,000 road traffic matters, including collisions, speeding and drink-driving offences.

John Finnie (Highlands and Islands) (Green): The minister will be aware that there is an obligation on Police Scotland to continually risk assess the situation and how it deploys officers. I am sure that she will join me in welcoming the reduction in firearms-related incidents, which we heard about recently. Will that reduction be reflected by a downturn in the number of officers who are being deployed? On the one hand, the Government says that it will not interfere in operational policing, but it is clearly giving the green light to more overt arming, including the use of Tasers.

Ash Denham: To reassure Mr Finnie, and as I am sure he is aware, there are more than 17,000 police officers in Scotland and the number of armed response police officers is 524. That is only a small proportion, which I think equates to about 3 per cent of police officers. I am sure that the member will also welcome this morning's police statistics that show that the number of police officers in Scotland is up by more than 1,000 since 2007. To further reassure the member, Police Scotland is keeping a close eye on the issue and reports on it to the Scottish Police Authority, which is reviewing the matter and will look at it in detail at its board meeting in May.

Clinical Waste Collection (Public Inquiry)

2. Monica Lennon (Central Scotland) (Lab):

To ask the Scottish Government whether it will agree to a public inquiry into issues relating to the collection of clinical waste and its impact on the national health service. (S5T-01640)

The Cabinet Secretary for Health and Sport (Jeane Freeman): I do not consider a public inquiry necessary, given that the Government has taken a number of steps to ensure that clinical waste continues to be collected without a negative impact on our NHS. Robust contingency measures were activated on 7 December 2018, when Healthcare Environmental Services Ltd withdrew collection services from the majority of NHS boards. Those arrangements ensure that waste is appropriately stored, collected and disposed of in line with industry regulations and that there has been no disruption to NHS services.

Monica Lennon: It is disappointing that the Scottish Government is not supporting a full public inquiry. I agree with Professor Hugh Pennington, who is a leading expert in bacteriology, that a public inquiry should be held in the interests of patient and staff safety, taxpayers' money and protecting our NHS from failed private contracts. Does the cabinet secretary believe that she has a duty to get to the bottom of the clinical waste scandal, so that it can never be repeated?

Jeane Freeman: The nature of the clinical waste scandal, as Ms Lennon characterises it, is that a company breached its contractual obligations to our health service in Scotland. Having done so, and having failed to take up the opportunity of having an additional 20 days in which to meet those obligations, which it was afforded as part of the contract, our contingency measures—which we had planned for, given the difficulties that the company was experiencing with the NHS south of the border—were activated.

Those contingency measures continue. The framework agreement was in place and was out to tender, but that process had to be delayed because of the change in market circumstances. A new contract has now been awarded, which is effective from 1 April, with the usual transitional period, and it will take full effect from a date in August. With all of that in mind, I do not believe that the scandal—if it is such a thing—is of either this Government's or NHS Scotland's making. All our attention should be focused on that company meeting its obligations not only to the health service in Scotland but to its employees. It is not right to make the Government the focus.

I have a great deal of respect for Professor Pennington's expertise and knowledge, but what he said was from the perspective of "what I've been told". I prefer to base my actions and

decisions on proven evidence, and that is what I will continue to do.

Monica Lennon: Unfortunately, the Parliament has heard very little of the evidence. The cabinet secretary will recall that, at the start of the year, Scottish Labour asked her to pause the procurement process and bring the contract back into the NHS. She is correct in saying that the private sector has failed, and she has previously said that that has put the NHS at risk. Over the weekend, media reports said that contingency plans are costing double the amount that the original contract cost. Can the cabinet secretary confirm whether that is accurate? I hear what she says about the transition period, but we understand that Tradebe is a bit behind with the contract. Given those delays and the fact that it will cost £100 million over 10 years, will the cabinet secretary give further consideration to bringing the contract back into public hands?

Jeane Freeman: The contract has been awarded. Changing that would risk the Government being held in breach of contract, and I am not prepared to put the Government at risk in that way. I do not know where Ms Lennon got the information that she has heard, but my understanding is that we are on track for Tradebe taking full responsibility for the contract from the date in August that has been agreed. Contingency arrangements continue, of course, and there will be a phased transition between the contingency and the new contractor.

As I said in my statement on 23 January, I will come back to the chamber to update members on the final cost of the contingency arrangements, either through an inspired question or by other means. As I also said in that statement, contingency arrangements, by their very nature, cost more. However, I suspect that the numbers that Ms Lennon is quoting do not take account of the necessary and sensible deduction from the cost of the contingency arrangements of the cost had HES met its contractual obligations in normal course, which it unfortunately did not.

Alex Neil (Airdrie and Shotts) (SNP): I ask the cabinet secretary specifically about the 200 tonnes of waste that are still stored at HES's site in Shotts. Will the liquidation of that company and its associated companies have an adverse impact on the timing of the disposal of that waste?

Jeane Freeman: The recent Scottish Environment Protection Agency inspections have not identified any significant environmental risk and have identified no risk to the wellbeing of local communities. However, SEPA continues to monitor the situation on both sites—in Shotts and Dundee—weekly. I am awaiting further information as to whether the recent liquidation of the company allows SEPA to act differently from how

it is currently acting. I will be happy to advise the member of that once I have the additional information.

Graham Simpson (Central Scotland) (Con):

There have been reports of waste piling up at health centres and not being collected from general practices. Can the cabinet secretary assure us that that is not continuing, and can she say where the waste will be taken when the new contract comes into effect?

Jeane Freeman: A number of assertions and reports have been made, all of which are investigated when they come to my attention. When there were difficulties early in the contingency arrangements, in December and January, those difficulties were resolved. The cycle of collection under the contingency arrangements follows the cycle that was in the HES contract. Clinical waste that is of greater risk to the public is collected more frequently than clinical waste from, for example, dental surgeries. The collection rotation cycle remains exactly the same as it was under the HES contract.

When there are any media or other reports, they are always investigated by my officials and SEPA. So far, they have been found to be either false or out of date—or, when they have highlighted discrepancies and mistakes that have been made, those have been corrected. At this point, the monitoring continues, there is no risk to the public or the environment and we continue to keep a close eye on the situation. As I said to Mr Neil, when we have additional information about whether the company's liquidation might affect SEPA's actions, I will make sure that members are informed.

I would want to be absolutely accurate in my response to the member's point about the transportation of the waste under the Tradebe contract. If he is content, I will write to him with that detail. I do not have it in front of me, but I will happily share it with him later today.

Business Motion

14:21

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-17170, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the timetabling of the Age of Criminal Responsibility (Scotland) Bill.

Motion moved,

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

Groups 1 and 2: 40 minutes

Groups 3 and 4: 1 hour 20 minutes

Groups 5 to 7: 2 hours.—[*Graeme Dey*]

Motion agreed to.

Age of Criminal Responsibility (Scotland) Bill: Stage 3

14:21

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Age of Criminal Responsibility (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments, and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Section 1—Raising the age of criminal responsibility

The Presiding Officer: Members should now refer to the marshalled list of amendments. We start with group 1 on the further increase in the age of criminal responsibility and of prosecution—age and timescale for increase. Amendment 1, in the name of Alex Cole-Hamilton, is grouped with amendments 2 to 77, 145, 155, 78 to 84 and 86 to 89.

I advise members that amendments 1 and 2 are direct alternatives. I also draw members' attention to the information in the groupings on the other direct alternatives in the group.

I call Alex-Cole Hamilton to move amendment 1 and to speak to all the amendments in the group.

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by paying tribute to Alison McInnes, my friend and colleague, who pushed for progress on this issue in the last parliamentary session. Her efforts met SNP obstruction, similar to that which I fear I will meet again today.

Speaking during stage 1 evidence on a different bill—the Children (Equal Protection from Assault) (Scotland) Bill, currently before this Parliament—Jillian Van Turnhout, a former Irish senator, said something that I think has resonance for our proceedings today. In speaking of her successful efforts to end physical punishment in Ireland, she told us that she went into the chamber

“knowing that even if I was the only person to say that it is not okay to hit a child, children in Ireland would know that somebody”—[*Official Report, Equalities and Human Rights Committee*, 21 March 2019; c 5.]

in a position of authority was on their side.

I recognise those words today, and if those in my party, the minister's predecessor Mark McDonald and a handful of others from other parties are the only ones to vote for a further increase in the age of criminal responsibility this afternoon, to at least the international minimum, children in Scotland will know that there are people in authority on their side.

The progress of this bill has been characterised by some very public and unprecedented interventions from the international community, expressing an imperative for us to get to at least 14 and further still. That view was shared by the clear majority of witnesses who gave evidence to the Equalities and Human Rights Committee. Indeed, the day after our stage 1 debate, the United Nations Committee on the Rights of the Child revised general comment 10 to lift the global minimum to 14 years old. That was spelled out to our committee in no uncertain terms by a member of the UN committee in oral evidence. Separately, the Council of Europe's Commissioner for Human Rights, Dunja Mijatović, wrote to the minister to express in the strongest possible terms that Scotland should use the legislative opportunity of the bill to get to 14 immediately. The minister's response to the commissioner was nothing short of an international embarrassment. By pointing to Scotland's unique children's hearings system, she sought to lean on a sense of perceived exceptionalism. The commissioner's reply offered her very short shrift. She said that each national system is unique, but that nobody gets a pass.

In resisting the calls for a further uplift in the age of criminal responsibility that were made at stage 1, the minister also cited a need to carry the people of Scotland with us, but our further call for views at stage 2 revealed that 86 per cent of respondents supported a further uplift to 14 or even 16. To put it simply, if the minister is waiting for the people to come with us on this, they are already there.

On my amendments to increase the ACR to 16, I say this: we simply cannot be the best place in the world to grow up in if we aim for and subsequently miss the bare minimum international standard of expectation in this area. We have spent decades coalescing around the view that 16 is the point at which a person should be credited with the wisdom to choose whom to marry or share a bed with, to decide whether to leave home and to choose who represents them in this Parliament. Either a person has the mental capacity to understand the consequences of their actions or they do not. The Government's position on the age of majority is wholly incongruous.

The Government has also argued that there is a capacity problem for going further than 12—

indeed, the First Minister referred to the “sheer volume” of cases that would move from the courts to the children’s panels. Thanks to clarification from the Lord Advocate, we know that the “sheer volume” of 12 to 14-year-olds being tried in adult courts amounts to a grand total of 11 individuals a year. I accept that additional change to the children’s hearings system might be required to accommodate those cases; that was identified by the Scottish Children’s Reporter Administration, which supports an uplift to 16, and the Lord Advocate.

It has been suggested in several evidence sessions that the proposal would amount to post-18 powers for children’s panels and a shift in the burden of proof from on the balance of probabilities to beyond reasonable doubt for the most egregious cases. That is why my amendments 3, 6, 7 and 8 offer Parliament a sunrise clause that would re-establish the working group and result in commencement of a further uplift in the ACR to 14 or 16—via a vote in Parliament, if needs be—in early 2021. I refuse to accept that that is not enough time. After all, the Parliament passed the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill in three days.

I also refuse to accept that the changes that such an uplift would require are beyond the capabilities of ministers and stakeholders in the 22 months that my amendments seek to afford, if there is the political will to make them. Sadly, I do not believe that such a will exists. Without my amendments, the international community will judge the Scottish Government to have failed on children’s rights; history will judge it likewise. More important, so, too, will the children and young people of this country—and I do not blame them.

I move amendment 1.

The Minister for Children and Young People (Maree Todd): Most of Mr Cole-Hamilton’s amendments in this group were previously lodged and debated at stage 2. In response, the Equalities and Human Rights Committee scheduled two additional evidence sessions to hear about the implications of raising the age of criminal responsibility above 12 through the bill from the Lord Advocate, the Solicitor General for Scotland, the Crown Office and the Scottish Children’s Reporter Administration. Those experts were clear about the importance of carefully scoping and analysing the implications of moving to a higher age. It is worth noting that, following that additional evidence taking, the committee’s position on the ACR did not change.

In response to the broadly similar amendments that Mr Cole-Hamilton has lodged for today’s proceedings, I want to make three clear points. First, the measures in part 4 of the bill have been

developed to take account of the very small number of recorded incidents of significant harm that involve children under 12. The scale and impact of harmful behaviour involving children aged 12 to 15 is significantly greater. The part 4 measures would require further scrutiny and consideration before we would be in a position to implement such a higher age. As was set out at stage 2, it is also likely that additional primary legislation would be needed. The effect would be that raising the age from eight could be delayed for a number of years. Even with the so-called sunrise clauses envisaged by Mr Cole-Hamilton, significant work would be required before those clauses could safely be commenced. I do not think that anyone in this chamber would welcome that.

14:30

Alex Cole-Hamilton: We took no stage 1 evidence to suggest that there should be any delay to the commencement of the age of criminal responsibility of 12 from the date of royal assent. At no point did anybody say that this would set us back. However, I know—because I have had to lodge commencement amendments—that the Government will spring such a delay on us and this implementation may be delayed by a year. Will the minister speak to that now?

Maree Todd: No, I will not speak to that now because, as the member well knows, he has lodged amendments that relate to that particular issue so we will discuss it later on. At the moment, I will focus on the amendments in this group.

Mr Cole-Hamilton’s amendments 6 and 7 propose that the ministers increase the age of criminal responsibility by way of regulation—that is, without any additional primary legislation that might be needed in this regard coming before this Parliament. That does not feel like an appropriate procedure for such a significant reform.

Mr Cole-Hamilton’s amendments 9 to 12 seek to raise the age of criminal prosecution. There has been no real debate at any stage of the bill process on that proposal, not least from Mr Cole-Hamilton himself. Again, making such a change requires careful and considered deliberation. That is not to say that we might not, in the future, agree as a Parliament to raise the age of criminal prosecution further. However, the safe way to do so is after proper review, scrutiny and development of detailed proposals and their implications.

I acknowledge that the UNCRC’s general comment 24 will be issued imminently, which is likely to recommend that states set a minimum age of criminal responsibility of at least 14. However, as per its draft comment, it may also encourage states to ensure that there are no

exceptions to the minimum age and to provide legal safeguards for equitable treatment of children above and below the minimum age. With this bill, unlike in other countries, we are absolutely fulfilling those latter points. It is also worth noting that Scotland is already doing—and indeed, going beyond—many of the other actions that the UN committee calls for on youth justice.

Alex Cole-Hamilton: Does the minister recognise that in 2012, in “Do the Right Thing”, her predecessor Aileen Campbell committed to such an increase in the lifetime of the last parliamentary session yet failed to do that? How confident can we be in any claims that this Government makes about taking this agenda further?

Maree Todd: I have proposed a review and an advisory group for that review, which will report to this Parliament within three years of commencement. I am confident that we are doing the right thing for Scotland today and that we will continue to do the right thing for Scotland in the future.

We are a leading nation on youth justice. We should be proud of that and of what we are achieving for our young people. We have confirmed that we will incorporate the UN Convention on the Rights of the Child into law in the lifetime of this session of Parliament.

At the same time, my amendment 145 allows for consideration of the future age of criminal responsibility as well as review of the operation of the act generally.

Amendment 145 proposes a review period of three years from the commencement of section 1 of the act. That will provide sufficient time to allow proper consideration of the impacts of the current change and the new measures that we hope to introduce through this legislation, which will be debated later today.

As I mentioned, a new advisory group will be established. It will play a key role in the review, should members agree to that today. Amendment 145 also requires that a report of the review findings be laid before Parliament, so that it can play its rightful role in determining the way ahead, alongside Government.

Amendment 155 links with that overall review and more widely to the provisions in the bill. It invests Scottish ministers with the statutory authority to require certain public bodies that hold information about the exercise of functions under part 4 of the bill to provide information that is considered to be appropriate to the review and the monitoring of how the functions in part 4 of the bill are being used.

I assure members that the Scottish ministers intend to use the power only to gather anonymised

statistical data showing, for example, the number of applications for a child interview order, the number granted and the types of behaviour that they related to. There will be no requirement to disclose the sensitive personal data of any children in any specific cases.

Fundamentally, the bill is about enhancing children’s rights, but the Scottish Government also has positive obligations under the European convention on human rights to maintain an effective system for the investigation of crime and the rights of victims. We cannot put children, communities and victims at risk by rushing into changes without being certain that the responsible agencies are ready to implement those changes effectively and safely. Therefore, we need to get the balance right, and raising the age beyond 12 in the bill would not achieve that. The responsible approach is to raise the age to 12 now and to allow a statutory review to be undertaken to consider the future age of criminal responsibility.

I have made clear my commitment to making progressive changes that benefit Scotland’s children and to continue the evidence-led and expert-led approach that has been so successful at generating consensus to date. The bill represents a radical, bold and ambitious reform that will create a significant cultural shift. The pace at which we are moving needs to command public confidence. I believe that, by removing all primary school-age children in Scotland from criminal responsibility, we have got the balance right. I therefore urge members to resist all of Mr Cole-Hamilton’s amendments in the group, to support raising the age to 12 and to vote for my amendments 145 and 155.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I rise to speak against the amendments in the group that Alex Cole-Hamilton proposes. In the stage 1 debate, I stated that I strongly favoured raising the age of criminal responsibility to 14 as a minimum. My view on that has not changed—I still favour that approach—but I will vote against his amendments because, as we have heard, amendment 145 will mean that the legislation that we pass today will be reviewed, with a view to raising the age in future through the introduction of an expert review group. That has given me reassurance.

I hope that that future is not far away, but it is important to have the confidence of the public and of the professionals and agencies that will be required to manage the change, such as the children’s hearings system and the police. I certainly have a greater understanding of what is involved in that now than I did previously.

Alex Cole-Hamilton’s amendments would inevitably have the effect of criminalising children for longer, and I am certain that that is not what he

wants. As I said, amendment 145 inserts a statutory requirement for ministers to carry out a review of the act and of the age. That is a good amendment.

I believe that a child or young person who ends up in the criminal justice system is a child who has been failed by adults who should have applied early intervention to stop the child getting into trouble. In my view, the importance of adverse childhood experiences cannot be overstated. Children should not be labelled as offenders, because the harm that is caused by doing so is everlasting and impacts greatly on their future.

The bill is a step in the right direction, but it is only the start of the journey, which I hope is a quick one.

Mark McDonald (Aberdeen Donside) (Ind): I am grateful to Alex Cole-Hamilton for the conversations that he had with me in advance of lodging his amendments in this group. I join him in paying tribute to Alison McInnes, whom I enjoyed working with when she represented the north-east of Scotland.

Just as the debate on the issue has evolved during the bill process, our thinking should do so, too, which is why I have come to support the position that Alex Cole-Hamilton has advanced. There is a question about the balance in the approach. In the debates on the bill, we have spoken at length about the question of needs versus deeds and the importance of understanding what lies behind the harmful actions that some children commit and how best to address them. Raising the age to 14 would help to ensure that children do not fall into the criminal justice system at an early age and into the cycle of offending behaviour that often results.

If we were to look at the picture across Europe, and take England and Wales, Northern Ireland and Scotland as separate jurisdictions—as we must, given the differing minimum ages of criminal responsibility that they operate—we would find that 10 jurisdictions have minimum ages that are below 14 years, 12 have minimum ages that are over 14 years, and 25 have minimum ages that are set at 14 years. I believe that setting the age at 14 years would therefore place Scotland in the correct position in relation to our European counterparts.

I listened carefully to the arguments that were made by both the minister and Rona Mackay, and it became clear to me that the question is not about the principle of raising the minimum age to 14 years, which is broadly accepted; it is about our having the technical ability to do so. I take the view that we could overcome such technical difficulty; the minister takes a different view in relation to the time that would be required to do that. I recognise

that the mathematics of the situation is such that we are not going there yet, but I think it important that we have a debate and discussion on it.

I also consider it important that we have clear understanding and adherence to timescales. I say at the outset that if Alex Cole-Hamilton's amendments are defeated—as I expect that they will be, given the mathematics that operates in the chamber—I will vote in favour of the minister's amendments 145 and 155, because I believe that the principle exists and is supported, and therefore that pressure can be exerted to ensure that the timescale is stuck to. I am perhaps slightly more optimistic than Mr Cole-Hamilton in that regard. Nonetheless, I will support his amendments on raising the minimum age of criminal responsibility to 14 years; he has not yet quite convinced me about raising it to 16 years. I will also support the minister's amendments, should Mr Cole-Hamilton's amendments fall.

Daniel Johnson (Edinburgh Southern) (Lab): I pay tribute to the arguments that Alex Cole-Hamilton has made. They are principled arguments, with which I agree in many ways. However, there is an issue about the timing that we face and the proposition that has been put before the Parliament up to this point. It is unfortunate that the United Nations' recommendations have changed during the passage of the bill, because I believe in the importance of international institutions and the international rule of law. However, the proposition that has gone through the Parliament is for the minimum age to be raised to 12 years and not 14. There are serious practical considerations about that. Through the amendments and the debate, we will look at the proposition as it stands. There are causes for concern and issues that we need to get right regarding the practicalities of providing places of safety and the exercise of such powers by the police, other public services and other elements of the criminal justice system

For those reasons, Scottish Labour cannot support the amendments in Alex Cole-Hamilton's name. I believe that we should support raising the minimum age of criminal responsibility to 12 years rather than to 14. However, we must also support the amendments in the minister's name, which put in place a review that would examine the precise issues, reasons and principles that Mr Cole-Hamilton laid out so eloquently.

It is important that we review the subject and that we play our part in upholding international standards, but I do not believe that now is the time for such a step. We must support raising the age to 12 years, but not to 14.

Oliver Mundell (Dumfriesshire) (Con): Scottish Conservatives believe that raising the minimum age of criminal responsibility to 12 years

strikes the right balance. Nothing that has been said in the debate or in the evidence that was taken at committee has convinced us that that view should change.

However, we are content to support the Government's amendments for review. When making such a change, which would affect other aspects of our legal system, we must be sure that it would work. We are open to hearing the further evidence on that that might be submitted from those who know our criminal justice system best.

John Finnie (Highlands and Islands) (Green): The Scottish Government's direction of travel is very welcome but, quite simply, it has not gone far enough. Greens will support Mr Cole-Hamilton's amendments.

Many members view the bill as taking a huge step. I accept that that is the case, and that it would lead to a significant culture change. Members have, rightly, identified practical situations that would need to be dealt with. However, with the direction of travel that has been set out by the Government, and given the necessary will, I believe that we could go further. I am a pragmatist, and I think that members know the arithmetic that is involved here.

14:45

The minister talked about taking the lead from experts, so I point to what the UN has said. I accept the point about the children's hearings system, and nothing should imply criticism of that system, which we are right to be proud of, but I note the evidence from the Children and Young People's Commissioner Scotland, who is charged with informing the Scottish Government about our position on such matters.

Incorporating the UNCRC will be positive. The minister's amendment 145 comes a poor second. Having a review after three years should mean that there is no delay beyond that. However, on the understanding that we are likely to be defeated on the more progressive approach, Greens will support the minister's amendments 145 and 155.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank Alex Cole-Hamilton for lodging his amendments, but I will comment on the tone of his opening remarks. He referred to Scottish National Party obstruction but, as a member of the committee that considered the bill, I would say that we had a lot of constructive debate about the issue.

Alex Cole-Hamilton: Will the member take an intervention?

Fulton MacGregor: Not just now—I want to make progress, and then I will perhaps let Alex Cole-Hamilton in.

As my colleague Rona Mackay and many others have said, the minimum age that we want to get to is 14, but I have been convinced by the argument that the minister made in committee that we should move more gradually to that place, to allow our services and our justice system to adapt. I ask Alex Cole-Hamilton not to mix up the debate that we have had, in which people have come to views, with something that is obstructive. I would go so far as to say that he has refused at every point to accept that his amendments might delay the roll-out of the provisions to protect 12-year-olds.

Alex Cole-Hamilton: I have twice been accused of delaying the implementation of an ACR of 12, but my sunrise clause amendment would mean that an ACR of 12 was achieved at royal assent; the age would move forward to 14 or 16 on the committee's advice.

As for obstruction, a previous children's minister committed to the UN in 2012 that an ACR of 12 would be achieved in the previous parliamentary session. Alison McInnes, who was a Liberal Democrat MSP, offered the Government two opportunities to make that happen, but they were both rebuffed. That is obstruction.

Fulton MacGregor: I disagree with Alex Cole-Hamilton. He has consistently made the point in committee that his proposals would not obstruct the roll-out, but the minister and the Government have said that they would. I was making the point that he is not even willing to accept that.

I encourage everybody to support the minister's amendments, which are good and sensible. Amendment 145 will bring back a report in three years, when we can perhaps have the debate again. I have set out my stance; amendment 145 is sensible at this time.

Alex Cole-Hamilton: To put it simply, without increasing the age of criminal responsibility to 14 or higher now, the bill will not only set the face of the Government and the Parliament against children's rights but fatally undermine any claim that we have to be a human rights leader on the world stage. To aim at the international minimum and miss it will put us on a par with the foremost socially conservative countries in all of Europe and make a mockery of our aspiration to human rights leadership internationally.

Along with everyone else, I welcomed the report of Sir Alan Miller and the First Minister's advisory group on human rights leadership. However, we have wasted the time of a good man and those around him. We decry human rights abuses in countries such as China and Russia, but both those countries have ages of criminal responsibility that are higher than the bill will achieve. Scotland cannot lead the world on human rights from the back of the pack.

Last week, I should have attended a cross-party group event to celebrate the achievements of the year of young people, but I could not stomach it. I could not bear to listen to the minister speaking of her love and the love of her Government for the country's children and young people and their achievements. The bill says to young people, "This country will govern you with love until you break the law, when that love will end."

I will remind the minister, her Government and anyone who will listen of this day and this craven piece of legislation every time that the Government claims to stand up for children or human rights, and in relation to every sugar-coated motion that it seeks to bring to this chamber and every saccharine policy announcement that it uses to promote the image of its commitment to the rights and interests of Scotland's children.

If my amendments fall, I will vote for the bill only because the current ACR over which the SNP has presided this past decade is, frankly, medieval. Unamended, the bill is an embarrassment. The Government has no cause to speak of it with pride, and I will not be able to celebrate its passing tonight.

I press amendment 1.

The Presiding Officer: I highlight that amendment 1 is a direct alternative to amendment 2. I will explain the situation, because a couple of amendments have direct alternatives today. A decision will be taken on both amendments in the order in which they appear on the marshalled list. If both the first and the second amendments were to be agreed to, the second amendment would succeed the former and the first amendment would cease to have effect.

The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. As this is the first division of the day, there will be a five-minute suspension while members are called to the chamber.

14:50

Meeting suspended.

14:56

On resuming—

The Presiding Officer: We move to the division on amendment 1.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 11, Against 108, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 moved—[Alex Cole-Hamilton].

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

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 10, Against 110, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Alex Cole-Hamilton].

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

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)

Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 11, Against 109, Abstentions 0.

Amendment 3 disagreed to.

After section 1

Amendments 4 to 8 not moved.

Amendment 9 moved—[Alex Cole-Hamilton].

15:00

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

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 11, Against 109, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 moved—[Alex Cole-Hamilton].

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

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Scott, Tavish (Shetland Islands) (LD)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 10, Against 111, Abstentions 0.

Amendment 10 disagreed to.

Amendments 11 and 12 not moved.

Section 2—Raising the age of criminal responsibility: consequential repeal and saving

Amendment 13 not moved.

Section 3—No referral of child under 12 to children’s hearing on offence ground

Amendments 14 and 15 not moved.

Section 4A—Amendment of the Rehabilitation of Offenders Act 1974

The Presiding Officer: Group 2 is on disclosure of information: pre-12 convictions. Amendment 98, in the name of the minister, is grouped with amendments 99 to 103 and 147.

Maree Todd: A number of the amendments in this group clarify existing provisions or make minor or consequential changes. Amendment 98 is needed to reflect a change that is being made to the Rehabilitation of Offenders Act 1974 by the Management of Offenders (Scotland) Bill, which is currently before the Parliament.

Amendment 101 seeks to leave no doubt about what the word “purpose” refers to in section 4E(4)(a). Amendment 103 seeks to make it clear that the meaning of “other relevant information” in relation to the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 can include information about relevant behaviour as defined in this bill. It is designed to aid understanding and implementation of the bill’s provisions.

Amendment 99 seeks to bring an investigative interview by agreement under section 31A(2) within the scope of the relevant behaviour as defined in section 4B. [*Interruption.*]

The Presiding Officer: Members should keep conversations down to a minimum, as the minister is quite softly spoken and we would like to hear what she has to say.

Maree Todd: Thank you, Presiding Officer.

I will now focus on amendment 102, which follows on from amendments made to part 2 of the bill at stage 2. Those amendments inserted measures to provide certain protections to prevent a person from having to disclose information relating to “pre-12 behaviour” in situations such as job applications or judicial proceedings. They also provided for those protections not to apply in cases where the disclosure of information about pre-12 behaviour, in an enhanced disclosure certificate or PVG scheme record, has been approved by the independent reviewer.

Information about relevant behaviour is not, however, used or disclosed only by Disclosure Scotland or by the individuals to whom it relates.

There are a variety of proceedings in which such information may need to be considered and used, such as proceedings under the Children's Hearings (Scotland) Act 2011 or proceedings that relate to the adoption of children. Subsections (1) and (2) of the section that amendment 102 inserts therefore make provision to allow information about pre-12 behaviour to be used in certain such proceedings. A regulation-making power allows the Scottish ministers to amend the list in the proposed subsection (2) to set out further modifications and exceptions in relation to disclosure of information about relevant behaviour in certain proceedings.

Amendment 147 provides for such regulations to be subject to the affirmative procedure, so that members will be given the appropriate opportunity to scrutinise any changes that are made under those powers.

Amendment 100 is consequential on amendment 102 and is technical in nature.

Part 2 highlights fully the need to get the balance right with this legislation. We need to raise the age of criminal responsibility and allow children and adults to move on from behaviour and circumstances from before they were 12, but also ensure that relevant information can be shared proportionately to help keep people—children and vulnerable adults—and communities safe.

I move amendment 98.

The Presiding Officer: Members may have noted that we have passed the agreed time limit for the debate on this group to finish. I exercise my power under rule 9.8.4A to allow the debate on this group to continue beyond the limit.

No other member wishes to speak and the minister does not wish to wind up. The question is, that amendment 98 be agreed to.

Amendment 98 agreed to.

Amendments 16 to 25 not moved.

Section 4B—Disclosure of information about convictions etc relating to time when person under 12

Amendment 99 moved—[Maree Todd]—and agreed to.

Section 4C—Disclosure of information about relevant behaviour: judicial proceedings

Amendment 100 moved—[Maree Todd]—and agreed to.

Section 4E—Disapplication of sections 4C and 4D

Amendment 101 moved—[Maree Todd]—and agreed to.

After section 4E

Amendment 102 moved—[Maree Todd].

The Presiding Officer: The question is, that amendment 102 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 90, Against 32, Abstentions 0.

Amendment 102 agreed to.

Section 5—Disclosure of information relating to time when person under 12

Amendments 26 and 27 not moved.

Amendment 103 moved—[Maree Todd]—and agreed to.

Amendments 28 and 29 not moved.

Section 6—Independent reviewer

Amendments 30 and 31 not moved.

Section 9—Referral of information to independent reviewer

Amendments 32 to 35 not moved.

Section 22—Provision of information to persons affected by child's behaviour

Amendments 36 and 37 not moved.

Section 23—Power to take child under 12 to place of safety

Amendments 38 and 39 not moved.

The Presiding Officer: We turn to group 3, on places of safety: use of police stations and police cells within police stations. Amendment 148, in the name of Daniel Johnson, is grouped with amendments 149, 149A, 104, 105, 90 to 94, 157, 106 to 108, 150, 95, 151, 152, 109, 109A, 109B, 153, 139, 141, 96 and 156.

Daniel Johnson: The bill is important in lifting children out of the scope of the criminal law, as is right and proper. However, as we do so, we must consider carefully the way in which the powers—and, indeed, the responsibilities—that the bill sets out will be exercised, particularly by the police, who, in many cases, will be at the forefront of ensuring that the bill's provisions are implemented as the Parliament intends. In particular, we need to give great consideration to the role that we are asking our police to carry out as guardians in our community, protecting ordinary citizens as they go about their daily lives. That is why the provisions on places of safety are so important and very sensitive indeed, and it is what the amendments to section 23 seek to clarify and provide greater detail on.

It is important to note that the powers that are set out in the bill do not stand alone. There are

existing welfare powers, as there are also existing stipulations regarding places of safety, in the Criminal Justice (Scotland) Act 2016. However, there is a balance to be struck, particularly in deciding what constitutes a place of safety. What practical difference is there if, in the experience of the child, a place of safety looks like and feels no different from a place in which an individual who has been arrested within the scope of the criminal law finds themselves? It is particularly important that we have clarity about what constitutes a place of safety, that a police station is used only as a last resort and that the place-of-safety power is used correctly and in the right circumstances.

We also require to ensure that the police have clarity around the implementation of the power, because the criteria that are set out in section 23 rightly set a very high bar for the use of the power of taking a child to a place of safety. There is concern that there is potentially a gap between the threshold of “significant harm” being caused to another individual and the use of the welfare powers that already exist. Let us consider the circumstances of an 11-year-old having graffitied a wall or keyed a car and committed criminal damage. In those circumstances, it would be hard to construe that the child had caused “significant harm” to another individual. In addition, if the child was not familiar to the police, it would not be considered that there were justifiable welfare concerns. On what grounds would the police therefore be acting if the child was lifted out of the scope of the criminal law? That gap requires clarification.

I will go through my amendments on places of safety in detail. Amendment 149 seeks to ensure that a child can be kept in a police station only if the child behaves in a violent manner and that that power can be used only when a constable of the rank of inspector or above considers that it should be used. That would provide an important threshold and criterion for the police, and it would safeguard the individual police constable by ensuring that the decision was made at the correct level.

15:15

Amendment 150 would ensure that further detail is provided in respect of the definition of “a place of safety”.

Amendment 151 is perhaps the most important amendment in the group. Significant concern was voiced about the need to ensure that alternative places of safety are available to the police. The bill contains a number of provisions that relate to the presumption against the use of police stations, but the police may find themselves unavoidably using police stations. The lack of clarity may provide the

police with significant challenges in their decision making.

Amendment 151 would require the Government to compile and maintain a list of acceptable places of safety. It is important that there is no assumption that the list be exhaustive. The amendment would require the maintenance of a list compiled by the Government that the police could refer to, so that they could use those places of safety with confidence.

There are practical issues relating to the places of safety. As I have said, the bill rightly sets a high bar, but we require further clarification of how that high bar will be applied and how it is to be used by individual police officers.

Amendments 109A and 109B would amend Government amendment 109 specifically to require the Government to set out in statutory guidance “what constitutes significant harm” and how the provisions should be applied, so that police officers can have the clarity that they require in exercising their rights and responsibilities.

Amendment 148 is an attempt to set out an alternative approach and provide greater clarity and further detail through statutory guidance, which is what the police have called for. However, I recognise the issues that the amendment would create in setting a legal criterion that would be codified in statutory guidance. I accept that that is a flaw, and that is why I will not press the amendment.

The amendments would go some way towards providing clarity and certainty on the use of places of safety, but they would not fully address the potential gap between the welfare powers and the new power relating to places of safety. I call on the Government to clarify what powers police officers will have to simply take a child home to their parents—and to be able to do so without fear of further repercussions—when, to use vernacular language, the child is up to no good. That is the commonsense approach to policing. If a police officer sees a child doing something that they should not be doing, the police officer should simply be able to put their hand on the child’s shoulder and take them back to their parents or guardians.

I ask the Government to point out where, in statute, common law or case law, the police will have the power to do the commonsense thing and return a child to their home if there are no welfare considerations and they are not causing, or are unlikely to cause, significant harm to an individual. I also call on the Government to explain why it did not consider remitting the issue at stage 2, because the point is important and it required

further scrutiny. It is regrettable that we have had so little time to consider it.

I move amendment 148.

Maree Todd: Part 4 seeks to provide powers to allow the investigation of an incident of significant harm that involves a primary school-aged child. The powers are intended for use in only the most serious circumstances and reflect the recommendations of the advisory group, whose members included Police Scotland, social workers and children's charities. Those recommendations were consulted on extensively, and conclusions were published in 2016. Those conclusions made it clear that national guidance on child protection should be revised to include guidance on managing the welfare of children and the risks posed by children's harmful behaviour. That review is now under way, so it reflects the terms of the bill.

No examples were forthcoming in the consultations—indeed, none have been forthcoming since then—that highlight concerns that children's behaviour will not be covered under the existing criteria, such as their causing harm to others or being outwith parental control. Powers already exist in statute and in common law to allow police officers—beyond the scope of what is in the bill—to address the need to take a child to a place of safety when an officer considers that there are wider child welfare and protection considerations.

The range of police powers here relates to the most harmful incidents and does not impact on the police's general duties to, for example, prevent crime and maintain order. Police officers will still be able to intervene in incidents involving lower-level harmful behaviour, engaging with the child in an age-appropriate way; they just will not be able to do so with reference to criminal justice powers such as powers of arrest or holding in custody.

At present, powers under common law allow officers to take a child home with their consent, and that will continue. Child protection powers also enable the police to take a child to a place of safety even when that consent is not forthcoming. My amendment 157 seeks to make it absolutely clear that all those powers will continue.

However, the bill marks a fundamental change in entirely removing under-12s from traditional criminal justice processes, and successful implementation of its measures will require the confidence of professionals and delivery partners including Police Scotland. My amendment 109 therefore provides for statutory guidance on section 23. Its broad scope in subsection (1)(a) will allow a wide range of matters to be covered. Nevertheless, I agree that it would be useful to specify in the guidance what is meant by

“significant harm” and the circumstances in which a child may be taken to a place of safety. Accordingly, I support Daniel Johnson's amendments 109A and 109B.

I am absolutely committed to involving the expertise of Police Scotland, its staff associations and other partner agencies in developing that guidance, and I expect that process to consider whether the existing powers, which I have outlined, are sufficient. If any gaps are identified, we will consider how best to address those, including through additional appropriate primary legislation. That will allow for careful planning ahead of implementation, with all the delivery issues being worked through and the appropriate guidance, training and systems being put in place before commencement.

I hope that that reassures Daniel Johnson and others and that he will agree that there is now no need to press amendment 148. It would not be desirable to, in effect, remove the scope of the place-of-safety power from the bill into guidance. Amendment 148 could inadvertently result in a future expansion or limitation of the scope of the power without reference to Parliament, which—I hope we all agree—would be undesirable.

There are also legitimate rights concerns. Keeping a child in a place of safety deprives them of their liberty, and it needs a clear legal basis in order to comply with our human rights obligations under the ECHR. The UN Committee on the Rights of the Child is also clear that legal safeguards must be in place to ensure that the treatment of children who are below the age of responsibility is as fair and just as the treatment of children who are at or above that age.

At stage 2, I committed to consider what more could be done to restrict the use of police cells as places of safety, and my amendment 104 effectively creates a presumption against the use of police cells. It provides that, when their use cannot be avoided, it must be authorised by an officer of the rank of inspector or above.

Alex Cole-Hamilton: I hear what the minister says about using cells as a tool of last resort, but what does she say to Police Scotland, which says, in the briefing that it has provided to members, that it has maintained that its estate is never a suitable location for a child who is subject to place-of-safety provisions?

Maree Todd: I think that everybody who has been involved in the passage of the bill agrees that that would not be the ideal location but that there are circumstances in which they could imagine its being the only suitable location.

Amendment 105 clarifies that the requirement to transfer a child to a place of safety other than a police station as soon as is reasonably practicable

applies regardless of whether a cell has been used.

I welcome proposed new section 23(5)(b), which amendment 149 seeks to insert. It would apply a similar safeguard to amendment 104, requiring such authorisation for the use of a police station. However, I have lodged an amendment to remove proposed new section 23(5)(a), which amendment 149 seeks to insert. I appreciate what Daniel Johnson is trying to achieve there, but it would turn the focus on to a child's behaviour rather than their needs, and it would not allow a police station to be used when it was the only practical option in a remote rural area. I hope that Mr Johnson recognises that and supports my amendment 149A.

For similar reasons, I hope that Alex Cole-Hamilton will not move amendments 90 to 96. We are all broadly trying to achieve the same effect—to strictly limit the use of police stations and cells—but amendments 93 to 95 would, in effect, be highly impractical. Requiring application to a sheriff would lengthen the process, potentially leaving a distressed child at greater risk of trauma. I recognise that that is the opposite of what Mr Cole-Hamilton intends, so I hope that he will not move his amendments.

At stage 2, I accepted Alex Cole-Hamilton's amendment to restate in law what facilities can be used as places of safety. Amendments 106 to 108 simply tidy up that provision and, in particular, remove the language of the availability of a "place of safety", so that the focus can rightly be on suitability. As my amendments also achieve a broadly similar effect to Daniel Johnson's amendment 150, I do not think that it is needed.

Although a national list of places of safety is not strictly necessary, it will allow us to ensure that there is consistent practice across the country, so I will support Daniel Johnson's amendment 151.

At stage 2, I was keen to acknowledge that the use of the place-of-safety power needs to be monitored and evaluated. Therefore, I welcome Ruth Maguire's amendments 152, 153 and 156.

We need to get the balance right when the age of criminal responsibility is raised. Police Scotland is committed to keeping children and young people safe, and, along with other partners, it appreciates that engagement with children in their early years will influence their perspective on policing for the rest of their lives. Research also supports that.

Part 4 does not interfere with or impede the thoughtful and child-centred policing that currently goes on every day in communities across Scotland, and implementation will be carefully planned to provide the right guidance to help the police to keep children safe.

I am committed to meaningfully raising the age of criminal responsibility, but we must also continue to respond to the needs of victims and the wider community. With a clear test at section 23(2) and provision for statutory guidance to support operational practice, as well as a strong set of rules around the use of police stations and police cells as places of safety, and mechanisms for reporting on and monitoring their use, I believe that we now have the balance of those provisions right.

I urge members to support my amendments and to support Ruth Maguire's amendments 152, 153 and 156. I also support Daniel Johnson's amendments 109A, 109B, 149—if amendment 149A is agreed to—and 151. However, I hope that Daniel Johnson will withdraw amendment 148. If he presses the amendment, I will be unable to support it. Nor will I support amendment 150 or Alex Cole-Hamilton's amendments 90 to 96.

Alex Cole-Hamilton: My amendments stem from a reaction to very powerful testimony from an extraordinary individual who committee members heard from during a stage 1 evidence session. Lynzy Hanvidge was 13 years old when she was taken into care one night in 2007. She arrived home to find a lot of police officers congregating outside her house and she was informed of the reality that she was about to be taken into care. She was desperately concerned; she did not know what was wrong with her mum and she wanted to find out. She kicked off, which was a normal reaction to an abnormal set of events. In the altercation, she assaulted a police officer. She was then cuffed outside her house, taken to the police station at about 10 or 11 o'clock at night, separated from all her family and spent the night in a cell without communication until 7 o'clock the next morning.

The point is that she was put there under place-of-safety provisions. The untold harm that was done to her as a result of that experience demonstrates the fact that police cells are never places of safety as far as children are concerned. Put simply, in the middle of one adverse childhood experience, the state handed Lynzy another—that is unconscionable.

Everyone on the committee recognised the humanity of Lynzy's story and desired to do something about it. My amendments on the prohibition of cell use stem from that. I remind members of my most recent intervention on the minister, when I said that Police Scotland does not ever want to have to use cells for place-of-safety provision.

Oliver Mundell: I understand that Police Scotland does not want to use cells—I do not want police cells to be used for children, either. Does the member recognise that, in some

circumstances, for example, in my largely rural constituency, it might be preferable on occasion for young people to spend a short period of time in a police cell, rather than be transported a long distance in the back of a police van?

15:30

Alex Cole-Hamilton: We all have to throw our cap over the wall on this. That hypothetical example has been used several times. I recognise that remote and island communities may have only a police station or police cell as the de minimis provision for the place of safety. However, if that police cell already had a sex offender in it, we would not expect it to be used as a place of safety.

We need to box clever and widen our ambition. If that costs money, let us spend that money, because article 37 of the United Nations Convention on the Rights of the Child states:

“Every child deprived of liberty shall be treated ... in a manner which takes into account the needs of persons of his or her age.”

Nothing about spending a night in a cell, without contact with their family or basic comforts, meets what children require to sustain them and to thrive. As such, we are in contravention of article 37 of the UNCRC, which also states that we should never hold children where adults are held. We cannot guarantee that police stations on a Friday or Saturday night, which is when the provisions are most likely to be used, are anywhere like a safe place to take a child, based on what else might be happening in that police station.

I recognise that, once again, the parliamentary arithmetic is not in my favour.

Amendments such as my amendment 95 make it harder for the use of police cells to become the default setting. It would mean that duty constables would have to seek approval from somebody beyond the police station to authorise such cell use as a very last resort. Lynzy Hanvidge’s story suggests that there is no real guidance to Police Scotland about the use of cells as places of safety. I welcome and will vote for the minister’s amendments, but cell use is happening right now on a scale that we do not comprehend. My amendments will either prohibit that use entirely or make it very difficult for it to become the default. Without that, we cannot guarantee the safety of our children. Police cells are simply not safe places.

Ruth Maguire (Cunninghame South) (SNP): The Equalities and Human Rights Committee has extensively debated places of safety throughout stages 1 and 2. We listened to the concerns throughout, and I welcomed the changes that the

minister made and those that she accepted to strengthen the provisions.

However, I am very clear about the purpose of part 4 in its entirety. When we raise the age of criminal responsibility, the police and other public agencies will still need powers to act to address the very small number of instances of significant harm that may involve a child under 12. I believe that the powers in part 4 are necessary and proportionate. I also welcome the amendments from Daniel Johnson and the minister to provide further assurance in relation to the police’s power to take a child to a place of safety.

As convener of the committee, I assure everyone in the chamber that every opportunity was given to the police to raise concerns at stages 1 and 2. I have revisited the evidence provided by Police Scotland and I note that the Scottish Police Federation did not provide written evidence at stage 1. I welcome the fact that Police Scotland’s focus in its written evidence was on the need for child-centred policing and it recognised that the powers in part 4 needed to be focused primarily on meeting a child’s needs. On section 23, that evidence raised a concern about the “very narrow” drafting, which only allowed for response to “immediate risk”. It said that the section

“does not appear to confer any power to respond to the immediate aftermath of an incident.”

That is quite different from the issues that Police Scotland has raised publicly before stage 3. I have considered that it now appears to be asking for a much broader, almost unfettered, power to remove any child below the age of 12 to a place of safety for any reason. I cannot accept that.

Daniel Johnson: I do not believe that that is what the police are asking for. I think that they are simply asking for clarification that they can continue to do the commonsense policing—the simple hand on the shoulder. They want that certainty and are concerned about the lack of clarity. Will Ruth Maguire reflect on that as she concludes her remarks?

Ruth Maguire: I thank Daniel Johnson for that intervention and I will come on to his point.

What the police appear to be asking for would have the effect of raising the age of criminal responsibility but leaving the police with quite far-reaching powers to remove any child to a place of safety. The recent stushie, if we want to call it that, also shows that we have some way still to travel to change practice and culture.

Police in communities in my Cunninghame South constituency do an absolutely fantastic job of keeping children safe. They respond early and effectively to children’s needs and issues, while also giving confidence to the wider community. We

have to be sure that work can continue in the future, so the arguments in favour of the minister's amendment 109 to create statutory guidance become more compelling. So indeed do the arguments in favour of amendments 152, 153 and 156 in my name. They strengthen the bill's provisions and, I hope, address the points raised by Daniel Johnson at stage 2.

The use of section 23 powers should be monitored and the results reported. Amendment 152, therefore, specifically extends the regulation-making power under section 24 to include the power to impose requirements that information be recorded on why, where and for how long a child under 12 is taken to, and kept in, a place of safety; the reason why a child under 12 is kept in a police station as the place of safety; and the reason why a child under 12 is at any time kept in a cell within a police station.

I suggest that such monitoring is essential, particularly in the early years of implementation, to ensure that the provisions are not more widely applied than the law allows for, and also to highlight whether recently articulated concerns are justified. Amendment 153 requires the Scottish ministers to prepare a report in relation to the information recorded as a result of amendment 152. So that all that happens timeously, the first report should be laid before the Scottish Parliament as soon as practicable after the first year of section 23 being in force. Amendment 153 then requires subsequent reports to be laid.

Because they will specify exactly what information is to be included in the reports, the regulations should be the subject of appropriate parliamentary scrutiny. Amendment 156 therefore applies the affirmative procedure.

I urge all members to support my amendments.

Liam Kerr (North East Scotland) (Con): I support amendment 148 in the name of Daniel Johnson and I will press it if he is not minded to.

It appears at least possible that, far from being a stushie, there could really be a gap in the bill that would prevent the police from carrying out the duties that we expect of them. More accurately, the police feel that, far from giving them an unfettered ability, the test as currently drafted would limit their powers and put them at risk of breaking the law.

I understand from the SPF that it is satisfied that Daniel Johnson's amendment addresses its worst fears, although it only partially closes the gap that it has identified. For that reason, I feel that we must back it and that Parliament must be given the opportunity to back it.

Maree Todd: I reassure the member that the police retain their general duties under section 20

of the Police and Fire Reform (Scotland) Act 2012 to prevent crime, maintain order and protect life and property. As such, police officers can intervene in incidents of low-level harmful behaviour, engaging with the child in an age-appropriate way to prevent or mitigate harm. They can talk to the child. Where there would be grounds to search the child if the child were over the age of criminal responsibility, the police could search them under section 25 of the bill. If appropriate, the police can confiscate what is found. Where it is considered that there is a risk to the child, the police can take the child to a place of safety, under section 56 of the Children's Hearings (Scotland) Act 2011. With the child's consent, the police can use common-law powers to return the child home. The police can share information about the incident with parents and social workers.

I hope that Mr Kerr will consider that information before pressing amendment 148.

Liam Kerr: I thank the minister for the intervention. I appreciate that the minister says that, but the SPF says not. The SPF contacted us all rather late on a Sunday afternoon, just before the amendments were due in, because it considered that there was a gap and that it was that urgent. In order to allay concerns later in the process, the minister might want to detail what conversations she has had with the SPF and when. It does seem that the point was not picked up at stage 2. I will come back to that shortly.

If the point was missed at stage 2, which, it would appear, it might well have been, has anything else been missed? I would be pleased to hear from the minister when she became aware that that point had been missed, how confident she can therefore be that there is nothing else lurking and whether she considers that it would be prudent to remit the bill to the committee to take further evidence to ensure that absolutely everything has been covered off and we do not inadvertently go forward into a situation where there is a gap.

I support Daniel Johnson's amendment 148, and I intend to give Parliament the opportunity to agree to it, if he does not press it. For completeness, I point out that we will not support amendment 151 or any other amendments that would restrict the police and fetter their discretion. However, we accept that guidance is necessary.

Mark McDonald: Ruth Maguire made a point that is worth bearing in mind when she spoke about small numbers. The number of children who will be captured by the bill and who will require to be removed to a place of safety is small. Within that, the number of children who might find themselves in a position in which the only place of safety that is available is a police cell will be even smaller. Therefore, we are talking about

exceptions within exceptions. I agree that it is important that very clear and robust guidance is provided.

I am not minded to back Alex Cole-Hamilton's amendments, because I think that a requirement to apply to a sheriff could create difficulties, particularly if a place of safety were required over the course of a weekend, when a sheriff might not be readily available to respond to such a request. Robust guidance needs to be provided. Although the minister will not sum up on this group, when it comes to the debate, perhaps she could clarify how that guidance will be shaped and what opportunities will be available to scrutinise and analyse it to ensure that it gives comfort to those of us who are deeply uncomfortable with the concept of children being put in a police cell for any period of time.

Although I will not back Alex Cole-Hamilton's amendments, I think that he made a very fair point about adverse childhood experiences and the potential for a police cell—even though it was being used as a place of safety—to create another trauma. A child whose behaviour is informed by a trauma in their life will not necessarily be able to draw the distinction between being in a police cell as a place of safety and being in it as a place of punishment, which could lead to another trauma and give rise to further difficulties. The barnahus model could have a role to play in how we deal with those children who find themselves in need of a place of safety for the wider interventions that might be required, although I appreciate that there will not necessarily be a barnahus available in a remote and rural area.

I will not support Alex Cole-Hamilton's amendments and will support the minister's amendments, but I want to put on record that there is a need for clarification on how the guidance will be developed, given the importance of the issue.

The Presiding Officer: We are nearing the agreed time limit, so I am again prepared to exercise my power under rule 9.8.4A to allow the debate on the group to continue beyond the agreed limit in order to avoid the debate being unreasonably curtailed.

John Finnie: Reference has been made to the late intervention of my former colleagues at the Scottish Police Federation and the concerns that they raised at the 11th hour. The minister—if I noted this correctly—said that, in part, the debate is about behaviour versus needs. The needs of the child should be at the forefront of all our considerations.

I do not believe that there is an issue in the most serious cases. The minister has outlined a range of measures that are in place, including the common-law duty to prevent crime and disorder

that was included in the Police and Fire Reform (Scotland) Act 2012. Child protection is at the core, so I am surprised by some of the representations that have been made to me and colleagues. I find the idea that a child who is in possession of a paint aerosol is not in need of some form of intervention quite peculiar, to be perfectly honest.

However, we need to be wary of some unintended consequences; we should never say never. Mention has been made of the use of police stations as places of safety for children. It is widely accepted that their use for that purpose should be absolutely minimal, but in the region that I represent, such use might be absolutely vital. Caution needs to be exercised on that issue.

I will not go through all the amendments in the group. I align myself with many of Daniel Johnson's remarks about where we are. I think that he is entirely right not to press amendment 148. We will support the minister's amendment 149A and Mr Johnson's amendment 149, as well as amendments 151 and 152, but we will not support Mr Cole-Hamilton's amendments, well meaning though, I am sure, they are.

15:45

I can tell members, from years of experience, that it is much easier for police officers to deal with a very aggressive large male than it is for them to deal with young children—they always find that to be a challenge.

I find some of the examples that have been given peculiar. We are moving the threshold up, so we need to be wary about the powers; I am not aware that, prior to the bill's introduction, anyone was saying that there was a deficiency in the powers of police officers to deal with children under the age of eight. We are just moving the threshold up a bit—not far enough for the Greens, but on the way.

Fulton MacGregor: I will speak briefly against Daniel Johnson's amendment 148. I heard the various points being debated and John Finnie's good intervention in support of it. However, I feel that the amendment will lower the threshold. As others have commented, there was a lot of discussion on this during the committee sessions, and I think that everybody agreed that nobody wants to see a child in a police cell, if at all possible. We know that the police and social workers work hard to stop that happening. I will therefore be voting against amendment 148 if it is pressed, because I think that it will lower the threshold.

Mark McDonald spoke about the barnahus model. As a member of the Justice Committee, I know that the Scottish Government is looking at

that model after the Justice Committee's trip to see a barnahus. There will be more information on that—I think that it will be discussed during Thursday's stage 3 proceedings.

I am against amendment 148 and Alex Cole-Hamilton's amendments.

Daniel Johnson: I will be brief, because I think that the arguments have been well set out.

I welcome the fact that the Government supports the bulk of my amendments. As I have already said, I will not press amendment 148. The crux of the argument is whether a gap exists. I heard the minister set out the powers that exist under the Police and Fire Reform (Scotland) Act 2012. However, the problem is the gap when there are no welfare considerations and when the actions that are being carried out by the child are not serious enough to cause another person harm. What the minister is relying on—if I understood her correctly—is that the child will consent at that point.

The question is this: what if the child does not consent? Indeed, what if the parents do not consent when that child is returned home? That question is at the forefront of the minds of the SPF, the Association of Scottish Police Superintendents and Police Scotland. It is the question to which we are yet to hear a definitive answer that refers to statute, common law or case law.

Liam Kerr: The point that Daniel Johnson is making is right. However, the point that I was making is that the police at least seem to think that there is an ambiguity, which could be ironed out—at least in part—by amendment 148. Is that not reason enough at least to press the amendment?

Daniel Johnson: I thank Liam Kerr for rising in support of amendment 148. The reality is that there are two significant problems. One is that the amendment would not fully iron out the ambiguity that has been highlighted by those three organisations. Critically, it would set in statute a legal criterion on the exercise of the powers. I think that that approach is flawed. It is a result of amendment 148 having been drafted in extreme haste. I regret that: if I had had more time, I would have taken greater care in order to draft the amendment better.

Unfortunately, I believe that amendment 148 is flawed, and that is not a good way of making law. I do not believe that legal tests and criteria should be at the discretion of ministers; there should instead be the parliamentary oversight that they require.

The crux is this—I think that John Finnie summarised the matter very well in some ways, but unfortunately, in the end, I disagree with him.

He believes that the most serious instances would be covered and that welfare concerns would be covered. However, it is about the things in between—the things that are at a relatively low level of misbehaviour, and in respect of which there are no further concerns, but in which there is wrongdoing. John Finnie made a point about aerosol cans for graffiti, but there may be no other options. What happens in those situations?

Most important is that John Finnie suggests that all that we are doing is raising the threshold. I contend that, with 11-year-olds, there is much more likely to be a cohort of individuals about whom there are concerns and in relation to whom we need police to exercise the powers.

John Finnie: I fear that the member misheard me. I said that the most serious instances invariably take care of themselves and that the challenge is in dealing with the other matters. I hope that that clarifies what I said.

Daniel Johnson: I thank John Finnie for that clarification. I will go to my general practitioner for syringing of my ears.

Another point is about the interactions with other statutes—the Police and Fire Reform (Scotland) Act 2012, the Criminal Justice (Scotland) Act 2016 or other acts that have increasingly codified the common-law powers that the police had. We have not had a full examination of whether there will be unintended consequences or inadvertent negative interactions between the bill and the legislation that has, increasingly, codified powers that were historically common-law powers. The police must enjoy those powers and we expect them to exercise those powers in carrying out their duty of protecting our communities.

The Presiding Officer: Am I right in thinking that you wish to withdraw amendment 148?

Daniel Johnson: Yes.

The Presiding Officer: Does any member object to amendment 148 being withdrawn?

Members: Yes.

The Presiding Officer: The Parliament does not consent to amendment 148 being withdrawn. The question is, therefore, that amendment 148 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caitness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 34, Against 87, Abstentions 0.

Amendment 148 disagreed to.

Amendment 149 moved—[Daniel Johnson].

Amendment 149A moved—[Maree Todd].

The Presiding Officer: The question is, that amendment 149A be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)

Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 100, Against 22, Abstentions 0.

Amendment 149A agreed to.

Amendment 149, as amended, agreed to.

Amendment 104 moved—[Maree Todd].

The Presiding Officer: The question is, that amendment 104 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)

Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 87, Against 35, Abstentions 0.

Amendment 104 agreed to.

Amendment 105 moved—[Maree Todd].

The Presiding Officer: The question is, that amendment 105 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, Tavish (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 117, Against 5, Abstentions 0.

Amendment 105 agreed to.

Amendment 90 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 95, Abstentions 0.

Amendment 90 disagreed to.

Amendment 91 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 91 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 94, Abstentions 0.

Amendment 91 disagreed to.

Amendment 92 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 93, Abstentions 0.

Amendment 92 disagreed to.

16:00

Amendment 93 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 94, Abstentions 0.

Amendment 93 disagreed to.

Amendment 94 moved—[Alex Cole-Hamilton].

The Presiding Officer: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 94, Abstentions 0.

Amendment 94 disagreed to.

Amendments 157 and 106 to 108 moved—[Maree Todd]—and agreed to.

Amendment 150 moved—[Daniel Johnson].

The Presiding Officer: The question is, that amendment 150 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 27, Against 94, Abstentions 0.

Amendment 150 disagreed to.

After section 23

Amendment 95 not moved.

Amendment 151 moved—[Daniel Johnson].

The Presiding Officer: The question is, that amendment 151 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 92, Against 30, Abstentions 0.

Amendment 151 agreed to.

Section 24—Section 23: regulations

Amendment 152 moved—[Ruth Maguire].

The Presiding Officer: The question is, that amendment 152 be agreed to. Are we agreed?

Members: No.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)

Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 92, Against 30, Abstentions 0.

Amendment 152 agreed to.

After section 24

Amendment 109 moved—[Maree Todd].

Amendments 109A and 109B moved—[Daniel Johnson]—and agreed to.

The Presiding Officer: I ask the minister to indicate whether she wishes to press or withdraw amendment 109, as amended.

Maree Todd: I will press the amended amendment.

Amendment 109, as amended, agreed to.

Amendment 153 moved—[Ruth Maguire]—and agreed to.

Section 25—Search of child under 12 without warrant under existing enactment

Amendments 40 to 45 not moved.

Section 26—Application for order authorising search in relation to child under 12

Amendments 46 and 47 not moved.

The Presiding Officer: We are running behind our schedule. I am minded to accept a motion without notice to propose that the next time limit be extended by 20 minutes.

Motion moved,

That, under Rule 9.8.5A, the debate be extended by up to 20 minutes.—[*Graeme Dey*]

Motion agreed to.

Section 30—Appeal against decision under section 28

The Presiding Officer: Group 4 is on appeal processes. Amendment 110, the name of Maree Todd, is grouped with amendments 111, 112, 114, 116 to 118, 134 to 136 and 142.

Maree Todd: My amendments in group 4 relate to the timescales for implementing orders under part 4 and the handling of appeals relating to those orders. I want to ensure that the system can work in practice and that children have the opportunity to properly utilise their rights of appeal. In reviewing the provisions, I decided that the timescales for making appeals were too constricted and that the periods for implementing orders did not take proper account of the possibility of an appeal.

Amendments 110, 116 and 134 allow permission to appeal to be granted only where it has been applied for, and not by a sheriff on their

own initiative, to avoid the possible situation of a person being unaware of permission being granted and then being unable to lodge such an appeal.

Amendments 111, 117 and 135 replace the current appeal time limit, which provides only three days in which to obtain permission from a sheriff and lodge an appeal, and the three days are not required to be working days. In addition, the time limit does not take account of the possibility that the child might not have been present or represented at the hearing, and so might not find out that an order has been made until the police have been able to provide them with a copy.

The amendments alter the time limits so that the child will have three working days to seek permission to appeal, beginning with the day after the day on which a copy of the order is provided. Where the police want to appeal a refused order, they will have three working days beginning with the day after the day of the decision.

If permission to appeal is granted, the appeal will have to be lodged within three working days of the decision giving permission. Amendment 142 defines “working day” for that purpose.

The provisions that amendments 112, 118 and 136 seek to insert in the bill will apply where there is an appeal and the decision of the sheriff appeal court is to uphold an order made by a sheriff or to vary it. The amendments will allow the appeal court to set out an implementation period. That will be necessary where there are actions authorised by the order that have not been carried out. The provisions are needed to make sure the appeal procedure works properly.

Finally, amendment 114 places a requirement on the police to explain an interview order to the child in an age-appropriate way, bringing the wording into line with related provisions. It is a technical amendment; nonetheless, it will have important practical effect for children.

In summary, the amendments seek to provide further clarity on the operation of the new system and ensure that children can make appropriate use of the safeguards that are afforded to them. I encourage members to support them.

I move amendment 110.

The Presiding Officer: The motion without notice that we agreed to before I called the minister to speak is likely to have the effect of moving decision time back by 20 minutes. However, I also have to alter an internal group time to allow this group to continue beyond the limit.

I call Oliver Mundell.

Oliver Mundell: I will speak briefly in support of the amendments. We support the approach that the minister has taken and welcome the clarity that the amendments bring to the bill.

Amendment 110 agreed to.

Amendments 111 and 112 moved—[Maree Todd]—and agreed to.

Section 31—Limitation on police questioning of certain children

Amendments 48 and 49 not moved.

Section 31A—Investigative interview by agreement

Amendments 50 and 51 not moved.

Section 31B—Information to be provided following agreement to investigative interview

The Presiding Officer: Group 5 is on questioning of certain children: child interview rights practitioner. Amendment 113, in the name of the minister, is grouped with amendments 115, 119 to 133, 137, 138, 140 and 146.

Maree Todd: At stage 1, a number of respondents raised concerns about the proposal to have an advocacy worker present when a child under 12 is expected to take part in an investigative interview. Since stage 1, I have carefully considered those concerns. We also conducted a discrete engagement exercise with key partners on alternatives. Those responses, and our analysis, have been published and shared with the Equalities and Human Rights Committee. I also alerted the committee to my intention to lodge amendments at stage 3 to address those concerns.

My intention is not just to raise the age of criminal responsibility, but to do so meaningfully. That means lifting children under the age of 12 out of the criminal justice system altogether. However, the police and other agencies will still have to investigate incidents of significant harm. If a child is to be interviewed, they must have their rights and interests protected. Investigative interviews are non-criminal, which is why amendment 120 will remove a reference to the Criminal Justice (Scotland) Act 2016 that was brought in at stage 2. I see that as a technical, but also meaningful, amendment, and I hope that members will support it.

Such interviews could have serious consequences for the child, therefore the law should provide for legally qualified individuals to provide advice, support and assistance. Further, we must provide a name that makes clear the purpose of that role and, in my view, “child interview rights practitioner” will achieve that. We

need such practitioners to have appropriate skills and knowledge of working sensitively with children, and of the children’s hearings system. Amendment 132 will require Scottish ministers to set up a register for child interview rights practitioners. Members of the register will be drawn from the children’s legal assistance scheme, which means that they may continue to represent the child at any subsequent hearing. That recognises and respects the fundamental importance of relationships for young children who are navigating those processes.

The child interview rights practitioners’ authorisation to act will derive from their registration with the scheme. That will allow them to provide the necessary advice, support and assistance, even where the child is not in a position to instruct them.

I am mindful that the process must be child centred, so the authorities must consider the views of the child. Children should have a choice about who supports them, and practitioners must have regard to the views of the child in relation to the extent of the advice, support and assistance that the child wants and how they want to receive it. Ministers will make regulations in connection with the register and how child interview rights practitioners are appointed, supported, paid and monitored.

16:15

Partners have expressed a clear desire that individual solicitors on the new register be trained in child-centred and trauma-informed approaches. I agree, and I intend to make provision for that once the register is up and running. We are also exploring what further accreditation in the area might be appropriate. The regulation-making powers in relation to the register are therefore deliberately broad.

Clearly, I will expect the review of the operation of the act to include consideration of how the new measure operates in practice. It is worth noting that, as with some other provisions in the bill, this is an entirely novel and innovative measure, which has been designed to further children’s rights when the age of criminal responsibility is raised.

I therefore hope that members will support the amendments in this group, and ask them to do so. The fundamental purpose of the role remains the same, but the changes make clear that protecting rights, following age-appropriate practice and building trusting relationships are at the core of our approach.

I move amendment 113.

Alex Cole-Hamilton: I will speak against the minister’s amendments on the creation of the child

interview rights practitioner. I do so because the principle of independent advocacy has been hard won, not just in this bill but in legislation throughout the history of this Parliament.

Before I was elected to the Parliament, I was very much involved in the development of section 122 of the Children's Hearings (Scotland) Act 2011, which created the right to independent advocacy for any child who comes before the children's panel. It seemed a happy synergy that that approach was replicated in the bill, without the need for third parties to lobby the Parliament to include it. I am therefore dismayed to see the Government row back on the approach.

Why am I dismayed? The issue is important, because advocacy is defined in law. The Scottish Independent Advocacy Alliance has referenced the various places where independent advocacy is defined and describes it as

"a way to help people have a stronger voice and to have as much control as possible over"

a situation.

Advocates will not make decisions for the person whom they support; they will help them to obtain information and communicate their views and wishes.

Oliver Mundell: I recognise the points that the member is making, but does he recognise the importance of children having access to legal advice, particularly when their rights and liberty might be affected?

Alex Cole-Hamilton: I absolutely do, but the two things are not mutually exclusive. The importance of the provision of advocacy in protecting children is recognised in other legislation and the approach should be continued in the bill.

It is important that children's views are represented. The minister's amendment 125 says that a child interview rights practitioner must "have regard to" the views of the child. An advocate does not just have regard to the views of the child; they must represent those views and act for the child.

There is a really important distinction between working towards a child's best interests and actually hearing their voice—those two things might not always be the same, but the child still has the right, under article 12 of the UNCRC, to be heard in their own voice. That is what an advocate seeks to ensure, and that is why we cannot support the amendments in this group.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I thank the minister for her work on the matter and welcome the amendments in this group, which will replace the term "advocacy worker" with "child interview rights practitioner".

The Law Society of Scotland's briefing for stage 3 of the bill said:

"The introduction of such provisions should help to secure the consistency of practice regarding provision of advocacy services."

The fundamental purpose of the role is not changed by the amendments, but changes to the operation of the role make clear that protecting rights and building trusting relationships and wider professional confidence are at the core of the approach.

The amendments seek to make clear the qualifications that are expected by setting out that the child interview rights practitioners will require to be registered solicitors, and allow Scottish ministers to establish a register of those persons who are authorised to carry out the role. That will make sure that the solicitors on the new register are trained in child-centred and trauma-informed approaches, which will emphasise the importance of protecting children's rights and interests when an interview takes place.

As convener of the cross-party group on the prevention and healing of adverse childhood experiences, I have heard a lot—as we all have—about the evidence of the benefits for our services, especially those that deal with children, of being trauma informed. I welcome the decision-making powers that will be given to the children. The amendments are welcome and essential, and I urge members to support them.

Maree Todd: I reassure the chamber that the provisions are used only in very exceptional circumstances, in which serious harm has occurred. In such a situation, as Oliver Mundell said, it is entirely right that a child should have legally qualified support in the room at the time when they are being interviewed. The person who is giving them legal advice should also have a child-centred approach.

The change of name simply reflects that dual role—the person will be both child centred and legally qualified—and it was requested by the children's hearings advocacy, who asked for the change to preserve their identity in children's hearings advocacy as separate from this role.

The Presiding Officer: The question is, that amendment 113 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Scott, Tavish (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 113, Against 4, Abstentions 0.

Amendment 113 agreed to.

Section 34—Child interview order

Amendments 52 and 53 not moved.

Section 35—Notification of child interview order

Amendments 114 and 115 moved—[Maree Todd]—and agreed to.

Section 43—Appeal against decision under section 34

Amendments 116 to 118 moved—[Maree Todd]—and agreed to.

Section 36—Planning of investigative interview

Amendment 119 moved—[Maree Todd]—and agreed to.

Section 38—Right not to answer questions

Amendment 120 moved—[Maree Todd]—and agreed to.

Section 40—Right to have advocacy worker present

Amendments 121 to 129 moved—[Maree Todd]—and agreed to.

Section 41—Child not to be questioned while unaccompanied

Amendment 130 moved—[Maree Todd]—and agreed to.

Section 44—Questioning of child in urgent cases

Amendments 54 to 57 not moved.

Section 45—Procedure following authorisation of questioning under section 44

Amendment 131 moved—[Maree Todd]—and agreed to.

After section 45

Amendment 132 moved—[Maree Todd]—and agreed to.

Section 46—Guidance

Amendment 133 moved—[Maree Todd]—and agreed to.

Section 47—Limitation on taking prints and samples from children under 12

Amendments 58 to 65 not moved.

Section 48—Limitation on taking prints and samples from children aged 12 and over

Amendments 66 to 69 not moved.

Section 56—Appeal against decision under section 52

Amendments 134 to 136 moved—[Maree Todd]—and agreed to.

Section 61—Additional powers and duties of constables

Amendments 70 to 75 not moved.

Section 62—Offences

Amendments 76 and 77 not moved.

Section 63—Interpretation of Part 4

Amendments 137 to 142 moved—[Maree Todd]—and agreed to.

Section 63A—Children’s hearings: consideration of diminished responsibility

The Presiding Officer: Group 6 is on children’s hearings: duty to consider the need for further reports. Amendment 154, in the name of John Finnie, is grouped with amendment 143. I point out that if amendment 154 is agreed to, we cannot call amendment 143, as it will have been pre-empted.

John Finnie: I am not a member of the committee responsible for scrutinising the bill, but I have followed its progress with great interest. Certainly, of late, I have done a lot of reading about it. People will know that in the previous parliamentary session Mary Fee was the convener of the Equal Opportunities Committee; I hope that we worked jointly to advance the cause of children’s rights. Mary Fee’s concerns that we were not getting it right for every child—which I shared—prompted her to introduce section 63A into the bill at stage 2.

I have reflected, however, on the response that section 63A has prompted from agencies such as the Scottish Children’s Reporter Administration and Children’s Hearings Scotland. I therefore cannot support section 63A staying in the bill and will support the minister’s amendment 143 to remove it, should that be required. However, I hope that that will not be required. The debate around the issue has brought out the need to assure and make clear the powers and opportunities that exist in the hearings system to seek information and any assessments or reports that will help better decisions be made about children who require support. I welcome the minister’s intention in her letter to do more in that area, but we can go further and it would be helpful for everyone working to support the needs and best interests of vulnerable children for the Parliament to go further. In moving amendment 154, I seek to offer a positive solution on which I hope we can all agree.

Amendment 154 would equip children’s hearings with the tools to gather the best information possible. It would mean that child-centred, individual assessments of needs at children’s hearings could be carried out, supported by whatever information is considered necessary and relevant. That could include the types of reports outlined in section 63A, but it is crucial that we do not limit what sort of assessment or information might be sought. Surely that should be

decided on the basis of a child's individual needs relevant to the circumstances and challenges in the child's life. I have some concerns, too, about the focus in section 63A on what appears to be a medical approach. I have met a lot of reporters in my time and, indeed, many people who provide a great service as children's panel members. They do a fantastic job and, in the vast majority of cases, hearings will get it right. However, if we can help them get it right for all children by putting something helpful into legislation, we should do so. That is what amendment 154 seeks to do.

I move amendment 154.

Maree Todd: Section 63A was introduced to the bill at stage 2 by an amendment lodged by Mary Fee. It introduced a provision for a compulsory psychiatric assessment for any child whose conduct is a material consideration in a hearing. At the time, I made clear my concerns regarding the potentially damaging consequences of section 63A. A number of partner agencies have since come forward to voice their grave concerns about section 63A's negative effects, questioning whether it is ever appropriate to mandate psychiatric assessments. They raised the likelihood of significant delays for children and for the hearings system and of damage to child and adolescent mental health services through the additional demand on resources.

I understand that a majority of the committee supported section 63A at stage 2 because of the genuine concern that hearings need access to the best information possible about children's needs. I agree with that view, which is why I have committed to reviewing and strengthening the children's hearings rules of procedure as well as the guidance and training available to panel members. I want to be absolutely certain that panel members have the best tools available to aid them in decision making and that they know when and how to use them. I welcome John Finnie's amendment 154, which would provide clarity that a hearing must consider whether it needs more information and that it has a statutory right to require it. I believe that that is a balanced and proportionate approach and the Government is happy to support it.

The unintended consequences of section 63A as it currently stands would be broad and highly damaging, and they would have an extremely negative impact on Scotland's children and the systems that support them. I am certain that that is not what Mary Fee—nor, indeed, any member—wants.

I hope that consensus can be achieved around my proposed approach in conjunction with John Finnie's amendment. I note that my amendment will fall if his amendment is agreed to. However, if his amendment is not agreed to, it is absolutely

essential that section 63A is removed from the bill. I hope that members will support my amendment to do so on the basis that further work will be undertaken in the area to strengthen the rules, guidance and training.

16:30

Daniel Johnson: I thank John Finnie for lodging amendment 154.

When Mary Fee lodged her amendment at stage 2, her intention was to ensure that assessments are made of the ability of children to understand the consequences of their actions and the proceedings in which they are involved. That was at the heart of the amendment that Mary Fee lodged, but I understand the concerns that exist about framing it so exclusively in a medical context. That is why John Finnie's amendment is very useful. It captures the purposes and intent of Mary Fee's amendment at stage 2, which is why I will be very pleased to support it.

However, I sound a note of caution. We need to be careful about descriptions of psychiatric assessments wholly in negative terms. There is a right and proper place for them, and they will sometimes provide the relevant information that a children's hearing will require. I see a psychiatrist once a year as part of my on-going management of my mental health, and I certainly want that message to be heard loud and clear.

Maree Todd: I worked in mental health for 20 years and, to be absolutely clear, it is the mandatory, broad-ranging and universal nature of those assessments that I object to. Of course people in psychiatry do great work.

Daniel Johnson: I very much welcome the minister's clarification, which is extremely useful. I was just giving my predictable tuppenceworth on that particular issue, because it is very important to me.

Oliver Mundell: I was certainly convinced, and I know that other members of the committee were convinced, by Mary Fee's arguments at the time, notwithstanding the concerns that the minister has raised. We hoped that those arguments would mean that something workable would come forward at this stage. I think that the proposal in John Finnie's amendment is workable and will address the concerns.

We wanted to be absolutely sure that there would be no circumstances in which children would go into the hearings system with fewer rights than they would have if they were appearing in court, and we can certainly support getting the right reports and evidence to make informed decisions.

If John Finnie's amendment is not agreed to, we will support the minister in removing an unworkable provision from the bill.

Fulton MacGregor: I, too, will speak briefly in support of John Finnie's amendment and the minister's amendment.

At stage 2, I had serious reservations about Mary Fee's amendment. I do not think that she would have wanted the unintended consequences that Daniel Johnson has articulated very well. I was really opposed to mandatory psychiatric assessments, and I went down the line of speaking about the retraumatisation of children. Perhaps it could be expected that children who get involved in the justice system and offending behaviour may have faced trauma in their early years, and I was worried about possible retraumatisation. I know that that was not Mary Fee's intention, and we seem to have moved on from there.

I support both John Finnie's amendment and the minister's amendment, if that amendment is required.

John Finnie: I will be brief. I thank Mary Fee for raising the issue originally. I certainly concur that there is no suggestion other than that the proposal was well intended. It afforded us the opportunity to clarify that we can better meet the needs and interests of children. There should certainly be no stigma around any of the reports that are required, whether those are psychiatric reports or otherwise. That is as it should be.

I urge members to support my amendment. If they do not, I hope that they will join me in supporting the minister's amendment on the basis that she has promised to do more work on the issue through the rules and guidance for the hearings system.

Amendment 154 agreed to.

The Presiding Officer: Amendment 143 has been pre-empted.

Amendments 145 and 155 moved—[Maree Todd]—and agreed to.

Section 66—Regulation-making powers

Amendment 96 not moved.

Amendment 146 moved—[Maree Todd]—and agreed to.

Amendments 78 to 80 not moved.

Amendment 147 moved—[Maree Todd]—and agreed to.

Amendment 156 moved—[Ruth Maguire]—and agreed to.

Amendments 81 and 82 not moved.

Section 68—Commencement

Amendments 83 and 84 not moved.

The Presiding Officer: We turn to group 7. Amendment 85, in the name of Alex Cole-Hamilton, is grouped with amendment 97.

Alex Cole-Hamilton: I recognise that the hour was late in the lodging of my amendments 85 and 97, but so, too, was the conversation that precipitated them. I had a meeting with the minister and her team that concerned me greatly because of the discussion that we had about the implementation of the provisions in the bill. They suggested that, due to the training requirements of Police Scotland, there could be a significant delay in our even implementing a new ACR of 12. That was news to us. We had taken no evidence whatsoever from Police Scotland suggesting that there was a problem or that a delay would be necessary between royal assent and an ACR of 12 becoming live.

In her remarks on group 1, the minister said that we want to raise the ACR to 12 now, so let us do that. It is important to recognise that we have failed to meet the international community's expectations, given the amendments that we have failed to pass today. Let us not compound that failure still further and allow people who are as young as eight to be held criminally responsible for, potentially, the next 18 months or more as we finalise the commencement of the procedure.

Every institution and organisation from which we took evidence at stage 1 said that it was ready to implement an ACR of 12 now. I cannot see any reason for delay other than prevarication or the Government's lack of will so to do. We are already long-grassing any future reform. A review that reports in three years' time will not see meaningful change for another two years thereafter, so we will not even achieve the de minimis position of international expectation for at least five years. Let us not compound that by retaining an ACR of eight for the next year and a half.

I move amendment 85.

Maree Todd: On Friday, I set out my intention to move as soon as possible to start making a difference to children's lives. Should Parliament support the bill today, children under 12 will benefit quickly. We will ensure that no child under 12 is treated as an offender beyond autumn this year. We will make sure that we recognise and respond to victims' needs, and our intention is to deliver part 2 of the bill within 12 months of royal assent.

However, as we have seen in today's debate on key measures in part 4, there are significant complexities around some key changes to the legislation, and there is a need to ensure that adequate resources, guidance and training are in

place before commencement. We cannot put children, communities and victims at risk by rushing into changes without being certain that all those with responsibility are ready to make the new law real in practice.

Alex Cole-Hamilton: Will the minister give Parliament an assessment of when she expects part 1 to finally be implemented and the new ACR of 12 to be introduced?

Maree Todd: An implementation group has been established to take the required work forward, as well as delivery groups to advise on and develop how we put the law into practice in key areas of the bill. Through amendments 85 and 97, Mr Cole-Hamilton is seeking to commence parts 1 and 4 on the day after the bill receives royal assent, knowing that that is impossible to deliver. It would simply put children at risk. None of the required preparatory work with key partner agencies could be completed within that timescale, and it would be hugely irresponsible for the Parliament to put children and professionals in such a position.

Under part 4 alone, there is secondary legislation to be drafted and laid, guidance to be developed and consulted on and training to be undertaken, and there are sheriff court rules to be changed. Importantly, there is work to be undertaken to protect the interests of victims. Victims need to know that there are still processes in place by which incidents of significant harm can be investigated appropriately. We must provide them with reassurance that, when harm has happened to them, it will still be meaningfully investigated and addressed.

We will not succeed in securing long-term confidence in the fundamental shift in our approach to children, or, indeed, in any other shift that we seek to make in the future, if we do not take the time to get it right. We need to take people and communities with us. On that basis, I strongly encourage members to reject amendments 85 and 97.

The Presiding Officer: We are running out of time again. Therefore, I am minded to accept a motion without notice to extend the time limit for this group by 5 minutes.

Motion moved,

That, under Rule 9.8.5A, the debate be extended by up to 5 minutes.—[*Maree Todd*]

Motion agreed to.

Daniel Johnson: I reassure Alex Cole-Hamilton that defending the Government is not my usual modus operandi; however, in this case, everything that the minister said is absolutely correct. Notwithstanding the fact that there are significant amounts of guidance that need to be drafted and

changes that need to be made in preparation, the police require legal clarification of key provisions in the bill. It would therefore be extremely reckless to commence the bill straight after it receives royal assent, which is why we will support the Government and reject amendments 85 and 97.

Alex Cole-Hamilton: I am very dismayed by what I have heard. Let us remember that our journey towards increasing the age of criminal responsibility was started by the United Nations in 2012. Back then, Aileen Campbell, as the Minister for Children and Young People, committed to getting us to this stage during that parliamentary session. We did not—we failed to pass amendments in the name of my friend and colleague Alison McInnes at stage 3 of a bill in 2014. As a proviso to that, the Government established a review group that took three years to do all the work that we have described, that ascertained all the changes in our institutions that need to happen and that reported two years ago. It has taken two years to get to this point, yet we are long-grassing the bill for potentially another two years. It is an absolute outrage, and I will press my amendment 85.

The Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
McArthur, Liam (Orkney Islands) (LD)
McDonald, Mark (Aberdeen Donside) (Ind)
Rennie, Willie (North East Fife) (LD)
Rumbles, Mike (North East Scotland) (LD)
Scott, Tavish (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Campbell, Aileen (Clydesdale) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Peter (North East Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Corry, Maurice (West Scotland) (Con)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
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 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
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 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
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 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 6, Against 114, Abstentions 0.

Amendment 85 disagreed to.

16:45

Amendment 97 not moved.

Amendments 86 and 87 not moved.

Long Title

Amendments 88 and 89 not moved.

The Presiding Officer: That ends our consideration of amendments. Members will be aware that, at this stage, I am required under the standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, the bill does no such thing; therefore, it does not require a supermajority at stage 3.

We will move to the stage 3 debate. For members' information, decision time will be at 17:45.

Age of Criminal Responsibility (Scotland) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-17169, in the name of Maree Todd, on the Age of Criminal Responsibility (Scotland) Bill.

16:46

The Minister for Children and Young People (Maree Todd): In the words of Dr Seuss,

“a person’s a person, no matter how small”,

and this bill on the age of criminal responsibility is unashamedly about, and for, Scotland’s small people. It represents a bold and radical shift in our approach. This week, in particular, we should recognise that devolution enables us to forge a different path.

When we raise the age of criminal responsibility to 12, Scotland will be leading the way in the United Kingdom, and, unlike in some of our international neighbours, there will be no exceptions in Scotland. No child under the age of 12 in Scotland will ever again be arrested, charged or treated as an offender, or have any childhood conviction follow them through life.

During the bill’s process, we have heard moving personal accounts from adults of the consequences of convicting young children. They told us of the need to do things differently. As James Docherty of Scotland’s violence reduction unit put it,

“you will never punish a young person into a better way of being; you can only love and nurture them into a better way of being.”—[*Official Report, Equalities and Human Rights Committee*, 27 September 2018; c 33.]

That is what the bill seeks to do. It is a strong statement of intent that, when young children cause harm, we will still treat them as children, protect their interests and support their needs. We will no longer let their life chances be damaged, as they grow into adulthood, by disproportionately disclosing information.

Along with the Management of Offenders (Scotland) Bill and the forthcoming disclosure bill, we are about to see a fundamental shift in how we view the actions of children and young people. As part of that work, we have introduced an entirely novel concept to our care and justice system—the independent reviewer. The reviewer will provide safeguards on future disclosure of information about a person’s behaviour during their childhood.

The bill makes a number of such innovative reforms. It embeds children’s rights throughout its measures, particularly when the child is believed to have been subjected to significant harm. We

have provided powers for public agencies to investigate such incidents, but we will ensure that, when they do so, children’s wellbeing is the primary consideration; that they have access to independent, child-centred advice, support and assistance; that they receive information in age-appropriate ways; that they have a right to appeal; and that they can be protected against unnecessary keeping of forensic samples and prints.

I recognise that some people wanted the bill to go further in terms of raising the age, so I hope that the establishment of a statutory review to consider the future age of criminal responsibility shows Parliament’s and this Government’s intent in that regard.

We have already committed to incorporating the United Nations Convention on the Rights of the Child, and will do so through a bill in this session of Parliament. Once finalised, general comment number 24 will be considered in its entirety, as part of that work.

Let me be clear that our approach to the bill is not simply about building popular support; it is about building confidence. We are determined that children will no longer be treated as offenders. That requires a meaningful departure from adversarial criminal investigative techniques and experiences. The police powers in the bill are intended for use only in the most exceptional circumstances—where the seriousness of the conduct under investigation is very grave, and the circumstances of the case mean that the powers are the only way of getting to the truth of the matter.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the minister for her previous clarification. Does she accept that, should the bill be passed, further clarification of the powers that the police have when there are no welfare concerns, and the situation is short of the criterion of harm, will be required? Will the Government commit to providing that clarification prior to commencement?

Maree Todd: I do accept that, which is why there are detailed provisions to support public agencies to make the higher age of criminal responsibility work in practice. We have listened to and responded to the concerns of key partners during the bill’s process. It is not enough to change the law; we need to shift practice and culture, too. It is essential to the success of the reform that it be carefully and responsibly implemented. Delivery groups have already been established on investigations, victims and disclosure, and there is broader work to provide general principles and guidance to support professionals.

The Scottish Government has positive obligations under the European convention on human rights to maintain an effective system for investigation of crime and the rights of victims. We cannot put children, communities and victims at risk by rushing into changes without being certain that the responsible agencies are ready.

Liam Kerr (North East Scotland) (Con): The point about not rushing into anything is important. Does not it lend credence to the idea that we should put the provisions on police powers back to stage 2, just to check them over?

Maree Todd: No. We have made very careful assessment of what is required so far and will continue to do so in the future, through working closely with our partners in the police.

In the exceptional and grave circumstance of there having been an incident in which there is significant harm, front-line social workers and police officers must be confident about how they can respond. When something exceptional and grave has happened, the public must have confidence that we can keep them safe. Most of all, when something exceptional and grave has happened, the victim, who is also often a child, needs to know that what happened to them will be taken seriously and that the truth will be established, no matter how old the person who harmed them is.

Part 3 of the bill stands on its own with a single section setting out the circumstances in which victims may request information. That is quite deliberate, in order to make it clear that we recognise that victims' interests matter and must be considered sensitively and appropriately.

I believe we have got the balance right. This is landmark, groundbreaking legislation: I look forward to listening to what members have to say in the debate. As we mark 20 years of our Parliament, we should know that today, we have the chance to do something truly historic. In 1932, the Children and Young Persons (Scotland) Act raised the age of criminal responsibility from 7 to 8. That has stood for 87 years. Today, I hope that we will agree to change history and vote unanimously to change that.

I move,

That the Parliament agrees that the Age of Criminal Responsibility (Scotland) Bill be passed.

16:54

Oliver Mundell (Dumfriesshire) (Con): This is one of those odd debates in which, at stage 3, most of the debate has already taken place. I think that we will find at decision time that there is consensus across the chamber that we should move the age of criminal responsibility to 12.

I understand that there are parties and members who would like us to go further, but I think that it is a bit of a stretch to talk about this being a bold moment or to connect it to devolution, given Scotland's separate legal position. That said, the Scottish Conservatives remain content, as we were at stage 1, to support the approach that the Scottish Government has pursued in the bill—albeit for slightly different reasons.

As we have heard, the bill is technically complicated in places so, as a member of the Equalities and Human Rights Committee, I would like the committee to invite the Scottish Police Federation to give evidence once the bill has been passed—if it is passed today—so that we can understand its concerns, when they were raised and how they have been considered. From the point of view of post-legislative scrutiny and the reputation of the committee and the Parliament, it is important that we understand what the confusion has been.

Although the bill is complicated in places, at its heart it represents a simple attempt to tidy up the law on the age of criminal responsibility. We recognise the fact that the age for criminal prosecution in Scotland was raised to 12 some years ago, which means that, in practice, cases involving younger children are already sent to the children's hearings system instead of to court. Far from being a new approach, the proposed changes reflect a significant policy change that was made some time ago. Most of the rest of the bill is about making those changes a reality and making them work on a day-to-day basis for the many stakeholders.

The evidence that was received through the consultation and during the committee process suggests that there is a good argument for the modest changes that are proposed, and that stakeholders, wider society and victims are ready for them and, in general, accept them and are convinced that they are needed.

As I said in the stage 1 debate, the changes are supported by the Law Society of Scotland, which recognises that the age of 12 already has significance in Scots law. As we have heard, it is possible to miss that point and to think that the setting of the age of criminal responsibility at 12 is entirely arbitrary and has just been magicked up by the minister, but in our legal system, 12 is already an age at which children gain new rights and are understood to have significantly more capacity.

An age of criminal responsibility of 12 also better reflects international standards. In common with other members, I think that it is important to look at what is happening in comparable legal systems in Europe and around the world, but that must never be the only consideration. It is

important that our legal system reflects the views and values of people who live in this country.

It is important, too, that we listen to victims of crime, and that they have confidence in changes that we make to the legal system. We must also listen to the people who work in our criminal justice and other agencies, who need to be confident that they can deliver the changes that are proposed. We must remember that it is all well and good for members of the Scottish Parliament to argue for change, but we must also remember that what looks good in legislation or in black and white on a piece of paper can make things worse in practice.

Most people recognise that children under the age of 12 should not be labelled and treated as offenders for the rest of their lives. However, that must be balanced against the need for a robust system that tackles serious harm. We think that the right balance has been struck, which is why there is broad consensus on it. There will always be people who argue that we should go further faster, but we must look at the evidence. I refer any member, or anyone who is watching this afternoon's proceedings, who is in any doubt to go back and read what the Lord Advocate, in particular, had to say when the committee took additional evidence at stage 2. It was very powerful and compelling evidence. The committee was right to take that additional evidence—I was certainly keen that the committee do so. However, having heard that additional evidence—having indulged members of the committee who wanted to push more on the issues—it seems somewhat odd to ignore what was said.

I am mindful of what victims will think and I am pleased that my colleague Annie Wells will set out some of our thinking in that area in more detail.

17:00

Daniel Johnson (Edinburgh Southern) (Lab):

In some ways, what Oliver Mundell said at the beginning of his remarks is right; this is a moment when, having dispatched the amendments, much of the debate has already happened.

However, we got to this point only through a great deal of collective effort, which I would like to acknowledge. It has been made by—among others—the Equalities and Human Rights Committee, the independent advisory group on the minimum age of criminal responsibility, the Scottish Children's Reporter Administration and, most importantly, by all the children and young people who so bravely shared their experience of what it is like to be a person involved in the criminal justice system. We must have those children and young people at the forefront of our minds as we debate the bill.

Scottish Labour welcomes the bill and agrees with its objectives and the balance that it strikes. We will support it this evening. The bill aims to find an appropriate balance between protecting children from the harmful effects of criminalisation and ensuring that incidents of harmful behaviour by those aged under 12 can continue to be effectively investigated and responded to appropriately.

However, let us be clear—I heard much of what Alex Cole-Hamilton said in the debate on the amendments and I understand his frustration—it is 12 years since the United Nations Committee on the Rights of the Child recommended that 12 should be the minimum internationally acceptable age of criminal responsibility. The Parliament finds itself in an invidious position, that recommendation having been updated while this process has been under way. It is a position that, in some ways, I wish we were not in. Change needs to be handled carefully, which is why we need to stick to the age of 12, but we must be mindful that it has taken Scotland over a decade to comply with that UNCRC recommendation. We should have that at the forefront of our minds.

Although Scottish Labour welcomes this overdue change to the age of criminal responsibility from eight to 12, we believe that the legislation requires clarification. That is why we are pleased that the Scottish Government supported the majority of our stage 3 amendments. Again, I would like to place on the record my thanks for the Scottish Government's constructive engagement through that process.

In particular, the bill has now been significantly clarified regarding places of safety and police powers. The changes will ensure that a police station is only ever used as a place of safety when absolutely necessary and when adequate checks have been carried out.

The changes improve clarity and provide reassurance to our hard-working police officers, who could quite easily have been put in a difficult and invidious position because of the bill. The changes will enable them to discharge their duties to not just young people but the wider community more confidently.

I must also deal with that wider issue of confidence. The minister pointed to the requirement for confidence in the bill. However, when it comes to Police Scotland, the Scottish Police Federation and the Association of Scottish Police Superintendents, there is still a gap in that confidence. That gap needs to be filled and the Government must provide written clarification after detailed consultation.

As I detailed in the debate on the amendments, there are situations in which young people cause

damage or commit other acts such as graffiti, vandalism or theft from shops and if they have not had prior contact with the authorities, there is no reason to believe that they will continue with that behaviour. I am still not clear what powers the police will have to take the commonsense approach of putting a hand on such a young person's shoulder and returning them home. There is a doubt in my mind—it may be possible for those parents to complain.

Oliver Mundell: Will the member give way?

Daniel Johnson: I will give way in a moment, if there is time.

The Deputy Presiding Officer (Linda Fabiani): You are in your last minute, Mr Johnson.

Daniel Johnson: Okay.

I urge the Government to extinguish that ambiguity, because it is a dangerous uncertainty. Even if the grey area pertains only for a period, those complaints could take a great deal of time to wash through the system. The Government must also consider the interactions with other elements of the law. Failure to provide that clarification will place our police officers in a very difficult position. It is a shame that the Government has not exercised its right under rule 9.8.6 of the Parliament's standing orders to send the bill back for further consideration at stage 2.

After the debate, I will follow up by writing to the Lord Advocate to ask for his views on the status of the powers in the bill in conjunction with other elements of the law and whether police officers could be charged with abduction if they return a child home against that child's will, where there are no further concerns. Scottish Labour is committed to preventing our most vulnerable children and young people from being exposed to the harmful effects of the criminal justice system, but the bill has shortcomings and the Government must provide clarifications prior to its commencement.

17:05

Alex Cole-Hamilton (Edinburgh Western) (LD): The minister has used words such as "radical", "historic" and "bold", but the bill is none of those things. In fact, this is a dismal day for us all: for the Scottish Parliament and for Scotland's children and young people. I find it hard to put into words the anger and disappointment that I feel at the missed opportunity in the bill and at the realisation that we are living in a far more socially conservative country than I had hoped—the scales have fallen from my eyes.

If members will permit me, in the first part of my speech I will lean on the words of Lynzy Hanvidge, whom I referenced in the debate on the group of

amendments on place of safety. She told the Equalities and Human Rights Committee:

"The first night I went into care was in May 2007."

She said:

"there were loads of police outside the flat that we lived in, and social work was there. When I went up the stairs, they told me that I, my brother and my sister were getting taken away from my mum."

She went on:

"I kicked off a little bit and I told them I did not want to leave my mum. My mum was going to be left by herself. They took my behaviour as harmful behaviour, as if I was just kicking off. That is how it felt to me—as if I was just kicking off for the sake of it.

They put me in handcuffs in my mum's house in front of her and my brother and my sister. I was 13, my sister was six and my brother was 15. They took me out of the house. I was not even dressed properly. I remember ... having jammies on that had a hole in the back of them. I did not realise that they were the ones I had put on, but they still had me cuffed at the front and they forcibly removed me from my mum's house.

I got my first charge that night. When I got to the bottom of the close, they were pulling me about the place—I was quite a wee girl when I was 13—and I hit him. It was just that I wanted him away. I wanted to get back up the stairs and make sure my mum was okay. I got taken to the police station that night. This happened at about 10 or 11 o'clock at night. I was not picked up until about half 7 the next morning. I was taken to a children's home where my brother and my sister were. They had spent their first night in a children's home. I spent my first night in care in a prison cell, locked up. I had not done anything wrong, but I felt like I had done something wrong.

That was my first experience of being charged or being involved with the police, and that was them taking me to a place of safety. It did not work out that way for me."—*[Official Report, Equalities and Human Rights Committee, 6 September 2018; c 26.]*

We have failed Lynzy Hanvidge. There is nothing in the bill that would change her story—it would not change the age at which she was charged or the incarceration in a cell, used as a place of safety. It is an outrage and a stain on this Parliament's reputation that we have gone against the better judgment of the international community, which has intervened twice in the course of the legislative process and was rebuked and rebuffed by the minister, who said that we have some sort of moral exceptionalism when, frankly, that does not exist. We have been found wanting in terms of the de minimis expectations of international provision.

I believe that the minister and the Government will come to regret the timidity that she has shown. The good will that she and her party have built through laudable policy change in areas such as the age of leaving care and other aspects of child protection will evaporate after today. The minister did not heed the call of witness after witness and organisation after organisation that we have an

international imperative to get to 14. It will take five years at the very least before we get the opportunity to change the age again, as we will have to wait three years for the review and then wait for the resultant legislation to pass. How can we stand in judgment over human rights abuses in countries such as Russia and China when they have higher ages of criminal responsibility than we do?

I do not believe that we should celebrate the passing of the bill, because that would involve applauding a deficient piece of legislation and failed ambition. More children will suffer because of our inaction. I hope that another 80 years will not pass before we will be able to remedy that.

I will vote for the bill because, as I said earlier, during its decade in office the Government has presided over an age of criminal responsibility that is, frankly, medieval. However, I will not do so with any joy.

The Deputy Presiding Officer: We move to the open debate. I warn members that we are really tight for time. Speeches must come in at under four minutes, and I might have to shave off time for closing speakers.

17:10

Ruth Maguire (Cunninghame South) (SNP): I strongly believe that raising the age of criminal responsibility to 12 years is the right choice for Scotland at this time. Raising that age from eight years to 12 is a milestone on the road to making Scotland the best place for children and young people to grow up. Minister Maree Todd's recent announcement of the setting up of an expert advisory group to consider the further challenges to change in the future is to be welcomed.

I acknowledge the passion, drive and expertise of people outside the Parliament who wish us to raise the age higher than 12. Although I accept that one of the Parliament's jobs is to show leadership, particularly around equalities and human rights, I say that children, communities and, crucially, victims should not be put at risk through our rushing into changes without being certain that the responsible agencies are ready. Sometimes, leadership is also about acknowledging challenge and practical considerations for people who are on the front line. We must be able to have confidence that victims, communities and professionals share an understanding of what works when a child causes significant harm.

Although we know that many children who are involved in harmful behaviour have often been subjected to trauma, we must not forget that the victims of such behaviour will often be vulnerable children themselves. When we call for trauma-

informed approaches to addressing those who engage in harmful acts, we must ensure that the same is true for victims. I have recently written to the Cabinet Secretary for Justice regarding a five-year-old child in my constituency who was the victim of a very serious sexual assault that was perpetrated by a 13-year-old. The response given to him and his family has not been trauma informed; indeed, the actions of the authorities have added stress and additional trauma to an already intolerable situation. I understand why that family feels as though justice has not been done and that our current system has failed them. Victims must receive appropriate support that does not re-traumatise them. Just as importantly, they need to have confidence that what happened will not happen again—to them or to anyone else.

Criminalising children does not work and does not guarantee a stop to harmful or offending behaviours; in fact, it is much more likely to lead to further harm. We must do more to hear the voices of victims and their families. Doing so will contribute positively to the power of work that is necessary if we are to take with us on that journey the communities that we represent. I ask the minister to say in her closing remarks a little more about how we can do just that, and ensure that child victims receive their rights. Their right to an effective remedy to the harm that has been done to them should include the ability to have confidence that the systems that we have in place will ensure that what happened to them will not happen to others.

Increasing the age of criminal responsibility will benefit not only children and young people, but Scotland as a whole. It is a significant milestone on the way to making Scotland the best place for children and young people to grow up. I will be proud to vote for the bill.

17:13

Mark McDonald (Aberdeen Donside) (Ind): So far in the debate, a number of members have mentioned the idea of this legislation being overdue. It is perhaps worth pausing to reflect on the minister's comment about the length of time that has passed since the age of criminal responsibility was increased from seven years to eight. During that span of 80-plus years, each of the parties in the chamber—with the exception of the Greens—has, at some stage, held the wheel of Government and been in a position to effect the change that we now see. Therefore, while such change might be overdue or ought to have happened before today, the minister has been the one to progress it and see it through, for which she deserves credit and congratulation. We should reflect on the journey that has taken us to this point.

I had hoped that we might have gone further with our amendments, but we did not. I believe that the minister's amendment 145 shines a chink of light on the possibility of future change. However, the pressure—from within or outside the chamber—will need to continue in order to see that through.

I hope that the minister accepts that work to begin to overcome the technicalities that have stood in the way of raising the age to 14 could be ironed out before the legislation is reviewed. Those processes can be decoupled; for the review to be positive and useful, the bill needs to be given time to take effect, but the work to establish how to overcome the technicalities does not need to wait for the review.

It will be important for the guidance on police cell use and places of safety to be analysed robustly and worked on carefully. Good intentions have been expressed in the chamber, but it will be important for them to be translated firmly into the guidance. Those who are expected to administer the legislation will follow not the intentions that were expressed in the chamber but the guidance that is produced to back up those intentions.

The process of considering the bill and the debate have given us an opportunity to reflect on the wider understanding of the nature of justice. All too often, in debates in the chamber and in wider society, justice is seen by some as a means by which to slake the thirst of vengeance. Delivering justice for victims is important but, all too often, we lose sight of the fact that delivering justice for those who are affected by trauma and who as a result offend at a young age is also important—the justice that such people require to enable them to realise a positive future, as a result of interventions, is just as important.

That is why I think that the Government has taken the correct approach and why having the future review is correct. I will be happy to support the bill at stage 3.

17:16

Annie Wells (Glasgow) (Con): As a member of the Equalities and Human Rights Committee, I have followed the bill closely from its inception. The evidence is persuasive that offending behaviour in children can have its roots in emotional trauma and that to criminalise children who are under 12 causes more problems than it solves. We will therefore support the bill, which will also make the law easier to understand. However, we stress that we will always put the victims of crime first.

The Scottish Conservatives recognise that adverse childhood experiences can lead to offending behaviour. Given that Scotland has the

lowest age of criminal responsibility—eight—in Europe, we agree that the ACR should be raised.

The committee heard evidence that many of those under 12 who have offended have faced prior disadvantages and adversity in their earlier childhood. It is only right to take that into due consideration. However, consideration of the rights of the child should always be balanced with consideration of the rights of the victim. That is why the Scottish Conservatives have been clear that the ACR should not be raised higher than 12.

As we have heard, the age of 12 is not a random figure. Given that the age of criminal prosecution was raised to 12 in 2010, the bill is in many ways an attempt to align the two aspects, as children who are aged between eight and 12 are already prevented from being prosecuted in the criminal courts.

I have been clear about the need to have the public's backing, and I believe that an increase of four years is a significant step. The public need to retain confidence that serious incidents will be dealt with appropriately, so that victims feel supported. That is particularly important given Police Scotland's caution against raising the ACR higher than 12, which was given on the basis that children's actions and the prevalence of behaviour change as the age group increases to 12 and above. That is why the Scottish Conservatives lodged stage 2 amendments to make information more readily available to victims—particularly in cases that involve a death—and to allow the Lord Advocate to play a continued role in cases in which behaviour gives rise to wider public safety concerns.

We continue to hold the belief that the Government needs to address the identified gaps in victim support. At the moment, the information that is available to victims is limited; Community Justice Scotland has expressed concern about how quickly the information becomes available. It is vital for victims to know what action has been taken, so that they know that harmful behaviour by a child has been taken seriously.

The bill raises emotional issues. Throughout every step of the process, I have tried to put myself in the shoes of families who are affected by serious and harmful behaviour.

The debate has been extremely interesting over the past few months; it has been great to be part of it and compelling to hear from all sides their views on raising the ACR.

I thank the committee clerks, witnesses and members who have worked so hard and been so passionate about the issue.

Whichever way we look at the bill, we need to have a wider discussion on prevention, so that

children do not find themselves in unfortunate positions in the first place. Ultimately, I believe that the Scottish Conservatives have taken a balanced approach—we recognise that the roots of crime are based in emotional trauma and the need to balance that with the rights of victims.

17:20

Iain Gray (East Lothian) (Lab): Presiding Officer, earlier today you, I and a couple of other colleagues spent time reflecting on the 20 years of the Parliament for a BBC documentary. We spoke about it being a new and modern Parliament and the ways in which it was different. One way in which our Parliament is new and modern, although we did not talk about it, is that from the very beginning our work has incorporated the European convention on human rights.

Indeed, over 20 years, we have gone beyond that to actively promoting rights in Scotland; most notably, we have developed a system of rights-based education. I think that most of us have seen schools in our constituencies being presented with awards as rights-respecting schools. In my constituency, two of those human rights defenders, Hannah Richardson and Cameron Butchart, from Windygoul primary school, found themselves—through their work with the Scottish Children's Parliament and the StreetsAhead Tranent project—in Geneva presenting to a United Nations workshop on the rights of the child day. I know that, similarly, two young human rights defenders from elsewhere in Scotland are—this week or next week—giving evidence to the UN Committee against Torture.

In the past 20 years, another initiative of this Parliament that we can be proud of is the creation of a children commissioner's post, which did not exist in 1999. Indeed, one of the campaigns that the current Children and Young People's Commissioner Scotland has prioritised is the incorporation of the United Nations Convention on the Rights of the Child. I think that it is a collective failure that we have not incorporated the UNCRC, given that the Parliament began with the idea of the incorporation of rights. In truth, I guess that the most egregious example of that is the fact that, for so many years, the age of criminal responsibility has been so low compared with the ACR internationally.

The programme for government that was announced at the start of this parliamentary year included a commitment from the First Minister to incorporate the principles of the UNCRC and, at her party's conference last week, she committed to incorporating the convention completely. That is all welcome, but I think it unfortunate that the international minimum age of criminal responsibility has shifted from 12 to 14 in the

course of our legislating. We really should have been fleetier of foot. Our own lateness to the issue has meant that, in practical terms, a jump from eight to 14 was too much in one go, although 12 alone would not have been enough. In the end, agreeing to increase the age to 12, with a review that will look at raising that, is probably the best solution in practical terms.

This truly is not our finest hour—the issue needs to be addressed seriously and not allowed to slip any further. I do not think that today is as dismal as Alex Cole-Hamilton said, but I think that the minister overeggs it if she thinks that this is a day of historic triumph. We should be careful about claiming to meet the gold standard in children's rights. The bill will take us in the right direction, but we should have moved further long ago.

17:24

Gail Ross (Caithness, Sutherland and Ross) (SNP): Like other members, I thank the many groups and individuals who contributed to the process of developing the bill.

The opportunity that is presented to us today will see work begin to raise the age of criminal responsibility in Scotland to 12. That is a step in the right direction, and it recognises our progressive direction of travel. Although many have argued that we should immediately be looking to increase the current age of eight to 14 or even higher, the bill sets in place the necessary legislation that will enable future increases when the time is right. I welcome the minister's announcement that a group has been set up to monitor how that can be done with everyone's safety, security and wellbeing to the fore. There will be plenty of people and organisations watching, and I know that the Scottish Government will bring forward proposals as soon as is practicable.

During the stage 1 debate, I highlighted the different speeds at which children develop and the need for us all to recognise how damaging it could be for a child to be held criminally responsible. I believe that many of us have gone on a journey when we have been considering the bill—a journey that has made us reconsider the purpose of how we treat children within our judicial system and realise that young children who offend should be treated with a welfare-based approach. Do we simply wish to punish some of the youngest members of our society, or do we want to adopt the approach that is required to protect our young people in some particularly challenging situations? We are not saying that every act that is committed by a child should be ignored, but we can certainly do much better on minimising societal harm and improving the life chances of all the young people involved, including victims of crime.

The bill makes significant steps towards achieving those aims, by increasing the age of criminal responsibility to 12. However, we need to consider raising it to at least 14, which would bring us into line with the minimum internationally recognised age, as outlined by the United Nations Committee on the Rights of the Child. I made my opinion on the matter clear during all the stages of the process, and that view has not changed.

I warmly welcome the commitment of the First Minister, who last week announced her intention to make sure that Scotland meets the UN's gold standard on children's rights. I look forward to the launch of the consultation that will outline how we will achieve that, and I ultimately look forward to the day when we incorporate the UNCRC into Scots law.

We all want Scotland to be the best place in the world for our young people to grow up in. The bill will help us to realise that goal.

The Deputy Presiding Officer: We move to the closing speeches. I remind members that, if they take part in a debate, they should be here for the entirety of the opening and closing speeches.

17:27

Daniel Johnson: When you make that comment, Presiding Officer, I always feel like saying that those members who are not here are about to miss out. I will give it a good go.

I will begin by highlighting the words of Ruth Maguire, who was right to point out that we must be mindful of the benefits of this legislation not only for the young people involved but for wider society. As Annie Wells noted, the issue that is at the heart of what we are talking about is that young people's experiences of the criminal justice system can, in themselves, be the traumatic events that lead to the adverse childhood experiences that put those young people into a cycle of unavoidable consequences that fundamentally alter the course of their life.

I sit on the Justice Committee, through which, in the past year or so, I have had a great deal of contact with the criminal justice system, visiting prisons and talking to people from third sector organisations that work with people who have experience of prison. The reality of that cycle is clear to me, and I think that the bill is a positive step towards preventing some people from entering it. Therefore, it is an important and welcome bill that is beneficial to those people and to wider society.

Nevertheless, Iain Gray is absolutely correct in his analysis. He is right to say that we must not trumpet the bill as some great triumph. Yes, the Parliament has done a great deal to recognise

rights and put them at the heart of policy making, but, as Iain Gray pointed out, the UNCRC is clear about the minimum age of criminal responsibility, and the bill falls short in that regard. We need to think with great care about how we go forward from here, and we need to bring people with us with a considered approach that works.

Alex Cole-Hamilton was absolutely right to read out the words of Lynzy Hanvidge. If taking someone to a place of safety makes them feel that they have done something wrong—if there is no difference between their experience and that of someone who has done something wrong—whatever the law says, our approach will not have worked.

That brings me neatly to a point that Mark McDonald made well. The bill will succeed or fail on how the good intentions that are clearly behind it are translated into guidance, systems, training and what is practised in wider society. How the bill is implemented will be key to preventing adverse childhood experiences and ensuring that such experiences are not just relabelled or rebadged. We must take great care in that regard, and the bill strikes the right balance. It is correct to review the age of criminal responsibility, and the provisions on the independent reviewer are a strength of the bill.

Some members suggested that the great store and weight that we place by the children's reporter system are potentially exceptionalism, but I do not think that that is the case. Scotland took a brave and bold step when it implemented the Kilbrandon principles, many years ago, and we must protect the sensible and robust structures that are in place. I am concerned that the children's reporter system should continue to deliver on the intent with which it was created all those years ago.

As is the case for a great deal of what we do in the Parliament, it all comes down to confidence in the criminal justice system and beyond. This is about the confidence of our people and communities that the justice system will act proportionately and keep them safe, and it is about the confidence of the people who are in the system that the system will serve their interests, treat them fairly and give them opportunities to avoid the experiences that might have brought them into contact with it.

17:32

Liam Kerr (North East Scotland) (Con): I am pleased to close for the Scottish Conservatives. I confirm that, at decision time tonight, we will support the passing of the bill.

The key issue that the bill addresses is the minimum age at which a child can be held criminally responsible. The minimum age is

currently eight. As many members pointed out, it was set in 1932 and is the lowest in Europe.

If the age of criminal responsibility is not to be eight, what should it be? The bill says that it should be 12. The Scottish Conservatives are persuaded that that is the correct cut-off point. As Annie Wells pointed out, the age for criminal prosecution was raised to 12 in 2010, so children aged between eight and 12 are already prevented from being prosecuted in the criminal courts.

Further, Police Scotland cautioned against setting the age higher. As the Equalities and Human Rights Committee noted in its stage 1 report, Police Scotland said:

“the nature of children’s actions and the prevalence of that behaviour changes as the age group increases to 12 and above.”

I also find it persuasive that, as Margaret Mitchell flagged up at stage 1, the number of incidents that are reported to involve under-12s offending is small and is reducing.

As we have heard, the Law Society of Scotland pointed out that children aged 12 and over already have a different status: they can make a will, they can consent to or veto adoption, they have sufficient capacity to express views on future arrangements for their care or instruct a solicitor, and 12 is the basic age at which children start secondary school.

As Oliver Mundell said, 12 appears to be the publicly acceptable age of criminal responsibility, as it has both professional and public confidence, and it is imperative that any change commands the public’s backing. Daniel Johnson and Ruth Maguire were clear in saying that we must take the public with us on this.

As Annie Wells said, the public needs to retain confidence that serious incidents will still be dealt with appropriately, so that victims feel supported. During the earlier debate on amendments, the minister said that victims need reassurance that harm will still be meaningfully addressed, and she said that we must take people and communities with us—she is absolutely right. It is vital that, when this change is made, the Scottish Government reassures the public that harmful behaviour by under 12s will still be dealt with in a manner that is proportionate to the harm caused.

At the outset of the debate, Oliver Mundell alluded to the fact that we must monitor the act’s implementation for unintended consequences. That is particularly important because of the impact that it will have on police powers. Earlier today, we debated amendments that were raised as issues last week by the Scottish Police Federation. The implication is that officers who deal with children aged under 12 years who are causing risk or significant harm to others but who

are not an immediate risk may be deterred from looking after them properly. Daniel Johnson decided not to press his amendment 148, and Parliament chose to reject it when I did. Even had it passed, it would still have left a potential gap. This issue remains a concern and possibly leaves outstanding issues in relation to places of safety and a financial memorandum that may understate police implementation costs by more than £6 million.

I heard the minister’s reassurances, but I also hear that the SPS and Police Scotland remain dissatisfied with the answers. I do not like having to make that call at stage 3, when I am trying to decide whether to pass what is, in its core principles, an important and necessary piece of legislation. It looks at least possible that the Government may have missed something and that the committee may have failed to garner all the information that it needed to decide on the best drafting. My view remains that, if there is the remotest possibility that something has been missed that could restrict the police in the execution of their responsibilities, the precautionary principle mandates that the issue be sent back for further examination and evidence taking by the committee. I was very pleased to hear Oliver Mundell’s suggestion that the committee might be able to hear more evidence, and Daniel Johnson offered a good legal route for resolving that issue. I strongly hope that the minister takes that counsel, and I will be grateful for her remarks on the matter later.

Nevertheless, I accept that it is vital that we implement these reforms, because we have heard compelling evidence throughout the bill’s progress that the current age of criminal responsibility—eight—is no longer sustainable and that 12 is an appropriate age at which to set it, including on the basis of agency, legal precedent and public acceptance. For that reason, I again confirm that Scottish Conservatives will support the Age of Criminal Responsibility (Scotland) Bill at decision time tonight.

17:37

Maree Todd: If we were debating a bill today to create a minimum age of criminal responsibility, I doubt very much if we would choose for that age to be eight. However, I do not think that we would be agreeing unanimously to make it 14 or 16, either. That tells me that this bill to raise the age of criminal responsibility to 12 gets it right.

I agree with Oliver Mundell, who said that the Lord Advocate’s evidence was absolutely “compelling” in the extra evidence sessions at stage 2. I have to say—although I am saddened to say it—that Alex Cole-Hamilton weakens his arguments by ignoring that evidence and by

comparing Scotland to countries with a human rights record like China's.

Alex Cole-Hamilton: Will the minister take an intervention?

Maree Todd: No. I think that I have heard enough this afternoon. [*Interruption.*]

We have achieved a consensus in this Parliament on this issue—

Alex Cole-Hamilton: No, we have not.

The Deputy Presiding Officer: Excuse me, minister.

Can we stop with the rudeness, please? It is inappropriate to shout from behind from a sedentary position. [*Interruption.*] Mr Swinney, I am dealing with this matter. Mr Cole-Hamilton, I would appreciate it if you would not talk back to the Presiding Officer.

Maree Todd: We have achieved a consensus in this Parliament on this issue that was unimaginable to most people a few years ago. We have clearly been on a long journey to do the right thing. Along the way, the Government has reformed policy, law and practice: in 2011, we raised the age of criminal prosecution to 12; in 2015, we published our first youth justice strategy; and we continue to advance the whole-system approach to preventing and addressing offending by young people. We have seen a remarkable reduction in proceedings against young people, including a reduction of 81 per cent in the number of children who are being referred to the children's reporter on offence grounds.

We have therefore spent the past 10 years doing the right thing for Scotland's children and young people, and I pay tribute to all the ministers who have helped to do that, including Adam Ingram, Kenny MacAskill, Angela Constance, Michael Matheson, Aileen Campbell and Mark McDonald. I also thank the members of the Equalities and Human Rights Committee for their detailed scrutiny of the bill, and everyone who provided written and oral evidence. [*Interruption.*]

The Deputy Presiding Officer: Excuse me, minister.

Excuse me, members. I am finding it quite difficult to hear the minister. Be a bit quieter, please.

Maree Todd: I express my gratitude to the members of the 2015 advisory group, which set out strong and clear recommendations on raising the age and on the measures that would be needed to sit alongside that reform. Those recommendations gave us a robust route map to follow, and they are closely reflected in the bill that we seek to pass into law today. I express my particular thanks to the bill team and other

Government officials for their dedication and diligence. This has been a truly cross-Government initiative and I thank everyone for their thoughtful input and expertise throughout.

Most of all, however, I thank all of you in this chamber. The way in which we have conducted our discussions on the bill and reached consensus on crucial matters demonstrates to me—and, importantly, to our constituents—that we have all been determined to do the right thing. That is a strong message to send to our children and young people.

Although we have made significant progress in recent years, the bill represents a vital missing bit of the jigsaw. I do not think that the jigsaw is yet complete—if it was, Parliament would not have agreed to undertake a review of the operation of the act generally, or to consider again the age of criminal responsibility in the future. I have already announced that I will establish an advisory group to begin that work this summer.

I refer Mr Cole-Hamilton to the evidence that was given by Professor Ann Skelton—again, in an extra evidence session—in which she said that it would be an option to at least make clear in the legislation an intention to raise the minimum age in the future. That is what we have done.

Alex Cole-Hamilton: Will the minister take an intervention?

Maree Todd: No, thank you.

I know that some people are concerned that, because we have not locked down the minimum age of 12, we could go back to eight. So let me be absolutely clear: as long as the Scottish National Party is in government, there will be no going back. The age of criminal responsibility in Scotland will never be below 12 again.

I have sought to achieve the right balance with this bill. The legislation, the plan to implement it and the plan to review it all strike the right balance. That is the right approach for Scotland at this time. However, there is momentum behind this reform and ambition for Scotland's children.

In preparing for today, I revisited what children and young people told us at various stages of the bill process, including in Inverness, where I took part in one of the consultation events that were held on our behalf by the Children's Parliament. A nine-year-old said:

"Just be thoughtful. Imagine if you stole a sweet and you couldn't get a job because of it".

A 14-year-old said:

"At the age of 8 some kids don't understand right from wrong and the police should understand the background of the child as I believe that every action is caused by a situation in their life."

On what happens in childhood, another child reminded us:

“People change over the years, so it shouldn’t follow them forever.”

Finally, a 12-year-old told us:

“We are all human. Treat us the same as you would treat others.”

It was Nelson Mandela who said:

“There can be no keener revelation of a society’s soul than the way in which it treats its children”.

Today, I hope that Parliament will support this bill and show our children and young people that we are committed to treating them with dignity, respect, fairness, compassion and humanity. I am very proud, as the Minister for Children and Young People, to move that the bill be passed. *[Applause.]*

Committee Announcement

The Presiding Officer (Ken Macintosh): The next item of business is a committee announcement. I call the convener of the Environment, Climate Change and Land Reform Committee, Gillian Martin, to make an announcement on its new inquiry into the report of the Committee on Climate Change.

17:45

Gillian Martin (Aberdeenshire East) (SNP): As convener of the Environment, Climate Change and Land Reform Committee, I welcome the opportunity to update members on the committee’s recent work and its future plans, particularly in the light of developments last week on climate change, which is the biggest environmental and societal challenge that we face.

The committee concluded its consideration of the Climate Change (Emissions Reduction Targets) (Scotland) Bill and reported at stage 1 in March. However, before the committee moves to the amending stage of the bill, we agreed to consider and report on the advice on climate change targets from the United Kingdom Committee on Climate Change, which was released last week, on 2 May. That advice, which was published in the light of the Paris agreement and the Intergovernmental Panel on Climate Change special report, which was released in the autumn of last year, recommends that Scotland should now set a target for net zero emissions of all greenhouse gases by 2045, provided that the UK-wide ambition is raised to net zero by 2050.

In our stage 1 report, we recommended that the bill should reflect the most ambitious targets that are set out in the advice from the CCC and that a revised climate change plan should be delivered within six months of the bill receiving royal assent. Therefore, we welcome the Scottish Government’s speedy response to the CCC’s advice. On the same day that the CCC’s advice was published, the Government lodged a package of amendments to the bill, and the First Minister committed to updating the climate change plan in line with our schedule recommendations. If those amendments are agreed to at stage 2, they will implement the CCC’s advice by setting a target date of 2045 for net zero emissions of all greenhouse gases and increasing the 2030 and 2040 interim targets to 70 per cent and 90 per cent reductions respectively.

Increasing our climate change ambitions offers clear potential for innovation, jobs, the economy, the environment and the wellbeing of the people of Scotland and beyond. We therefore welcome the Government’s quick and decisive action.

We also recommended in our stage 1 report that the bill's journey through Parliament be timetabled to accommodate thorough and detailed scrutiny of the CCC's advice. We therefore plan to hear evidence from the Committee on Climate Change next week and from the Scottish Government before we hear from two panels of stakeholders to explore their response to the CCC's advice and the impacts of that advice, and their views on the Scottish Government's response. Our committee will produce a report that is drawn from those sessions before we move to the amending stage.

As all members of our committee have agreed, we need to raise our ambitions to tackle the single greatest threat to our existence on this planet and the most significant intergenerational justice issue of our day. With the CCC's timely advice and the Government's swift response, we welcome the opportunity to explore in the coming weeks how we will do that.

Decision Time

17:48

The Presiding Officer (Ken Macintosh): There is only one question to be put as a result of today's business. The question is, that motion S5M-17169, in the name of Maree Todd, on the Age of Criminal Responsibility (Scotland) Bill, be agreed to. As the question is on passing a bill, there will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)

Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 123, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Age of Criminal Responsibility (Scotland) Bill be passed.

Scottish Gigabit Cities

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-16039, in the name of Bruce Crawford, on Scottish gigabit cities. The debate will be concluded without any question being put.

I am out to learn stuff, Mr Crawford.

Motion debated,

That the Parliament welcomes the £200 million of investment from CityFibre to roll-out a new, modern and future-proof 1 Gbps Fibre-to-the-Home (FTTH) broadband network in Scotland as part of the Scottish Gigabit City Programme; notes that FTTH areas have been announced in Aberdeen, Edinburgh and Stirling as well as a £60 million investment in expanding the core fill-fibre network in Glasgow; understands that construction is under way in Stirling, with 180 km of new network set to pass nearly every home in the city; understands that this infrastructure development in the Gigabit cities will support future 5G connectivity, help households unlock the benefits of smart technology, spark economic growth by opening up business opportunities and make them among the best-connected places in Europe, and commends everyone involved with this.

17:51

Bruce Crawford (Stirling) (SNP): I am always willing to teach you, Presiding Officer.

I sincerely thank my MSP colleagues who have supported the motion, enabling me to bring the debate to the chamber. I also thank those who have stayed behind this evening to listen to the debate.

I can safely say that having an internet connection is not what it used to be. Do members remember the early days of dial-up? Well, it was not that long ago. Do members remember the falling out with family members who simply wanted to talk on the land line but could not do so because we could not use the internet and the land line at the same time?

Gone is the internet of steam and wood. The average family home is now much quieter and the internet much faster. We are wirelessly connected to the internet, not just through our personal computers but through our televisions, our tablets, our games consoles—I imagine that the Presiding Officer is on her games console every night—and even our lights and our central heating and security systems. The technology has brought us together and made shopping, booking a holiday and finding recipes and do-it-yourself hints much faster and easier—at least for most of us, Presiding Officer, given the conversation that we had earlier.

However, it is natural that, with the increasing demand for the internet to power our lives, the

demand for faster and stronger connection has also grown. Members can imagine my delight, therefore, when CityFibre announced that it would embark on a project that would deliver ultrafast broadband to almost every household in the city of Stirling. As a result, Stirling has the potential to transform into a world-leading digital city, as one of the first cities in the United Kingdom to benefit from CityFibre's fibre-to-the-premises programme.

The ambition of the partnership between Stirling Council and CityFibre is to enable Stirling to become the first gigabit city in the UK, and I like that. Gold-standard, full-fibre connectivity can help to ensure that Stirling is at the forefront of digital innovation. It can provide the catalyst to build on the Stirling city region deal, energising the digital district plans. The applications and benefits of gigabit-speed internet connectivity are almost endless. It will provide significant comparative advantage for the small and medium-sized enterprise sector, as well as improved inward investment potential.

The city's existing 24km full-fibre network, which was launched in 2017 to connect the city's schools, libraries and community venues, will expand citywide to reach nearly every home and business in Stirling. The first homes already have access to gigabit-speed broadband services of up to 1000 megabits per second, and the first businesses will soon be able to connect and enjoy the same advantages. That is what we call going at full speed.

CityFibre's £2.5 billion project will deliver the technology to the doors of people across 5 million premises in the UK. There will be more than £200 million of investment into Scotland alone, with Edinburgh, Aberdeen and Stirling all set to benefit from 1 gigabit per second, ultrafast broadband speeds.

Glasgow will also see investment, expanding the network to serve public sector and business sites. Inverness, Fort William, Thurso and Wick will begin their full-fibre journey under the programme, with more than 150 public sector sites to be connected.

Stirling city alone will see £10 million of investment from CityFibre. When complete, the project will serve around 18,000 Stirling properties, which will have the potential to connect to FTTP broadband.

Faster broadband also means smoother and faster ways to run modern-day businesses. The infrastructure's impact alone will result in an estimated £6 million boost in the value of the local Stirling economy, with a further £8 million boost to the local Stirling economy as a result of activity from new and emerging businesses in the area.

Full fibre also unlocks the potential of modern healthcare technology. I have seen for myself some of the new and innovative ways that patients could, for example, monitor their own blood pressure and send live updates to their general practitioner. It is the future. Such technologies can be hugely beneficial in helping to diagnose, treat and support patients. It is safe to say that I am quite excited about what the new infrastructure will unlock for my constituents, as well as for people in various places across Scotland.

Full-fibre investment projects such as CityFibre's in Stirling are, of course, complemented by the Scottish Government's target of ensuring access to superfast broadband for each and every premises in Scotland.

Despite telecoms being reserved to Westminster, the Scottish Government is building on the success of the £400 million digital Scotland superfast broadband programme. The Scottish Government will invest a further £600 million to ensure that Scotland is at the forefront of digital connectivity through reaching 100 per cent of premises in Scotland.

Based on the latest figures that I have available, 89.4 per cent of premises in the Stirling area can now access speeds of 30 megabits per second and above. In fact, an incredible 95 per cent of Stirling properties in total have access to the fibre network, albeit that not every property can access superfast broadband speeds yet.

BT Openreach should also be recognised for the substantial part that it has played in this achievement. Yes, it is wholly understandable that private investment in this arena will find the more densely populated areas more attractive. That is why the Scottish Government's R100 programme, which helps to reach the final properties that are not connected, is so vital. That is particularly true in rural areas.

The operation in Stirling has been a fantastic example of multiple organisations working hard together to deliver something that will truly transform people's lives. I commend the work of CityFibre, Stirling Council, Forth Housing Association Ltd and countless others that have been involved. I look forward to the further roll-out of ultrafast broadband in Stirling in the coming weeks.

We are on the verge of delivering the world-class infrastructure that is needed for the fourth industrial revolution. We now need to ensure that Scotland is able to exploit it to the full, for both economic and social gain.

17:58

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I am very pleased to be speaking in Bruce Crawford's members' business debate. I know that Mr Crawford sees the installation of full-fibre broadband as a bit of a race between Aberdeen and Stirling, which he hopes will be the first to be fully finished with full-fibre broadband. I hope that I will show otherwise.

The motion for debate is not dissimilar to motion S5M-15736, which I lodged on 6 February this year. I did not lodge it for debate, although I probably should have.

Aberdeen is the first city in Scotland to receive next generation full-fibre broadband as part of CityFibre's national fibre-to-the-premises roll-out, in exclusive partnership with Vodafone in Aberdeen. There is no doubt that the rapid growth of data consumption is putting increasing pressure on the copper infrastructure. Thankfully, Aberdeen will join the ranks of some of the best digitally connected cities in the world.

It is interesting to note that Aberdeen was chosen as the first Scottish city for FTTP because of its strong tech sector. Aberdeen's full-fibre journey began in March 2015—I think that that happened in January 2017 in Stirling—when CityFibre launched proposals for a fibre network, initially of 80km, to serve the local business community. Businesses began to be connected from June 2015 and, in June 2017, the proposal was extended to 100km as Aberdeen City Council began to connect its public sector estate, including schools, libraries, community centres and its offices. By December 2017, the network had been extended to 100 km, and by February 2018 CityFibre had announced its partnership with Vodafone to extend the network to reach nearly every home and business, which was started in July 2018. I think that it was in November of that year that roll-out commenced in Stirling.

This spring, the first homes go live with gigafast broadband. Since July, CityFibre has, on average, completed newly constructed fibre connections to 1,000 homes per month. In my constituency of Aberdeen South and North Kincardine, homes are live and receiving the service in Kincorth and Torry. Also connected, in the north of the city, are Cummings Park and Rosehill. In total, CityFibre has connected around 20,000 homes.

Those homes will receive speeds of 900Mbps, which will transform the way that customers can access and enjoy seamless connectivity when members of the family are streaming, downloading and playing all at once. I hope that it will stop arguments in some households. It will make remote working much more of a reality, because

there will be instant and reliable access to the cloud. That is really important for business.

In my meetings with CityFibre, I have pressed the company to recognise that the boundaries of the City of Aberdeen go quite far out and include large rural areas. I have urged it to go out as far as possible, but, regrettably, there will be areas that will not be covered. They will have to come under the R100 programme.

On a snowy day, I went out to see the work on Leggart Terrace in my constituency; last Friday, when I went into my office, they were working just outside it. I have been impressed by the speed and tidiness of the work and the reinstatement of the pavements after trenches have been dug. I will wait to see whether that withstands frost, ice and snow. CityFibre has also been very attentive in answering my constituents' queries. There has been only one complaint, but that was dealt with very quickly.

I look forward to seeing Scotland move up the league tables of digitally connected countries. Stirling will probably be the first city, but only because it is smaller.

The Deputy Presiding Officer: There is a wee friendly feud going on.

18:03

Finlay Carson (Galloway and West Dumfries) (Con): I am delighted to speak in this evening's debate, and I thank Bruce Crawford for bringing it to the chamber. I declare an interest as a director of CMS Broadband Ltd, which is a firm that is based in my constituency. As the Scottish Conservative spokesperson on the digital economy, as well as a member who represents a very rural constituency, it is fair to say that fibre broadband roll-out is one of my top priorities.

Bruce Crawford's motion mentions the investment by CityFibre. I had a very positive meeting with the company last year in Parliament. Its seminar, "Building Scotland's Full Fibre Future" laid out an exciting vision for Scotland's digital future. It cannot be denied that digital is now at the heart of everything that we do in our daily lives. We must ensure that Scotland is at the heart of the fourth industrial revolution, as we have been at the forefront of other revolutions.

I was at an event in Parliament last week, hosted by the HAS Technology Group. Part of that event was about how data will play a significant role in facilitating healthy ageing. In Dumfries and Galloway, Loreburn Housing Association is already achieving results with its advanced risk modelling for early detection—or ARMED, as it is commonly known—which helps residents to adopt technology that helps to predict the risk of falls and

enables faster support. Over a six-month period, there has been a 25:1 saving to spend ratio, with people who use the ARMED technology having had zero falls. In ARMED, we have a perfect example of how technology is working to the benefit of the people who live in our communities.

We are racing into the fourth industrial revolution—a digital revolution that has, unlike the others, the potential to help to regenerate the natural environment, and potentially to undo the damage of previous industrial revolutions. However, as well as having the potential to bridge the gap between those who have and those who have not, especially in rural areas, it also has the potential to widen that gap indefinitely if it is not rolled out quickly and universally.

CityFibre states that deploying gigabit-capable and reliable digital connectivity across a community to consumers, business, the public sector and mobile consumers will transform and future proof that local economy. With potential benefits of over £2 billion each in productivity, innovation and new businesses, the boost to our digital infrastructure must continue apace, so it is pleasing to see the work that is under way in Stirling is continuing to expand infrastructure into consumer premises, rather than just to businesses and public sector contracts.

BT rightly points out that because of Scotland's geography and population density, mobile infrastructure continues to be a problem, particularly in rural areas; 4G is not a reality for many of my rural constituents, so that is already giving an advantage to more urban areas. Indeed, in some parts, there is little or no mobile signal. However, the reality for our cities is that we must develop 5G technology as quickly as possible—EE has plans to introduce it in Edinburgh and Glasgow this year. That will allow businesses to deliver goods and services in ways they cannot, at the moment.

I always argue that that should be done in the most remote and rural areas, because that is where the greatest savings can be made and the greatest impacts would be. There is an analogy with how Dumfries and Galloway Council rolled out its LED lights project. LED lights are cheaper to run and they last longer, so when the council decided to roll out its new low-light-pollution LED units, it first installed them furthest from the lighting depot. There were immediate savings in terms of servicing lights, so the spend-to-save policy had an immediate effect on the budget of the lighting department.

I argue that the same would happen with provision of 5G networks, with smart home-care technology such as I mentioned meaning fewer call-outs of health and social care professionals, and fewer call-outs of the ambulance service to

remote rural areas. It is a no-brainer. Regeneris Consulting Ltd's report states that full fibre could unlock £28 billion-worth of 5G technology developments. To put that in context, I point out that that is double the health budget for this coming financial year.

Tonight's debate will, I am sure, be largely positive, which is not always the case when it comes to digital infrastructure debates in the chamber. I commend companies like CityFibre, but they must be fully supported by the Scottish Government. I take the opportunity to ask the minister when we will get R100. I am absolutely behind it—it will be transformational for rural areas—but when is it likely to be up and running?

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Will the member give way?

Finlay Carson: I certainly will.

The Deputy Presiding Officer: No—you cannot. You have seconds left.

Finlay Carson: Too late.

Debates such as this will become commonplace as the digital revolution shapes our economy in the future. Let us hope that we seize the opportunities that are available to us.

18:08

Lewis Macdonald (North East Scotland) (Lab): I, too, congratulate Bruce Crawford on securing the debate, and on highlighting the importance of a number of Scotland's cities and city regions that are leading the digital revolution.

If data is the feedstock of the new economy, digital infrastructure to send and receive vast quantities of data at the highest possible speeds is as important in the online world as transport infrastructure is to movement of people and goods.

The Aberdeen city region has been one of the first to grasp the opportunity and challenge of ultrafast connectivity and, as Maureen Watt said, Aberdeen is leading the way in extending full next-generation fibre to the premises—FTTP—which is being delivered by a partnership of CityFibre and Vodafone, with an investment of £40 million.

CityFibre says that

“Aberdeen was chosen as the first Scottish city in this FTTP roll-out”

not just

“because of the community's strong tech sector”,

which has been mentioned, but because of

“the council's forward-looking commitment to smart city initiatives, and the strength of its support for the project.”

Those three elements—engagement by business, a forward-looking local council and strong buy-in with investment by the public and private sectors—will be important for other cities and regions, too.

Information technology in Aberdeen has grown strongly in recent years—first as a by-product of the energy industry and then, during the downturn of the past five years, as an alternative to it. Data analysts and other skilled workers who were laid off from the oil and gas industry soon found other industries that were keen to take them on or, in many cases, they set up in business for themselves.

Aberdeen City Council and its partners were quick to recognise the urgent need to diversify the local and regional economies, and to embrace digital infrastructure as one of the smartest ways of doing that. Aberdeen's gigabit city initiative, which was launched as early as 2015, aimed to create an 80km full-fibre network to serve new and existing businesses.

The Aberdeen city region deal followed in 2016, which brought on board the Scottish and UK Governments and established Opportunity North East to represent the private sector in working with Aberdeen City Council and Aberdeenshire Council. Aberdeen City Council then extended plans for the network to 100km by connecting public buildings across the city from 2017, with Scottish Government support. That strategic public investment helped to anchor deployment of fibre in the city and gave some certainty to the private investors who later came forward. It was also a powerful signal of the council's support for the city to go further.

That takes us to last year's announcement. The aim is to deliver FTTP to thousands more homes and businesses through an expanded city-wide network of up to 880km. As we have heard, construction began last summer and, across the city, the first homes have already been connected. That means full fibre not just from the exchange to the street cabinet, but from the street cabinet to every individual home or business that it serves. That will deliver ultrafast speeds, virtually unlimited bandwidth and a high standard of reliability.

Some technological advances in recent decades have become obsolete within a few short years. Nobody can know what has not yet been invented, but gigabit connectivity is likely to put Aberdeen and our other gigabit cities in a very strong place for decades to come. That is good news for existing businesses. As well as making those cities great places to start up new businesses, it provides lots of other opportunities, from online GP consultations, which Bruce Crawford mentioned, to remote monitoring of vulnerable people who live alone, to online learning

opportunities in schools, colleges and universities. It also provides a solid foundation for Aberdeen's next-century post-oil economy by delivering the world-class and worldwide connectivity that is essential for the city and region to diversify and grow.

18:12

Clare Adamson (Motherwell and Wishaw) (SNP): I thank Bruce Crawford for bringing the debate to the chamber. We have talked about broadband and connectivity issues many times, and it has been interesting to hear some of the perspectives from around the country. Those of us who are lucky enough to have good broadband connectivity can take it for granted, but even in my area of Motherwell and Wishaw, which is very urban, I am constantly frustrated because new housing estates are still being built without being supplied with the best connectivity; there are new estates in my area that do not have a speed that is satisfactory for the people who live and work there.

Our homes are littered with devices—my home is literally littered with phones, tablets, notepads, PCs and smart TVs, although I have resisted Alexa, because I am the fount of all knowledge in my house. There is no doubt that the prevalence of such devices is increasing in our lives. As we get more smart technology in the appliances that we have in the environment of our houses, the requirement for good broadband connectivity will grow. The internet of things is upon us. As the Scottish Government rolls out the wi-fi LoRa network and we have more sensors throughout Scotland, we will have more opportunities to monitor and change behaviours in our environments. Such smart connectivity could regulate air pollution in cities by diverting traffic to other areas or by letting people know where car parking spaces are available, which would help me greatly when I visit the cities in our country. It could also help by monitoring things such as restaurant bookings and providing information to people directly on their mobile devices.

It is certainly something that we should be embracing and we should be making the investment that is needed in broadband networks. Such investment is essential if the Scottish economy is to keep pace with an increasingly globalised and interconnected world.

I pay tribute to the Scottish Council for Development and Industry's publication "Automatic ... For the People?", which was produced in conjunction with the Scottish Government and BT. The publication shows that practically every area of our lives will be affected by new technologies, including artificial technology and robotics, and that in order to take best

advantage of that—for all the reasons that were discussed by Finlay Carson and Lewis Macdonald in terms of looking after people in their own homes and supporting people who want to stay in their homes—we need to be investing.

However, that does not paint the full picture. Only 6 per cent of UK properties have access to full-fibre broadband. I know that Mr Crawford called it the gold standard, which is not a phrase that he coined but has often been used to describe it. I find that a bit strange, because I thought that the whole point was to get the metal out of the system and make it full fibre, but there we have it. It is a strange way to describe full-fibre broadband access, but it seems to be the parlance that is being used. We know that many homes, although they have fibre optics available to them, still have the copper cables that do not hold the same capacity as fibre-optic cables and that is why the project and the work that is being done in some of our cities are so important.

There have been many mentions of rural areas in our constituencies, but it is also important to mention Inverness, Fort William, Thurso and Wick, where the work is being rolled out to some public sector sites. Of course, we all want to work to that standard throughout Scotland so that all our communities can benefit from the investment.

The Deputy Presiding Officer: Before I call Gordon Lindhurst, I point out that things are a little more relaxed in members' business debates and, if a member presses their request-to-speak button, there is the opportunity to include them. So, Mr Lindhurst will not be the last speaker in the open debate; he will be followed by Tom Arthur.

18:17

Gordon Lindhurst (Lothian) (Con): I join in the consensus of thanks to Bruce Crawford for bringing the debate to the chamber. The issue is particularly important to the city of Edinburgh, which is in the Lothian region that I represent. Edinburgh is, of course, included in the Scottish gigabit city programme.

This investment will help Edinburgh, which is an ambitious digital city, and will ensure that we join some of the most digitally connected cities across the world. It is estimated that a similar €600 million investment in 1994 brought a €1.8 billion return to the city of Stockholm, where successful start-ups Spotify and Skype originated. Edinburgh also has a proud track record in that area, being home to digital start-ups such as Skyscanner that have developed into world-leading companies.

That Edinburgh and the surrounding region already have solid foundations in the data sector is evidenced by the exciting future that the city has ahead of it. UK and Scottish Government funding

towards the £1.3 billion Edinburgh and south-east Scotland city region deal aims to establish the region as the data capital of Europe. The aim is to bring together key partners in the city—

Willie Coffey: Will the member give way?

Gordon Lindhurst: Certainly.

Willie Coffey: Does the member support Scotland being taken out of the digital single market, given the importance of the digital agenda to the Scottish economy?

Gordon Lindhurst: The beauty of the digital world is that we are all part of it, whatever the politicians decide about other things.

Turning to something that I have talked about in previous debates, I note that Edinburgh is pioneering work in areas such as agri-tech in order to transform agri-food systems across the world and achieve food and environmental security. Fast and reliable internet access is therefore vital for a city and region such as Edinburgh and the south-east, which have the ambition to be a leader in data.

Edinburgh's existing fibre network has already connected businesses and the public sector estate to gigabit-speed internet, but the extension of that network will mean that it reaches almost every home and business in the city. Giving households access to the latest technology that will allow them to thrive is essential for the future of Edinburgh, not just in allowing people to access the latest entertainment using the most up-to-date technology, including buffer-free video calling and real-time gaming, but in giving the people and businesses of Edinburgh the tools to work and be competitive, including through increased productivity, which could be worth an estimated £86 million to Edinburgh businesses over the next 15 years.

By ensuring that homes in Edinburgh will soon benefit from the same speed of access as that in the public sector estate, we can ensure that Edinburgh's children can make use of the latest innovative e-learning techniques both during and outside school hours. That will help to create the next digitally literate generation and maintain Edinburgh's reputation as a globally competitive digital city.

Full fibre and 5G are at the heart of the UK's industrial and digital strategies as we embark on the fourth industrial revolution, which will fundamentally change how we live and work. The investment by CityFibre to deliver fibre-to-the-home broadband puts Edinburgh at the forefront of that revolution, and I am happy to welcome it. It may help us to discover some of the unknown uninvited that Lewis Macdonald referred to.

18:21

Tom Arthur (Renfrewshire South) (SNP): I am grateful to you, Presiding Officer, for giving me the opportunity to contribute briefly.

I thank my colleague Bruce Crawford for securing this timely debate. His initials are BC, which makes me think of “before connectivity”. I am of a different generation. I was born around the time of the advent of the personal computer, and I was 10 or 11 years old when my father brought home our first modem. I was about 18 when we got broadband for the first time and about 21 when Facebook, Myspace and other social media platforms started to emerge. Therefore, I feel that I straddle the digital divide to an extent. I have clear memories of VHS and of having to programme video recorders, but I am equally comfortable with and fluent in using social media such as Facebook and in talking about the internet of things. In conversations with people who are genuine digital natives—those who were born this side of the millennium—I find it striking how fundamentally different their world view is from mine as a result of their having been immersed in the digital world.

The reason for that preamble is that it takes me on to the fourth industrial revolution, to which many contributors have referred. That is a neat term, and it is one to which we have become rather accustomed. We live in an age of slick marketing companies and public relations organisations, so terms such as “revolution” can sound a bit glib and we perhaps do not take them as seriously as we should. Connectivity will be at the heart of the fourth industrial revolution, and the gigabit cities project that CityFibre is engaged in will facilitate 5G technology, which will be the bedrock of that revolution.

I genuinely believe that it will be a revolution. It will be for good, as we have discussed, but it also has the potential for bad. It will be a revolution in the broader sense of an event of signal importance such as the agricultural revolution, the invention of cities, the industrial revolution and the splitting of the atom. How we live our lives and engage with each other could be changed in a way so profound that it is difficult for us to comprehend.

In the internet of things, every device that we use, from our phones, pacemakers, refrigerators and televisions to devices to monitor our pets and vehicles or our bikes and aircraft, will be connected and engaged, and all of them will be subject to the power of supercomputers employing techniques of big data analysis. There is the potential for tremendous good, but there is also the potential for tremendous abuse. When we politicians discuss the fourth industrial revolution and 5G, it is incredibly important that we talk about

the benefits and the transformative effects, but we also need to talk about that other potential.

Finlay Carson: The member mentions the potential for bad. Does he recognise the importance of ensuring that the revolution spreads to every community and reaches right into our rural communities? The potential for people to be excluded is probably greater now than it has ever been, as a result of 5G. There could be a digital divide and division between socially isolated communities and cities.

Tom Arthur: I agree entirely with Finlay Carson. The divide might be geographic, but there is also a danger that it could be demographic. It is incredibly important that we address that and so ensure that the fruits of the fourth industrial revolution, which 5G will power and enable, can be enjoyed by everyone.

That becomes clear when we consider the challenges in how that data will be managed. Willie Coffey referred to the single digital market. I do not want my speech to be about Brexit, but it is very important that, whatever the UK's future relationship is with the European Union and other trading entities and countries, we think very carefully about how we manage such data. The amount of data that we voluntarily pass on to organisations such as Google, Amazon and Apple will grow exponentially in the coming years and decades, so we must ensure that our regulatory frameworks and our control and democratisation of such data keep up with that rise. Failure to do so might lead to a situation in which, as Finlay Carson highlighted, not everyone can enjoy its benefits.

Bruce Crawford: Presiding Officer, may I intervene on Tom Arthur?

The Deputy Presiding Officer: Because it is your debate, Mr Crawford, I will demur. It is not very often that I do so, but I will demur. Also, Mr Arthur, you did say at the beginning of your speech that it would be brief.

Bruce Crawford: Tom Arthur rightly mentions access to digital goods and services, which is what the European Union's digital strategy is about. However, it is also about ensuring better access for consumers and businesses to online goods and services across the area, as well as building in protections, which Mr Arthur mentioned, to ensure that people across Europe are protected from the more difficult issues that that might produce. Being removed from the EU might therefore remove some of the protections that we would otherwise enjoy.

Tom Arthur: I agree absolutely. I do not wish to appear overly partisan, but, whatever happens with Brexit and our future relationship with the European Union, it is important that we talk about

such difficult and challenging issues. There have been many conversations about the proposed backstop and other aspects, as well as various political intrigues, but it is important that we, in the Scottish Parliament, and others elsewhere give an airing to such issues, because they are fundamental. They are at the heart of what the European project is about. Regardless of what our future relationship with Europe might be, it would be a dereliction of duty on our part not to give those issues full scrutiny.

Presiding Officer, you have indulged me somewhat. I thank you for the opportunity to speak in the debate, and I also thank Bruce Crawford for securing it.

The Deputy Presiding Officer: I was just thinking that these speeches are not 5G—they are very slow.

At last—I say that because I know that the organisers of events that will follow the close of business are waiting to start—I call Paul Wheelhouse to close the debate on behalf of the Government.

18:27

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): I add my words of thanks to Bruce Crawford for bringing the motion to the chamber, and to colleagues from all parties who have contributed to what has been a lively debate. While I was sitting through the speeches, waiting for my opportunity to speak, I felt that the debate was showing the Parliament in a very good light, because we have heard very intelligent speeches from members from across the chamber on an important subject that is of interest to both rural and urban Scotland. I also thank you, Presiding Officer, for letting Tom Arthur speak; his contribution was a very worthwhile addition to the debate.

The debate has offered a great opportunity to discuss a subject that is perhaps less well covered in the general debate about broadband: the roll-out of commercial provision in our cities. At the same time, I agree whole-heartedly with Finlay Carson and others who want us to focus on ensuring that there are no new sources of digital divide in rural Scotland. I hope to come on to that aspect later in my speech.

Since taking the helm as Minister for Energy, Connectivity and the Islands, I have had many discussions with stakeholders, businesses and community representatives across Scotland, in which it has been made clear to me that there is a unanimous desire to make our country one of Europe's most well connected. As several members have said, we will have an opportunity to do so in the years ahead of us, and to make cities

such as Stirling, Aberdeen and Edinburgh digital world leaders. Although I appreciate that, across the chamber, there might be competition among members on that, I hope that all our cities will be able to meet that standard.

However, as I alluded to earlier, all too often, we forget that the provision of broadband is, first and foremost, a commercial matter. I therefore applaud CityFibre, and other commercial providers, for choosing to invest in Scotland. The Government is very grateful that they are doing so. As the motion in Mr Crawford's name suggests, CityFibre has committed funds approaching £200 million to its fibre investments in Scotland, which is a significant figure. Governments, regulators and the wider public sector have an important part to play in creating an environment that attracts investment—I will touch on that shortly—but it is commercial investment that will drive world-class digital connectivity and the innovation that it enables across all aspects of our society and economy, as was mentioned by Finlay Carson, Clare Adamson and, latterly, Tom Arthur.

It is clear that CityFibre's substantial investment in locations such as Stirling, through its gigabit cities programme, and the rapid deployment of its networks have delivered huge benefits for Scotland, driving value and choice for its customers in the private and public sectors, and helping cities such as Aberdeen to diversify their economy, as Lewis Macdonald and Maureen Watt alluded to. I know that back in 2017, the Scottish Government delivered £2 million to support Aberdeen City Council's ambition to increase broadband speeds for key public buildings. CityFibre has delivered that connectivity, which has helped to pave the way for the deal with Vodafone that will see residents in Aberdeen enjoying gigabit-capable broadband.

I am pleased to say that CityFibre is one of a number of companies that has announced substantial commercial investment plans in Scotland in recent months. Openreach, Virgin Media and Hyperoptic are all investing in fibre, with others poised to enter the Scottish market. All are playing a key role in delivering the Scottish Government's digital ambitions.

However, it is clear that not all of Scotland has benefited from that commercial investment. I agree with Finlay Carson, Clare Adamson and others that—despite telecoms being reserved—the Scottish Government is doing all that it can to make Scotland the best place for the telecommunications industry to invest in digital infrastructure.

We are taking a number of steps to incentivise industry. We have introduced rates relief on new fibre infrastructure for 10 years, which is double the UK Government's commitment; we have

relaxed planning legislation to make it easier for operators to deploy new infrastructure; we are developing proposals to extend permitted development rights to assist new projects; and, to pick up on Clare Adamson's point, we are amending our building regulations to ensure a set standard for the in-building of new physical infrastructure, including digital infrastructure. I hope that that information is helpful to Clare Adamson.

We have also created a Scottish version of the UK Department for Digital, Culture, Media and Sport's street works toolkit, to support operators to navigate the complexities of road works across Scottish local authorities and avoid timely and costly deployment delays.

That all serves to demonstrate the extent to which we are making sure that Scotland is at the forefront of the digital revolution, despite telecoms being reserved, as I have mentioned. In that regard, Scotland has already come a long way. No matter what source is used, the evidence categorically demonstrates that Scotland has caught up dramatically with the rest of the UK and continues to do so, thanks in large part to the £400 million digital Scotland superfast broadband programme, which Bruce Crawford mentioned.

Without the programme, only 66 per cent of premises across the country were expected to have access to fibre broadband, and only 21 per cent coverage was expected in the Highlands. There were no commercial coverage plans at all for Orkney, Shetland and the Western Isles—a point that is not lost on me as minister for the islands.

Indeed, Ofcom's most recent "Connected Nations" report confirmed that, once again, Scotland has outperformed the UK as a whole on the deployment of new digital infrastructure over the previous 12 months and is closing the digital divide.

Taken in total, access to superfast broadband has now increased by more than 31 per cent in Scotland in the past five years, compared with an increase of 19 per cent in the UK as a whole. I could give a list of examples, but I will not today, because of the time, Presiding Officer. However, a response to a question from Emma Harper contains the details, which show that local authorities have gone from almost zero to more than 70 or 80 per cent coverage in some cases over that timeframe. Figures provided by the independent analysis site, thinkbroadband, paint an even more positive picture, indicating that more than 93 per cent of all homes and businesses in Scotland now have access to superfast broadband infrastructure capable of delivering speeds of 30 Mbps and above.

Of course, although that success is to be celebrated, we cannot be complacent. Finlay Carson is right about the need to avoid creating new opportunities for a digital divide to emerge. He also mentioned the cost benefits of tackling outer areas first and working our way in. I certainly want to reassure members that, through R100, we are seeking take an outside-in approach.

Telecoms is at the heart of everything that we do. Whether for work or pleasure, we have come to expect that we will be able to access fast and reliable digital connectivity wherever and whenever we need it. Although we are demonstrably closing the gap, too many people across the country cannot yet reap the benefits that access to fast, reliable broadband can provide. I am sad to say that some householders would describe their broadband speed as steam driven, as has been mentioned. Thankfully that number is diminishing as we speak, and I hope that it will eventually be eliminated.

The benefits are substantial. In 2014, Scotland's digital economy was, even at that point, estimated to be worth about £4.5 billion, with the potential to grow well beyond that. We have heard great examples from Gordon Lindhurst and others about areas where growth can be seen and where the multiplier effect from broadband investment kicks in.

A recent independent report has further highlighted the increasing importance of good-quality digital connectivity by stating that every £1 of public investment in fibre broadband infrastructure in Scotland delivers nearly £12 in benefits to Scotland's economy, which is not an insubstantial return on our investment by anyone's measure. Indeed, the commercial investment on the part of CityFibre and others will be having a similar impact on our economy. It is vital that that momentum is not lost, and that is why we have chosen to take the lead and invest Scottish Government resources to deliver the infrastructure that Scotland needs to help our country prosper, despite responsibility for broadband investment across the UK resting with the UK Government.

Mr Carson asked about timing in relation to our £600 million R100 programme, so I will give some indication of that. We would argue that no other part of the UK has made a commitment on the scale that we have, or with such ambition. From the outset, we have sought to ensure that we have a competitive bidding process, so that we can deliver the best value for money. The process is complex. We have had to build in a degree of flexibility in response to changes in the intervention area, such as the number of properties that we have to cover. We will award contracts later in 2019, and I will give Mr Carson and colleagues across the chamber as much

notice of that as I can, when we get nearer to the time. I recognise the strong interest in the matter across the chamber. Procurement for R100 continues to progress apace, and we have retained three highly credible bidders in the process—I hope that that information is of value to members. That level of competition will help to ensure the best possible solutions and outcomes for Scotland, and I look forward to sharing further progress in due course.

What I can say at this point is that we are confident that the R100 procurement is going to produce a fantastic outcome—one that will make rural Scotland one of the most digitally connected places anywhere in Europe. To pick up on the points that were made earlier, just imagine what a difference that could make in terms of tackling depopulation and improving economic growth in our rural communities.

The future-proofed network that we expect R100 to deliver across the country will enable all of Scotland to be part of the digital revolution that members have talked eloquently about today and to share in the economic benefits. To pick up on points that were made by Mr Carson, Mr Lindhurst and others, full-fibre and 5G networks will enable the movement of data, ideas and applications in the same way that canals and railways underpinned the previous industrial revolution. Our investment—alongside that of commercial players such as CityFibre—will ensure that Scotland is well equipped to compete.

I am conscious of time, so I will wrap up. We believe that we have created a distinct offer for industry. CityFibre is one of many companies that are responding to that, which we welcome. Its investment and that of others is helping to strengthen our position as one of Europe's most well-connected nations. From what I have heard tonight, I believe that I have the support of the chamber in delivering that ambition.

Meeting closed at 18:37.

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