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Wednesday 1 April 2020

Session 5



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Scottish Parliament

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[The Presiding Officer opened the meeting at 09:30]

Point of Order

The Presiding Officer (Ken Macintosh): Good morning. The first item of business is consideration of motion S5M-21639, in the name of Michael Russell, on treating the Coronavirus (Scotland) Bill as an emergency bill.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer—I will just catch my breath, as I was running.

Through your office, could we raise some issues regarding the systems for getting responses to questions from ministers? We are here as advocates on behalf of our constituents, and, from the start of the crisis, we have repeatedly raised a number of key concerns that have been raised with us by our constituents, many of whom are businesspeople or people in employment who need urgent answers to questions that are of concern to them and their families.

We appreciate that this is an extremely difficult time for the Government, public services and everyone else, but we cannot close down the advocacy role that we have in Parliament. I know that the issue that I am raising affects every person in here, so I ask whether, because today is a sitting day, you might have an opportunity to speak to the Government to try to come up with a system that allows us to get more than holding answers. I understand that, at times, holding answers will be necessary, but we have to have a system whereby we can get answers, in due course, from ministers to the serious questions that our constituents raise with us.

The Presiding Officer: Thanks for that point of order. I recognise the points that Mr Findlay raises, which have been raised with me by a number of members from various parties. I think that all MSPs are being bombarded with emails and inquiries at the moment and are trying to reassure constituents and provide them with information and answers. Clearly, many members are also conscious of the fact that the ability to raise those issues in Parliament—and certainly in the chamber—will be constrained as we go into recess. However, as I tried to reassure members at the close of business last Wednesday, parliamentary scrutiny will continue through the recess, and there will be opportunities to submit written questions, as Mr Findlay identified.

The issue that Mr Findlay raises was discussed at the meeting of the Parliamentary Bureau yesterday, so it has been discussed by all the business managers, and the Minister for Parliamentary Business and Veterans responded positively to the questions that were raised by Mr Findlay's business manager, which are the issues that Mr Findlay has raised today.

I can assure Mr Findlay that I am about to call a meeting of business managers this morning. At that meeting, I will put those points again. I assure him that the Government is aware of the issue, as are his business manager and the other business managers, and that the parliamentary authorities are also aware of the importance of scrutiny continuing throughout the recess and of the assurance that constituents need to receive through members such as Mr Findlay.

I hope that I will be able to get back to Mr Findlay on the issue by the end of the day.

Coronavirus (Scotland) Bill (Emergency Bill)

09:33

The Presiding Officer (Ken Macintosh): The first item of business this morning is consideration of motion S5M-21369, in the name of Michael Russell, on treating the Coronavirus (Scotland) Bill as an emergency bill. The motion allows us to treat the bill as an emergency bill, which means that the votes at stage 1 and at stage 3, and on a financial resolution, will follow immediately after the debates. In other words, the vote on stage 1 will be at 11 o'clock, not at decision time, as it would normally be.

Motion moved,

That the Parliament agrees that the Coronavirus (Scotland) Bill be treated as an Emergency Bill.—[*Michael Russell*]

Motion agreed to.

Business Motions

09:34

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-21365, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out revisions to today's business.

Motion moved,

That the Parliament agrees the following revision to the programme of business on Wednesday 1 April 2020—

delete

09.30 am	Parliamentary Bureau Motions
09:30 am	Stage 1 Debate: COVID-19 Emergency Legislation
11:30 am	Ministerial Statement: Social Security - COVID-19
12.00 pm	Ministerial Statement: First Minister
2.00 pm	Stage 2: COVID-19 Emergency Legislation
<i>followed by</i>	Stage 3 Proceedings: COVID-19 Emergency Legislation
6.00 pm	Decision Time
insert	
9.30 am	Parliamentary Bureau Motions
9.30 am	Stage 1 Debate: Coronavirus (Scotland) Bill
<i>followed by</i>	Financial Resolution: Coronavirus (Scotland) Bill
<i>followed by</i>	Election of a Deputy Presiding Officer
<i>followed by</i>	Ministerial Statement: Scottish Government Legislation Programme
<i>followed by</i>	Ministerial Statement: Social Security - COVID-19
<i>followed by</i>	Ministerial Statement: First Minister
2.30 pm	Committee of the Whole Parliament: Stage 2 Proceedings: Coronavirus (Scotland) Bill
<i>followed by</i>	Stage 3 Proceedings: Coronavirus (Scotland) Bill
6.00 pm	Decision Time—[<i>Graeme Dey</i>].

Motion agreed to.

The Presiding Officer: I advise members that the nomination period to elect an additional Deputy Presiding Officer is now open and will close at 10.45 am. The new Deputy Presiding Officer is to be elected for the duration of the response to the novel coronavirus Covid-19 pandemic. Nomination forms should be collected from the parliamentary business team in room T1.03 and completed nomination forms should be returned to the parliamentary business team as

soon as possible, but before the 10.45 am deadline. The election of an additional Deputy Presiding Officer will take place at 11 o'clock this morning, following the stage 1 debate.

The next item of business is consideration of business motions S5M-21366, on suspension of standing orders; S5M-21367, on referral of Scottish statutory instruments; and S5M-21376, on a committee meeting at the same time as the Parliament. I call Graeme Dey, on behalf of the Parliamentary Bureau, to move the motions.

Motions moved,

That the Parliament agrees for the purposes of consideration of the Coronavirus (Scotland) Bill, subject to the Parliament's agreement, that it be treated as an Emergency Bill, that-

- (a) In Rule 9.7.8 the words "printed and" be omitted, and
- (b) Rules 9.7.8.A and 9.7.8B be suspended.

That the Parliament agrees that the following SSIs be considered by the Parliament -

Health Protection (Coronavirus Restrictions) (Scotland) Regulations 2020 (SSI 202/103)

Children and Young People (Scotland) Act 2014 (Modification No.2) Amendment Order 2020 [draft]

Single Use Carrier Bags Charge (Scotland) Amendment Regulations 2020 [draft]

Scottish Landfill Tax (Standard Rate and Lower Rate) (No. 2) Order 2020 (SSI 2020/105).

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Delegated Powers and Law Reform Committee can meet, if necessary, at the same time as a meeting of the Parliament during a ministerial statement from the First Minister on Wednesday 1 April 2020 for the purpose of considering Scottish statutory instruments.—
[*Graeme Dey*]

Motions agreed to.

The Presiding Officer: Before we turn to the debate, I invite the business managers to join me in committee room 5—that is, the Adam Smith room—at 10.15 to discuss voting arrangements. We are possibly expecting more members than the number of available voting terminals given the social distancing that is taking place in the chamber. Any additional members will be able to contribute and take part from the public gallery and arrangements will be put in place to make sure that everybody can vote. Every member of the Scottish Parliament is entitled to vote and every member will be able to vote. I will discuss the arrangements with the business managers at 10.15 in committee room 5.

Coronavirus (Scotland) Bill: Stage 1

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-21370, in the name of Michael Russell, on the Coronavirus (Scotland) Bill. We have a new format for this. Because of the wide-ranging nature of the bill, we will have four opening ministerial speeches. The Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell, will begin.

09:37

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): Thank you, Presiding Officer. I assure you that the sum of the parts will be the same length as if there was only one speech. I hope that that relieves members.

Responding to a global and a national crisis is about people coming together to help one another through this most difficult of times. Today, as a Parliament, we are meeting to consider emergency legislation that is solely designed to help our country pull through.

We have all seen how those on the front line against the coronavirus—the hospital staff, those who are keeping social care going and the national services—have risen to the occasion, and the people of Scotland are rising to the occasion, too. They are now subject to restrictions that none of us could have imagined that the Government would have to impose in our lifetimes. I know that the people of Scotland recognise the necessity for those restrictions and that, by working together, following the rules and staying at home, they are slowing the spread of the virus, protecting Scotland's national health service and saving lives. That is what it is about—saving lives.

In this Parliament, we have been working together, too, not as representatives of our parties, but as the men and women entrusted by the people of Scotland to make their laws. We are supported by all those with whom we work, and I pay particular tribute to the team that has worked on the bill; it has done an amazing job in less than a week.

Our laws need to change for a while in response to the coronavirus crisis. We took the first step last week, when the Parliament gave its consent to the United Kingdom bill that is now the Coronavirus Act 2020. We have further work to do today and we will have further work to do in the weeks ahead. The Coronavirus (Scotland) Bill will make changes to Scotland's laws across a wide range of subject areas. It will, I imagine, be the only piece

of legislation that any of us will consider that amends both the Anatomy Act 1984 and the Freedom of Information (Scotland) Act 2002.

The bill provides essential and practical help. It will help people who are in difficulty because of Covid-19 to keep a roof over their heads, and it will help people who are struggling with debt. However, the bill also makes dramatic changes to our laws that many of us will find uncomfortable and challenging. I do not shirk from that. I find them very difficult, too, but I am satisfied that they are necessary and proportionate given the scale of the challenge that we face.

The changes that the bill makes are far reaching, but they will not be for ever. Unless the Parliament's approval is obtained for an extension, the provisions of the bill will expire on 30 September 2020. That date is written into the bill. Parliament can extend that period for two six-month periods if it chooses to do so, but the changes in the bill will not remain in place beyond 30 September 2021. Again, that date is written into the bill. *[Interruption.]* No, I am sorry, but I have a lot of ground to cover. I will try to take points later on.

The longest that the bill can last is 18 months, and that can happen only if the Parliament has positively approved it on three separate occasions. I commit the Scottish Government to keeping under review every change in the bill and to keeping those changes in force only for as long as they remain necessary and proportionate to deal with the coronavirus outbreak or its effects on our society. Because of that, the bill allows us to suspend any of its provisions at any time and even to repeal them completely earlier than in the six-month cycle that I have just described, and we will do so as soon as it becomes clear that any provision is no longer needed.

Such decisions will be made in conjunction with and informed by the Scottish Parliament—by all of us. Our unity on such matters is important. We need to work together if we are to defeat the greatest challenge that we have faced as a nation for many generations. Unity is worth working for, no matter how hard it is to achieve. It is to the credit of everyone here that we have already agreed a great deal between the parties, but there are still areas of the bill that need further work.

Accordingly, the Cabinet Secretary for Justice will confirm this morning that we are withdrawing part 5 of schedule 4 in order to allow an intensive and wide-ranging discussion by all interested parties, including victims whose voice has not yet been fully heard, about the right way to ensure that justice continues to be done in Scotland. We will come back to the chamber with a standalone bill on that issue, along with the regulations to implement it, on 21 April, which is anticipated to be

the next sitting day. The courts must be allowed to function. By the end of this month, we must have the means to ensure that that can happen, but I stress that we want those means to command the widest support possible.

The bill requires the Government to report to the Parliament every two months on the continued necessity of all the measures in it and the use of the powers that it contains. As Mr Fraser knows, because he has raised the matter with me, I am open to having a discussion about how that process should take place. If the Parliamentary Bureau wishes to put in place special arrangements for that, I would be very happy to discuss such arrangements with it.

I commit the Government to involving the Parliament and its committees—and any special arrangements—as much as is humanly possible in the monitoring and scrutiny of the changes that are made by the bill. It is on the basis of that process of scrutiny, of constant review and of a commitment to unwind the changes when our public life returns to normal, and a commitment to the unity of this Parliament and the work across parties and between individuals, that I invite every member to pass the bill.

We have a national emergency. That is why, today, we are debating emergency legislation. All of us recognise the gravity of the challenge that we face and the scale of the response that is required. This is the greatest challenge that we have faced in this young Parliament's history; it is one of the greatest challenges that our country has faced in modern times. We will get through it only by working together. It is in that spirit of solidarity that we can look forward to better times.

I will now pass over to my colleague the Minister for Local Government, Housing and Planning to address specific issues in the bill. He will be followed by the Cabinet Secretary for Justice and then the Minister for Europe and International Development.

I move,

That the Parliament agrees to the general principles of the Coronavirus (Scotland) Bill.

09:43

The Minister for Local Government, Housing and Planning (Kevin Stewart): We have all been told to stay at home to save lives, and I am pleased that so many folk out there are doing just that. Our homes provide the very foundation of our health and wellbeing, and we can all imagine the impact if we did not have a safe and secure place to stay, particularly during these challenging and unprecedented times.

However, the inevitable economic challenges that are unfolding as a result of the steps to halt the pandemic mean that there are households that will face significant financial hardship, which in turn could impact on their ability to pay their rent. We do not want anyone to feel that they could lose their home because of an unparalleled public health emergency. That is why we are introducing provisions in the bill to prevent people from being evicted from their homes by temporarily extending the notice periods for eviction. That measure will apply across the private and social sectors regardless of the time that a tenant has spent in the property.

The extended notice periods will apply to all statutory tenancies that are currently in existence in the private and social rented sector, for six months. In cases where a landlord needs to move back into a property, or of serious antisocial or criminal behaviour, the extension will be three months. We have strongly advised anyone who is in hardship or facing financial problems to speak to their landlord and make arrangements. We want landlords to recognise the financial pressures and challenges that people might face. In turn, we encourage all landlords who are having difficulty to speak to their lenders about a mortgage break, and we have encouraged the UK Government and UK finance to increase that break to six months and to cover all mortgages. We have also encouraged anyone who needs to apply for universal credit—which has a housing element—to do so.

I welcome the commitment that has already been shown by many landlords around the country in response to the outbreak. We see great work being done to support tenants in the social sector. The Scottish Association of Landlords is asking its members to be proactive in helping tenants who expect to experience difficulty paying their rent. *[Interruption.]* I am sorry, but I really do not have time to take an intervention.

The Scottish Government will establish a fund that eligible private landlords will be able to apply to if they experience difficulty securing rent as a result of the Covid-19 crisis. They will be offered an interest-free loan with deferred payments. The intention is to take the pressure off landlords, in the short-term, if their tenants are having difficulty making rent payments. We expect to have that fund in place by the end of April, at the latest.

The measures that are being proposed in the bill seek to find the right balance between protecting tenants from eviction due to financial pressures arising from the pandemic, and ensuring that landlords across the private and social sector can continue to operate effectively. Crucially, the provisions are needed to ensure that we can keep

people in their homes at a time when that stability and place of safety is more important than ever.

I will pass on to my colleague the Cabinet Secretary for Justice.

09:47

The Cabinet Secretary for Justice (Humza Yousaf): The most important duty of any Government is to keep its citizens safe and maintain public order. Therefore, we will do everything that we can to maintain a fair and effective justice system. However, we also need to respond to the realities of the current public health guidance.

Our current system relies heavily on physical attendance at court, and on physical evidence itself; our courts are extremely busy places. Where possible, moves have already been made to switch to digital systems. The use of the physical court estate has also been rationalised, and national custody hubs have been established. However, workforces across the justice system are being affected, and we must anticipate that that will continue. We must ensure that accused people, victims and witnesses are not disadvantaged or unable to access justice because they are sick or are following public health guidance that is designed to keep us all safe. It is essential that the justice system continues to function, and that public confidence is maintained at this time. We know the significant distress that delay and uncertainty causes for victims of crime. The impacts on people who are detained in custody and held in remand are also extremely profound.

We are already in a position in which a backlog of cases is building up. Our best efforts, including this legislation, can unfortunately only hope to mitigate that to a certain extent.

I will focus on two provisions that will be the most high-profile. They relate to solemn trials—my colleague the Cabinet Secretary for the Constitution, Europe and External Affairs has already mentioned that—and to provisions on prisons.

As I come to the provisions on solemn trials, I echo my colleagues who have spoken before me. All of us understand and bear the weight of responsibility for the times that we are in. This is not a time to be bullish, nor a time for egos or petty partisanship. All of us—Conservative, Labour, SNP, Liberal Democrat, Green or independent—are part of the national endeavour that is needed to help us overcome this virus.

If ever we needed a reminder of the gravity of the situation, we gather in the chamber the day after the youngest victim of coronavirus in the UK

passed away. He was 13-year-old Ismail Mohamed Abdulwahab, from Brixton. As a parent and step-parent—my step-daughter is only a couple of years younger than Ismail—I cannot imagine the heartache and devastation that his family is facing. It is with Ismail's death in mind—and the deaths of the many people who, sadly, have passed away in Scotland, across the UK and globally—that we work in a spirit of compromise and consensus to do the best that we can do collectively, not just to overcome the virus but to ensure that our rights are protected.

In that vein, we understand how vital the principle of trial by jury is, as the cabinet secretary indicated. The Lord President's proposal acknowledged that but indicated the real threat to the delivery of justice that is posed by the pandemic. The solution in the bill is proportionate but, as we know, it has not secured the support of this Parliament. We are also aware of the concerns of the profession.

Accordingly, I intend to move an amendment at stage 2 that will remove those provisions from the bill. The Lord Advocate and I will immediately institute further discussions with the judiciary, the legal profession, the political parties here and—let us not forget them—the victims, many of whom would want the proposed change to take place now. We seek a practical, achievable solution that will meet the objectives that we all have, that is, to ensure that justice is done and not delayed, in so far as we can prevent delay, while of course upholding the vital human rights that we all treasure and enjoy.

The solution needs to be in place this month, so I make a firm commitment to the Parliament and to wider Scotland that we will bring emergency legislation for debate on the next due sitting day here, which is 21 April. We will also aim to bring forward draft regulations to implement the legislation at that time.

I ask all members to accept that offer, which seeks to take us forward together, as we must move at this incredibly difficult time. Whatever measure is brought forward, I reiterate that what is proposed will be temporary. After we get through the pandemic, we will of course return to trial by jury.

I will speak briefly to the other proposal in the bill that I think will gather a lot of attention, that is, the emergency release of prisoners. I have previously cautioned members that we cannot rule out releasing prisoners if doing so is in the best interests of public safety, keeping our establishments and those who work in them safe, and keeping those in our care safe.

The coronavirus outbreak is already causing a reduction in staff levels, as members are aware.

That is being well managed but it means restrictions in the prison regime and to visits. To ensure that we have the ability to reduce the prison population rapidly if necessary, to ensure the safety of staff and those in our care, the bill contains provisions to allow the creation of a bespoke system for early release—what is proposed is similar to the emergency release powers that the UK Government has.

I stress that the power for which the bill provides does not in itself release prisoners; secondary legislation will be required for that, and much of the detail, including on which classes of prisoner might be released, will be addressed in regulations, which of course will be subject to parliamentary approval.

Although much of the detail will depend on the exact circumstances that we are seeking to address, I give an absolute assurance that public safety will always be a key consideration for us and that any release will be subject to an appropriate level of risk assessment. In that regard, members should note that the bill says explicitly that a prisoner cannot be released if they would pose an immediate risk of harm to an identified person. We have also included in the bill a number of categories of prisoner who would not be released, including, for example, those convicted of a sexual offence.

My colleague the Minister for Europe and International Development will now conclude on behalf of the Government.

09:53

The Minister for Europe and International Development (Jenny Gilruth): Thank you. I will conclude on behalf of the Government by setting out to Parliament some of the other provisions in the bill.

Measures have been included in the bill only when strict criteria have been met. We required that they be necessary as part of the response to the coronavirus outbreak, and that they be urgently required, if they were to be included in the emergency legislation. Members will see that we have, for every measure in the bill, set out in the policy memorandum why, in the Government's view, the measure is required as a result of the pandemic and why it is urgent.

Many measures are required to reflect the reality that our public services are struggling with levels of staff absence and workforce disruption that are much higher than normal, while they are reprioritising and refocusing in order to fight the coronavirus pandemic. That disruption can be expected to continue for some time. Therefore, the bill will give services additional flexibility in respect of compliance with, for example, statutory duties to

reply to freedom of information requests, to lay reports in Parliament, and to publish documents in physical formats.

We have listened to concerns about the changes in respect of compliance with freedom of information requirements. I will lodge amendments at stage 2 that will adjust the provisions to reflect the Scottish Information Commissioner's suggestion to extend the period for responding to requests.

The bill also introduces measures that respect the additional needs that many Scots will have as a result of the financial pressures that are caused by the effects of the virus. It will, for example, extend the current statutory moratorium on debt relief from six weeks to six months, and it will provide additional protection for commercial leaseholders by increasing the statutory period for payment after an irritancy notice from 14 days to 14 weeks.

The bill makes changes that are required because of the simple fact that we can no longer go about our daily lives or run our public services as we used to. Public health advice regarding social distancing and public health regulations that require people to stay at home mean that we must think differently about how to regulate ourselves and how to do business.

The bill contains dramatic and unprecedented measures for dramatic and unprecedented times. No aspect of our lives—public or private—has been left untouched by the virus and the measures that are necessary to control and limit its transmission. The seriousness of the measures reflects the seriousness of the mission: this is about saving lives. I look forward to hearing the views of other parties on the bill's provisions, and to taking part in today's debate.

The Presiding Officer: I thank all the ministers.

09:56

Murdo Fraser (Mid Scotland and Fife) (Con): I remind members of my entry in the register of interests—specifically, my interest in property and my membership of the Law Society of Scotland.

I join the Cabinet Secretary for the Constitution, Europe and External Affairs in paying tribute to the bill team for the remarkable work that they have done in producing such a complicated bill, with all the supporting documentation, in such a short time. The bill runs to 69 pages and includes a huge number of detailed provisions. In addition, the explanatory notes and policy memorandum have had to be produced, which has required a huge amount of effort from a small number of individuals. We should be grateful to them all.

I also thank the cabinet secretary for the co-operative way in which he has approached the bill, in working with the Opposition parties, which is particularly important given the limited time that is available for scrutiny of the bill. Most members will have seen the bill only yesterday afternoon, and we are now being asked to consider it, to lodge and vote on amendments, and to vote on the bill in its entirety within the space of a few hours. That is a challenge for us all.

We should acknowledge now that it is likely that we will not get everything right in the short time that is available to us. There will be aspects of the bill that, with the benefit of time and hindsight, we will realise are wrong or could have been better worded. However, we are in an emergency situation, which is why we must press ahead with legislation without the normal levels of safeguarding.

The bill will introduce for the Scottish ministers a wide range of new powers that would, in normal times, be deemed to be unacceptable. We will agree to those powers being granted, and for human rights and civil liberties to be curtailed on occasion, because of the challenge that we face in fighting the coronavirus.

That does not mean that the powers should be unfettered, nor does it mean that there should be suspension of the entirety of normal scrutiny, or of the need for reporting by ministers. Indeed, one area in which the bill could be strengthened is in respect of the need for regular reporting by ministers, and of how Parliament can hold the Government to account for the extraordinary powers that it is taking to itself. We believe that there is a case for forming a new committee of the Parliament to look specifically at the powers in the bill. That is especially important because the normal business of Parliament's committees might not continue in the coming weeks. I am pleased that the cabinet secretary signalled earlier that the Government is open to that idea, and I look forward to its being discussed in the Parliamentary Bureau, as we go forward.

On specific measures, I will start by considering the provisions to protect people who rent property. We absolutely agree that new protections should be put in place in order to avoid people having to move home while the coronavirus pandemic is ongoing. We need to recognise that many families are being put in a very difficult financial position because of economic disruption, perhaps because they have lost their normal employment. On that basis, the extension to six months of the notice period for eviction for non-payment of rent seems to be reasonable, although it is worth reiterating that that does not mean that rent should not be paid. Rent arrears that are built up during the period should be the subject of agreement

between landlords and tenants, for repayment in due course.

There are two other important points to make in this respect. First, we do not want an end to evictions in all circumstances, and that is not what is proposed in the bill. There will still be cases in which tenants can be evicted for antisocial or criminal behaviour. That is important; I am sure that we have all heard about situations in which individuals' lives have been made a misery by antisocial neighbours—in some cases, they might have been waiting years to get an eviction order. It is simply not right that people would have to suffer further misery for months more because of legislation that protects people who behave illegally.

Secondly, many landlords depend on income from private rent, which might be the primary source of income for some retired individuals and couples, in the absence of any form of private pension. Such people could face real hardship, given the current delays in the First-tier Tribunal for Scotland, because the bill will, in effect, extend to 12 months the period for which a tenant might avoid eviction for non-payment of rent. That could cause real financial difficulty for individuals—sometimes not very well-off people—whose primary source of income is one or more private rental properties. For that reason, we call for a hardship fund to be established for landlords who are in that situation. I was pleased to hear what the Minister for Local Government, Housing and Planning had to say about that a few moments ago, so we look forward to seeing detail on that in due course.

There is a great deal in the bill about the criminal justice system; my colleague Liam Kerr will comment on that in detail. Our main area of concern relates to the suspension of trial by jury for serious criminal cases. Article 6 of the European convention on human rights specifies the right to a fair trial, but it does not specify that it must be trial by jury. However, it is a long-established Scots legal tradition that jury trials be held in solemn cases. The removal of that right would be extremely prejudicial to people who have been accused of serious crimes. Therefore, Conservative members' view—which is shared by the legal profession—is that removal of jury trials would be a retrograde step that is hard to justify, even in the extraordinary circumstances that we are now in. I welcome the cabinet secretary's having said that the matter will be given further consideration.

Other solutions need to be properly considered. One would be simply to delay all solemn trials until we are through the current difficulty, but that would be prejudicial to accused persons, and it would be difficult for prisoners who are on remand and for

victims of crime and witnesses. However, that might be a better outcome than simply to allow trials to proceed with one judge.

We could look more seriously at having juries via remote television link, although there are practical difficulties in that. We could consider holding trials in larger venues, where jurors could be spaced out to allow social distancing, or we could test all jurors for coronavirus at the start of proceedings and at the start of each day, in order to provide protection for people to whom they will be in proximity.

None of those solutions is ideal, but we believe that they all need to be properly examined because of the serious nature of the proposal to remove the right to a jury trial. We look forward to continuing discussions on that in the weeks ahead.

There is much more that I could say, but my time is up. I am pleased with progress, and this morning we are hearing from the Government on the issues that are of concern to us. We hope, assuming that the amendments that we expect are lodged at stage 2, to support the bill at decision time.

10:03

Alex Rowley (Mid Scotland and Fife) (Lab): I am grateful for being able to speak in the debate on emergency legislation relating to the coronavirus pandemic. We are in a strange and unprecedented time. I pay tribute to everyone who has been working on the bill in such difficult circumstances so that we could receive it before Parliament sat today, and I acknowledge the joint working across Parliament.

It is important that all front-line workers—whether they are in our health and social care services, in the shops serving food, or lifting our refuse—know that the Scottish Parliament will work collectively in their best interests when they are all putting themselves and their families on the line.

We are facing something that none of us has faced in our lifetimes. It is still just as important, however, that legislation that is passed in this country, and which affects the lives of Scottish people, faces proper parliamentary scrutiny.

The bill tackles some difficult areas, and I can see that difficult decisions are having to be made, and will continue to have to be made. We are facing this crisis at a time when many of our public services are under massive pressure, after year upon year of austerity that has left some services with real difficulties in facing up to normal everyday life—never mind the current crisis.

Last night I heard someone say that today would be the blackest day in legal history if the bill were to proceed and jury trials were to be stopped in the short term. We believe that the Law Society of Scotland makes a fair point when it says that there is a need for more information, and that the issue requires

“fuller consideration and consultation in order to avoid unintended consequences.”

I am pleased that the cabinet secretary has picked up on that point this morning and proposes to address it and, after doing so, to bring another bill to Parliament on 21 April.

We are facing the blackest period in our history, and I feel that the blackest days are still to come. As parliamentarians, we must accept our collective responsibility to make the right and necessary choices. It is clear that what is required in these extreme circumstances is balance between competing interests. That said, the health of our country should always be considered to be of paramount concern; I hope that that is the intention behind many aspects of the bill.

The difficulty lies in those competing interests, particularly in relation to civil liberties and human rights. I agree with Amnesty International that

“Any restriction on the individual’s human rights must meet the criteria of necessity, proportionality, legitimacy, be time-limited and subject to regular review.”

I note that the cabinet secretary has proposed that the legislation be reviewed every six months, with Parliament having the power to continue it if necessary. I also note the proposal that there be a report back every two months. I believe that one of my colleagues is considering lodging an amendment that will propose monthly reporting, instead.

When legislation that gives the Government such unprecedented powers is introduced, having the confidence that Parliament will hold the Government to account through scrutiny will be important. That is why the point that Neil Findlay made earlier about accountability of the Government to Parliament is crucial.

I believe that emergency legislation is necessary, and I welcome the Government’s having brought forward the bill. I suspect that we will see more emergency legislation as we grapple with outcomes from the virus pandemic that are, at this stage, unknown to us. However, we must ensure that, even although the bill is well meaning, it will have as few unintended consequences as possible, especially given how quickly we are dealing with a fast-moving situation.

The economy is going to go through a time of major difficulty. Although we need to look at what further support will be needed, we need also to

accept that the economy is not going to be the same as it was, and that the Government will have to play a far greater role in our economy and our society in the months that lie ahead.

10:09

Andy Wightman (Lothian) (Green): I am sure that all members would have regarded the provisions in the bill and in the regulations that came into force last Thursday as an April fools’ day joke if they had been floated a few weeks or months ago. However, using the Parliament’s provisions for emergency legislation is appropriate in the circumstances, given that we face a major public health crisis. In such a situation, as other members have said, any bill’s provisions should be strictly necessary, specifically time limited and subject to review and reporting.

There is very little time for scrutiny of the bill. I join Murdo Fraser in commending the drafters, the Government officials who have been involved in the work and all the organisations that have turned round briefings in a very short space of time last night and this morning. I will make some brief observations for the record, principally on the justice provisions in schedule 4, the housing provisions and other provisions.

Our justice system is at the heart of our democratic institutions. It is designed to ensure a law-abiding society, the liberty of the individual from the power of the state and sanctions for those who transgress agreed norms of behaviour in the civil and criminal spheres. The bill, in focusing on the justice system and how it can operate in the weeks and months ahead, is practical and sensible. We welcome the removal of the provisions that would give the Executive powers to suspend jury trials, and we look forward to engaging in discussions on how the problem of how to conduct jury trials can be tackled with a view to ensuring the right balance between human rights, public health and the efficient administration of justice. It is incredibly important that the Parliament achieves consensus on that extremely sensitive question, so we look forward to taking part in discussions on that in the weeks ahead.

On housing, we welcome the provisions that ensure that all statutory tenants will be provided with extended notice periods to ensure that, as far as possible, no tenant will be evicted during the emergency period. However, welcome though that is in comparison with the Government’s original proposals, it is not sufficient. Many tenants will face unprecedented declines in their incomes and job prospects over the coming weeks and months, and, although it is some comfort for a person to know that they will be safe in their house during the relevant period, it will remain open to landlords to commence eviction proceedings at any time,

and vulnerable tenants will have to live through the crisis knowing that they will be evicted in six months' time. Therefore, we argue—and we will lodge amendments on this—that there should be no notices to quit and that no eviction proceedings at all should be initiated during the emergency. They can all wait.

Furthermore, we need provisions that deal with eviction applications that are already in the system—perhaps most crucially for those against whom eviction orders have already been granted but have not been enforced, who are the most vulnerable group of all. The proposals explicitly do not deal with those who have already had eviction proceedings initiated against them or orders to quit granted. Although some comfort is available from the de facto suspension of many court proceedings, our view is that all such proceedings should be suspended for the duration of the emergency period.

We welcome the provisions on land registration, which has been the subject of intense debate between the keeper of the registers of Scotland and the legal profession over the past few days. That highlights the fact that, despite our having the world's oldest system of recording titles to property, we have still not managed to move into the digital age.

We welcome the debt arrangements. One of the most significant impacts of the pandemic will be the number of people who will face unsustainable debt not because of their own actions but because of the financial circumstances resulting from the pandemic.

We have serious concerns about the freedom of information proposals in the bill, as we are not persuaded that they are all strictly necessary. I heard what the Minister for Europe and International Development had to say earlier, and I look forward to engaging in discussions later today.

No legislator should take much pleasure in the bill's enactment. It has a sunset clause, which is good, but it still contains extensive powers that enable ministers to legislate by regulation. We understand why that is the case, but no one should be under any illusion about the unprecedented powers that we are being asked to hand to the Executive. Over the coming months, it will be vital that the Parliament has the time and resources to ensure that the powers that are contained in the bill remain proportionate and necessary. In that context, the Greens will support the general principles of the bill.

10:13

Alex Cole-Hamilton (Edinburgh Western) (LD): We are living in exceptionally difficult times.

We could not have imagined supporting the bill in virtually any other circumstances—but support it we will.

I thank the cabinet secretary for his engagement with my party over recent days and for his remarks on jury trials, which I will come on to later.

The bill was written in just a matter of hours, which was no mean feat. However, it is precisely because it was written in just a matter of hours and has not been consulted on that we must be robust in our scrutiny of it today.

Now that the cabinet secretary has confirmed the removal of part 5 of schedule 4, we will support the bill, with some minor amendments, not least because it contains vital and much-needed changes that will give comfort and security to the many people who would otherwise face destitution in the teeth of this crisis. As we have heard many times, the provisions on evictions are of great importance. I hope and expect landlords to be understanding in this emergency and to recognise the flexibility that is being afforded to them by the banks. Nobody should be made homeless during this crisis. Responsible private and social tenants need the extra protection against eviction.

The sense of national urgency is why we agree that the vast majority of the provisions in the bill are necessary, although we harbour some concerns, particularly on FOI deadlines. Above all, we could not have supported the introduction of the new powers that are contained in part 5 of schedule 4, which would give ministers the power to remove juries in trials on indictment for the duration of the emergency. I raised that issue at a cross-party meeting last week, when the bill was first mooted, and I issued drafting instructions to a clerk to remove those provisions. I am grateful to hear that the Government will respond to that.

Jury trials have been part of Scottish justice since the 13th century and have survived the bubonic plague, the Spanish flu and two world wars. They are a central pillar of our unwritten constitution and our social contract. In England, Her Majesty's Courts and Tribunals Service is pausing all trials that would require a jury until such time as it can find a way of proceeding safely. The service recognises the challenge and the danger of asking juries to sit at this time of heightened infection risk. However, it has chosen not to abandon the jury system but instead to pause such trials while it seeks solutions. Indeed, it looks as though, across all democracies in the world, no other country is ending jury trials. Were we to have pressed ahead with the measure, we would have stood alone in that regard.

Only once before in the history of these islands have jury trials been replaced by judge-led hearings. The Diplock courts were created in

Northern Ireland in 1973 so that terrorism offences could be tried in front of a judge because of risk to juries of reprisal or tampering. The focus of those provisions was on keeping jurors safe, but we are not trying to keep jurors safe from terrorists; we need only find a solution to keep them safe from infection. I look forward to working with the Government towards that end before we return, later in April. As Murdo Fraser said, the solution might be to use bigger venues such as theatres or cinemas; it might be about testing everyone who is on site for the virus every day; or it might involve computer link-ups. We also need to make it easier for witnesses to give testimony via computer link-ups, and I will lodge amendments to that end for stage 2.

However, there will be a solution and we need one, because the provisions have been met with a howl of outrage from the legal profession. The Faculty of Advocates, the Law Society of Scotland and solicitors the length and breadth of the country have all spoken in opposition to part 5 of schedule 4. It is a marker of the strange times that we live in that I find myself in an alliance with Joanna Cherry and Michael Gove in opposing the provisions. I am glad that the Government has heeded those calls, because juries matter. They matter because the burden should rest on the prosecution to take a group of everyday people through the evidence and the details of the law and to persuade them of guilt. Above all, to participate in a jury is to fulfil the social contract, and we cannot simply bypass that.

We are just one week into lockdown. Unamended, the bill would interrupt an unbroken tradition of Scottish justice that has endured for nearly 800 years. No other democracy has embraced the proposed measure, and it has been roundly condemned by the profession. We should listen to them. I am grateful that the Government intends to remove the provision, and I assure ministers of our support for the bill at decision time tonight.

The Deputy Presiding Officer (Linda Fabiani): We move to the open debate. We are already short of time, so it would be appreciated if members could come in under four minutes.

10:18

Rona Mackay (Strathkelvin and Bearsden) (SNP): No one in the chamber will disagree when I say that none of us wants to propose this legislation and none of us imagined that we would have to do so; but, of course, we must. We must ensure that we can adapt to the extraordinary crisis that we face by following due legal process and providing clarity for organisations and the public. We are in uncharted territory, but I believe that the general principles of the bill are sound, justified and absolutely essential. We are in an

emergency situation. As others have said, the positive all-party discussions that have allowed the bill to be drafted so quickly have been welcome. We are not in normal times, and party politics should be put aside.

The bill complements and supplements the Coronavirus Act 2020, which was passed by the UK Parliament and to which the Scottish Parliament gave its consent last week. There are several detailed aspects of the bill, focusing on justice, public health and the economy.

The majority of people are complying with the advice to stay at home in order to avoid spreading the virus and to ease the burden on our amazing front-line national health service workers. As Michael Russell said, it is vital that people have a roof over their head during this period, which is why legislation to protect from eviction for six months those who are having difficulty in paying their rent is most welcome and necessary. Outwith the bill, I hope that measures to provide the homeless with accommodation are rapid and successful.

In the short time that I have, I will focus on the provisions that relate to justice and policing. All the measures in the bill are practical and commonsense, and they will allow our justice system to continue to operate in these extraordinary times.

As we know, the provisions that would allow solemn trials without jury are controversial and serious: they will be amended and brought forward in emergency legislation on 21 April, as the cabinet secretary outlined. It is important to say that Rape Crisis Scotland, Victim Support Scotland and Women's Aid support those provisions and believe them to be vital in helping to minimise the distress of delays for victims of sexual and serious crimes.

Through secondary legislation, ministers will have the powers to release certain classes of prisoners. That process is, of course, subject to a strict set of caveats and to a public risk assessment. Prisoners who are serving life sentences, terrorists, sex offenders and all those who are serving sentences for the most serious crimes, as well as untried prisoners, will not be covered by the legislation. The important details of the provisions are clearly set out in the bill that we are considering today.

Schedule 4 relates to children and vulnerable adults. Changes have been introduced to enable the children's hearings system to function, such as a reduction in the required number of panel members and alterations to child protection and supervision orders, to prevent their lapsing. Those changes, too, are detailed in the bill. The rights of

the child will be upheld during the implementation of these temporary measures.

The Equality and Human Rights Commission has stated that actions to protect people that complement or enhance equality and human rights

“will maximise consent and compliance, and ultimately best safeguard public health.”

That is what the bill proposes to do.

The initial time period for the legislation runs to the end of September, when it could be extended, if necessary, through the affirmative procedure. The Parliament will review the act after two months to ensure its effectiveness and proportionality.

In this emergency situation, I recommend supporting the general principles of the bill for all the reasons that I and other members have outlined.

10:22

Graham Simpson (Central Scotland) (Con):

Just a few weeks ago, none of us expected that we would be dealing with genuine emergency legislation with far-reaching consequences for the power of the state over individuals. The encroachment into human rights is unprecedented and has consequences.

I will concentrate my remarks on the proposals in the bill around evictions. There are around 340,000 households in the private rented sector and 550,000 in the social rented sector in Scotland. Some of those people—although not all—struggle financially and some will have lost their jobs as a result of the coronavirus outbreak. Some will have to socially isolate in the coming weeks or months. We are all being told to stay at home.

In cases where people have lost their income as a result of the restrictions that the Government has imposed, it will take time for the very generous packages that are on offer to kick in. It would be entirely wrong for people to lose their homes in those circumstances. Both of Scotland’s Governments are right to restrict the circumstances under which evictions can take place. They take slightly different approaches, but their aim is the same.

In Scotland, the bill before us temporarily extends the notice period for all evictions, except in certain limited cases. The extended notice periods are either for six months, in most cases, or for three months in cases of antisocial or criminal behaviour, or when a landlord or their family member needs to move into the property. As the Chartered Institute of Housing in Scotland pointed out, we need to ensure that victims of domestic

abuse are not trapped in their homes with the perpetrators.

The bill relates to the notice period that the landlord has to give of their intention to start eviction proceedings; there is not, as Aileen Campbell first promised, a six-month ban on evictions. In reality, the bill provides a stop on evictions, which means that some landlords will not get rental income for over a year. Many private landlords are retired and many have one or two properties—not vast portfolios. Some rely on the rental income to pay their care home fees. Ninety-five per cent of landlords have between one and five properties.

By any measure, it is not sustainable to expect those people not to be paid for more than a year. We suggested to the Government that a hardship fund be put in place for those landlords who suffer loss of income as a result of the measures. I was pleased to hear the minister commit to that and I invite him—if he wants to intervene—to say whether that fund could be applied for to cover the whole period for which a landlord may be without money.

Kevin Stewart: As I said earlier, we are looking at a landlord loan fund, which we will make available as soon as possible and for as long as it is needed. We hope that we can have all that in place by the end of April at the latest, as I said in my opening remarks. We are developing the detailed criteria around that. We will make such a loan available for as long as possible, for as long as it is needed. We envisage that that would be up to a year, and we will backdate it to 1 March.

The Deputy Presiding Officer: Can Graham Simpson come to a close, please?

Graham Simpson: Certainly. That is very encouraging and good to hear, and on that basis we can support the provisions in the bill. The bill is proportionate; it is, unfortunately, necessary; and on the basis of what we have heard, we will support it.

10:26

Ruth Maguire (Cunninghame South) (SNP): I know first hand how worried and anxious people are right now at the changes that are happening to their lives. I have lost a friend to this virus and am acutely aware of the seriousness of what our communities face. We are in the midst of a national emergency: stringent steps are required to suppress the spread of the virus and save lives. Public bodies across the UK must have the tools and powers that they need to carry out an effective response to save lives.

Across the chamber we all understand that the bill cannot be scrutinised in the way that we would

normally demand. It is a huge transfer of power to Scottish ministers and through them to local authorities. It is clear that the effect of some of those powers is to temporarily overturn and/or bypass some of the human rights protections established in law by the Scottish and UK Parliaments. That is a legitimate response to the emergency that we face.

That said, I am mindful that the legal test for derogation from human rights standards is rightly high and that—most importantly—hard-won human rights protections are most vital and most at risk at times of emergency and crisis. Extraordinary powers must come with proper limits; regular renewal is essential; and the burden of justifying restrictions must lie with Government and be open to proper and timely scrutiny and challenge from existing bodies outwith the Parliament and, of course, from the Parliament itself.

In giving over extraordinary powers to Government, our first question should be how we take them back. Significant powers will be provided to police, immigration officers and public health officials to arrest people deemed infectious, to place them in isolation and to take biological samples without their consent. Those actions may at some point be required to save lives. It would be helpful for the Scottish Government to confirm what additional safeguards will be put in place where the infectious person is a child or a vulnerable adult.

The people I represent will also want to know that the prompt action that is being taken against individuals who appear to be acting outwith the strict confines of the lifesaving advice and instructions will be taken just as vigorously against employers and businesses that put staff in harm's way.

There has also been concern around the relaxation of child protection and safeguarding legislation, which would enable an individual barred from undertaking regulated work with children to continue to do so. Clarity from Scottish Government ministers on the circumstances in which that power might be exercised is crucial, including, importantly, on how children's rights to protection from abuse and harm will be protected. I also seek assurance from ministers on how we ensure the protection of those whose rights are most at risk from the suspension of legal duties to assess the needs of children with additional support needs, those with disabilities, care-experienced children and young carers.

Four minutes gives us time to raise only a couple of points, so I will end on this one. Cross-party working and productive scrutiny coupled with the unprecedented reprioritisation of resources and powers shows what can be done when there

is a will. Once we get through this crisis, let us demand that of ourselves again in tackling poverty, addiction and inequality: the other things that threaten the lives of the citizens we represent.

10:29

James Kelly (Glasgow) (Lab): It would have been unimaginable, even a few weeks ago, that the Parliament would be passing in one day the sweeping powers that are embedded in the bill. However, the circumstances in which we live—in which we fear for those in our communities and for those who are close to us—mean that the Government is right to legislate in these emergency circumstances. We will support the general principles of the bill and, no doubt, the bill at stage 3.

I will touch on a number of matters, the first of which is the bill's provisions relating to prisoner release. There is no doubt that the prison environment is very challenging. We have spoken many times in the chamber about overcrowding in the prison estate. It has been reported that there have been 111 cases of people displaying symptoms of Covid-19 in prisons, and they have had to be self-isolated. That is understandable, given the circumstances in which people in the prison estate live, but it is also very concerning. Therefore, the bill's provisions relating to the release of prisoners who are coming towards the end of their sentence, when there is no threat to public safety, are correct.

I ask the justice secretary—or Mike Russell, if he is summing up—to address the issue of public safety. It is important that prisoners who are released are tested for Covid-19, because we have a duty of care to those prisoners and to those who will come into contact with them, such as those in their communities and their support workers, who are needed in order to give them proper support to ensure their smooth transition back into the community. I ask that that issue, which is not mentioned in the bill, be addressed.

I welcome the cabinet secretary's announcement that the provisions on jury trials will be taken out of the bill through an amendment at stage 2. It seems to me that the Government moved too hastily on that proposal and failed to explain why it was required. The Government described the fact that there is a crisis and the need for a power, but it did not outline why such a power is necessary.

I welcome the fact that there will be a proper consultation between now and 21 April. The strength of the opposition that we have seen overnight, particularly from organisations such as the Law Society, shows that the Government had got it wrong and had moved far too quickly on the

issue. As we move forward, it is important that we build consensus not only among organisations such as Victim Support Scotland and Rape Crisis Scotland but among key figures and organisations in the legal profession. At this time, it is important that legislation is built with consensus and support both within and outside the Parliament.

My final point relates to the review period. Never before have we seen such powers being passed in a day, so it is important that we look at not only the review timescale—we should perhaps reduce the timescale to once a month—but the process that underpins the reviews. It will be important to review the operation and implementation of the powers as time goes on.

10:33

Kenneth Gibson (Cunninghame North) (SNP): I pay tribute to the bill team and others who have worked with ministers around the clock to deliver a robust bill under these difficult and volatile circumstances. As other members have indicated, these circumstances are unique in our lifetime. We have a common goal and, judging by the measured contributions so far, I am confident that this pivotal bill will pass today.

Much continues to be said about the devastating consequences of this outbreak on our economy and society, and we must do all that we can to help our constituencies and businesses through this time. No doubt like all colleagues across the chamber, I have been in constant communication with community organisations and individual constituents. It is a monumental task, with hard-pressed staff, reduced in number, trying to help millions almost from a standing start. Nevertheless, if possible, I hope that the UK Government will speed up the process of identifying and making payments to those who are self-employed.

June is still two months away, which is a long time to wait before beginning to make the first payments. Many will struggle to pay their bills, loans, credit card bills and overdrafts. Sadly, some banks have increased their interest rates from 9.9 to 39.9 per cent for unauthorised overdrafts, while they benefit from a base rate of 0.1 per cent. That is nothing short of daylight robbery, and it is kicking people when they are down.

Although the Scottish Government has no powers to stop those practices, I am pleased to see that it is using its limited powers to protect those who are getting into debt by including a temporary extension of moratoriums on diligence. The bill seeks to increase the length of the moratorium on diligence that is created by sections 195 to 198 of the Bankruptcy (Scotland) Act 2016 from six weeks to six months for

moratoria that are established during the period that is covered by the emergency legislation.

The bill also removes the restriction that only one moratorium can be applied for in any one 12-month period, and contains a provision for trust deeds. Making it easier for individuals and families to apply for a moratorium may provide just the respite that they need while awaiting payments, or the respite that businesses need to pick up during these deeply uncertain times.

In addition, the temporary relaxation of some requirements in relation to legal aid applications is helpful and incredibly important to those who have been through trauma.

These on-going changes must keep Scotland a functioning country with a working justice system. The proposed adaptations—such as the extension of time limits in criminal proceedings—offer a workable solution to maintain that. Police Scotland is doing a magnificent job in co-ordinating responses and keeping everyone safe, and we must ensure that the legal framework continues to work.

As domestic abuse will continue—and, likely, increase—during this crisis, I hope that it is clear to survivors that, during the lockdown, they are encouraged to make their way to safety, if they can. To assist some of the most vulnerable people in our society, the bill extends guardianship for adults with incapacity, the period of existing certificates, and provision of services to expedite the release of adults with incapacity from hospital.

The majority of the measures in the bill will automatically expire six months after they come into force, which is—I believe—appropriate. Explicit action and agreement from the Scottish Parliament is required to extend those measures for another six months, and then—potentially—a third time, to a total of 18 months from when the bill is passed. In addition, the Scottish ministers will provide a report to Parliament every two months about the use of the emergency powers, which I welcome.

I thank all those who are working to save lives and to keep Scotland going, and I extend my condolences to those who have lost loved ones to the coronavirus, including at least one of my constituents. I also wish those who are currently suffering from it a speedy recovery. Let us all keep being responsible and doing what we are doing to make sure that we beat this pandemic together. I support the bill, and I ask all colleagues to vote in favour of it.

10:37

Liam Kerr (North East Scotland) (Con): I remind the chamber that I am a practising solicitor

and hold current practising certificates with the Law Society of Scotland and the Law Society of England and Wales.

The principles of the bill are to provide new powers to help the Government deal with the coronavirus outbreak effectively. The justice provisions in schedule 4 are, therefore, extensive and wide ranging. Although many of the powers are unprecedented, we can support many of them as drafted; indeed, some of the measures are welcome. However, we are not without doubts. We have particular disquiet about two justice areas, and the Cabinet Secretary for Justice was right to focus on both.

The proposal to release prisoners from sentences early is difficult. It is difficult for victims of crime and their families, who will—understandably—ask about the punishment element of prison and worry about whether the mechanism for assessing prisoner risk is sufficiently robust. It is difficult for the victims of domestic violence who fear that their attackers could be back to haunt them. Scottish Women's Aid is right to demand robust safety arrangements, including appropriate notification of victims and intensive monitoring in that area in particular. It is also difficult for the public, who will worry about their safety, particularly in times of lockdown when already stretched support organisations and local authorities may be unavailable. To those who are concerned, I say simply that we are, too. By way of reassurance, I remind those who are watching of, and associate myself with, the cabinet secretary's earlier comments in that regard.

The proposal arises from the unprecedented and grave situation that Scotland faces. There is no doubt that the prison environment poses a unique challenge, not least for the health of our dedicated prison staff, and I understand why we must think the previously unthinkable if we are to reduce the spread of the virus in prisons. However, we must be sure that there is no additional danger to officers, the public or victims by releasing criminals before they are ready. That means that, once they are released, any breach of home detention or any other condition must be detected and dealt with—the police must have the resources to monitor released offenders properly. In addition, if the measure has to happen, it must be for the shortest time possible. It would be helpful if, in closing, the Cabinet Secretary for the Constitution, Europe and External Affairs could give the public some idea of which type of prisoners, and how many, might be eligible for release.

With only four minutes, I cannot elaborate in depth on the proposal to suspend trial by jury. However, had the proposal proceeded today, it would have meant an extraordinary change to the

present situation. Alex Cole-Hamilton spoke very well about that, and I respect his views. Trial by jury is a fundamental and important protection and a vital safeguard when it comes to the powers of the state, and it forms a cornerstone of human rights. Let us not forget that the proposal would substitute the decision of 15 people from normal society with that of a jury of one, who will often be male, one of society's top earners, from a particular educational background and of a certain age.

Furthermore, I am not persuaded that such a proposal would prevent delays. Indeed, there is a suggestion that it could exacerbate backlogs in the system. In its briefing, the Law Society makes the most sobering point when it says that

“the interests of justice and the rule of law are not served by taking the proposed step at this time.”

That is correct, and I am pleased to hear the Cabinet Secretary for Justice's assurance that he will amend the bill at stage 2 to seek further discussions on a practical and achievable solution that upholds human rights. Such solutions exist—Murdo Fraser listed some of them earlier.

Our support for the principles of the bill is a function of the situation, but it is also conditional and, in some cases, reluctant. Nevertheless, support it is.

10:41

Stuart McMillan (Greenock and Inverclyde) (SNP): First, I thank the Cabinet Secretary for the Constitution, Europe and External Affairs and the Scottish Government for introducing the legislation and for acting so swiftly. I cannot welcome the bill—I do not think that anyone can—but we are where we are with the coronavirus. The swift action that has been taken has, sadly, been necessary.

I put on record my thanks to everyone who is working on the front line to help our communities and save lives.

I will touch on a couple of points, the first of which relates to schedule 1 and housing. When the housing minister speaks later, I would be grateful if he could provide some clarity on one aspect. Yesterday, following the announcement about the extension periods, I received emails and phone calls from concerned constituents whose lives are made absolutely miserable because of antisocial neighbours. They are genuinely concerned. Like most people, they are staying at home, but so are their antisocial neighbours, who, I was told by those who spoke to me, are tenants of a private landlord. The housing minister stated earlier that antisocial tenants can still be evicted, although the process will be extended by three months. Can he provide further clarity on how that

will proceed? Will the process remain the same as it is just now, but with a three-month extension period?

Secondly, I want to ask about private landlords. The Parliament regularly hears about bad and rogue landlords, and there are plenty of them across the country. However, there are also plenty of good and decent landlords. They are worried about their properties being trashed, the rent not being paid and the effect of such extensions on the neighbours of their properties. In his summing-up speech, can the minister give some assurance to those of my constituents who are blighted by antisocial neighbours that the extension period will not have too much of an adverse effect on them? Can he also give assurances that engagement will continue with local authorities and the private rented sector to ensure that antisocial tenants will not be free to continue to abuse their neighbours without censure?

Kevin Stewart: I will not be summing up, so I will answer Mr McMillan now. As I said earlier, the exceptions are for antisocial behaviour or criminality. We will all have constituents who face difficulties and they might be exacerbated during the current situation, which is why we have made those exceptions.

Stuart McMillan: I thank the minister for his clarification. Will further discussion take place with local authorities and the private rented sector, once the bill has been enacted, to reassure all tenants in my constituency and across Scotland? *[Interruption.]*

The Deputy Presiding Officer: For the record, there was a yes from the minister in response to Stuart McMillan's final question.

We move to the closing speeches. I call Alex Rowley. *[Interruption.]* Mr Rowley has metamorphosed into Pauline McNeill.

10:44

Pauline McNeill (Glasgow) (Lab): That is not an easy thing to do. *[Laughter.]*

I thank Scottish Government officials for the incredible drafting work that they have done in an incredibly short period of time. I whole-heartedly agree with the cabinet secretary, Mike Russell, that we must work together and unite where we can, taking the right steps to manage everyday issues in our society during this dreadful but, I hope, short period.

I am sure that the cabinet secretary agrees that we should still do our job as an Opposition party when we think that the Government can improve legislation. We did that last week with regard to Aileen Campbell's announcement on the no-eviction policy, which we were delighted to

welcome. No Government, whatever its complexion, can get everything right. We will be constructive and get behind the Government in managing the biggest-ever crisis that our country has faced.

We want to make this work effectively. I echo the points that Neil Findlay and Alex Rowley made: we do not want to overwhelm the Government with letters and questions. We want to scrutinise its work, so it would be helpful if ministers told us how we can do that. Humza Yousaf was absolutely right to say in his speech that this is not a time to be bullish or ego driven.

Transparency is essential, as Murdo Fraser eloquently said, and it is essential that there is ongoing review. Engender has specifically asked that the Government looks at the impact of the coronavirus crisis on women, as it might be different from the impact on others; it also asked whether the Government would be willing to report on that.

I want to address the Government proposals on no evictions. I think that, sadly, the banking crisis of 2008 will seem like a walk in the park in comparison with what people might face during the upcoming period. I welcome everything that the Government has done, but there are some things that I would like it to consider doing in future.

I tend to agree with Andy Wightman that it is perhaps not right that the way in which the legislation is constructed means that eviction notices will hang over people's heads. I want to discuss that further at stage 2.

The Government should consider going further to help tenants who, through no fault of their own, are not covered by a Government scheme or universal credit. I recognise that we cannot see the full picture at the moment. There are millions of people who are self-employed or who have lost their jobs and are not covered by the Government scheme or are getting only a percentage of their wages. We cannot yet see the full impact of that.

I whole-heartedly welcome the announcement on funds for landlords, which Graham Simpson raised. I would also like the Government to talk to us about whether, as a last resort, a system of rent breaks could be considered further down the line when we have a clearer picture. Perhaps it could consider a temporary fund attached to the Scottish welfare fund, which I appreciate does not cover rent at the moment, for those who might fall through the gap and might need some short-term help.

I would like the Government to specifically look at rent arrears debt.

Kevin Stewart rose—

Pauline McNeill: I will give way to the minister in a minute if he still wishes to intervene.

I envisage that huge debt might arise and the Government might want to consider a specific scheme to help tenants avoid poor credit ratings and get back to an even position.

Kevin Stewart: It is key to get the message across that tenants should talk to their landlords and that folk should be applying for universal credit when that is the right thing to do. Beyond that, Pauline McNeill will know that we have discretionary housing payments and other measures. The key thing for me is that folk should pay their rent if they can, but if they are having difficulties, they should immediately talk to their landlord, whether they are in the social rented sector or the private rented sector, so that we can bring about the flexibilities that are required.

Pauline McNeill: There is nothing in that that I disagree with: people should continue to pay their rent. What I am trying to address are the cases of people who are not able to do so, through no fault of their own, if they have lost their job or other income.

I would like the Government to look at extending the time that someone can stay in temporary accommodation. That issue was raised by Shelter.

As other members have done, I recognise that the Cabinet Secretary for Justice is withdrawing what was probably the most controversial proposal, which was for judge-only trials in solemn procedure cases. It is helpful that he did that early in the process. I think that we all agree that we need to take more time to look at the issue of removing the fundamental right of an accused person to be tried in front of their peers and have comparative justice—that is, the same justice as everyone else.

I support the idea of a consultation. There are dangers to the public in proceeding with jury trials. I welcome what the Government has done. Labour members will take full part in the consultation. We could look at the wartime example, where juries were reduced to seven members. We will work with the Government to find a solution.

10:50

Adam Tomkins (Glasgow) (Con): I start, as did the Cabinet Secretary for the Constitution, Europe and External Affairs, by saying that unity in this endeavour is essential. He said that it was important; it is essential. We need to work together, and I and my party and all members are grateful for the way in which the Government has tried to ensure that we can work together.

The bill, as published yesterday and as it currently stands, contains measures that, in my

party's view, go too far—at least at the moment—because the case for their necessity has not been made. I want to reflect a little more on that test, as I did last week.

We all accept that there is a public emergency that threatens the lives of our citizens and indeed the life of the nation. We all accept that that emergency requires an extraordinary response, and requires us as parliamentarians to confer on ministers powers that we would not ordinarily contemplate. We must vigorously and rigorously apply a test of necessity to the examination of whether those extraordinary powers are required. It is not about whether they are administratively expedient, or whether they would make our life easier, but whether they are strictly required. Jenny Gilruth referred to that in her opening remarks. Last week, when we discussed the matter in the context of the legislative consent motion for the UK Parliament's Coronavirus Bill, the cabinet secretary indicated very strongly his agreement that that is indeed the test. We will cooperate to confer on ministers those powers that are necessary to meet the exigencies of the crisis.

I will say something about how we apply that test to the two most controversial sets of proposals in the Coronavirus (Scotland) Bill: those with regard to juries, and those with regard to freedom of information. I very much welcome this morning's indication by the cabinet secretary and his colleagues that they will today withdraw from the bill the proposals about juries, albeit that that does not mean that we have solved the issue—the issue has absolutely not been solved, and we know that we will have to revisit it in a matter of weeks. If talks are held about that process, I commit myself and my party to take part in them constructively. We want to solve that aspect of the coronavirus crisis.

Courts must be able to function, but they must be able to do so in a way that uses means that command the widest possible support—that is what the cabinet secretary said in his opening remarks—and that do not unnecessarily trammel the rights and freedoms of the people involved in the criminal justice system. The cabinet secretary is right to say that that includes victims as well as defendants; however, the rights and freedoms of the accused are paramount in ensuring that we have a fair criminal justice system.

We need to think about measures that are much less restrictive on rights and freedoms, rather than simply abandoning all jury trials for the duration of the crisis. We can think about the consequences of delay; the logistics of testing empanelled jurors for coronavirus; remote juries; virtual trials; and larger venues. Every cinema and every theatre in Scotland is lying empty at the moment. Those are large spaces—larger than criminal courtrooms. If

we in the Parliament can come together to debate legislation while maintaining social distancing, it should not be beyond our wit to conceive of ways in which the criminal justice system could function too.

It cannot be shown to be necessary to abandon criminal trial by jury in Scotland, if no other Commonwealth country in the world is contemplating it, given that we are dealing with a global pandemic. The Lord Chancellor is not contemplating such a measure in England and Wales.

I want to say something about the way in which the argument has been constructed. If we read carefully in the policy memorandum that accompanies the bill the view on why the Scottish Government wanted to take the step, we can see that it is not an argument of necessity—it is an argument of administrative convenience. If we do not do that, it says, there will be a backlog of cases. That is not a good enough reason; that is an argument of administrative convenience and not an argument of necessity.

The Law Society of Scotland is absolutely right to point out in blunt terms in its briefing for the debate that

“The potential for a case backlog ... would not, on its own, be sufficient reason”

for departing from the need for jury trials.

We will take part in the talks on a constructive basis, but we will vigorously and rigorously apply this single and simple test: we will support those extraordinary measures that are necessary and we will not support those that cannot be shown to be necessary.

On freedom of information, the proposals that Jenny Gilruth set out are welcome. I regret that they do not go as far as I would have wanted them to go. I am not convinced of the need to extend freedom of information deadlines for anybody other than those who are working on the front line. I completely understand that health boards, general practitioners and pharmacies—anybody who is working in the NHS—have much better, more important things to do right now than to respond to FOI requests, but I am not convinced that the same argument holds for all Government departments. It might hold for local authorities, but not all Government departments.

As I understand it, the proposal is that we will extend the deadline for dealing with FOI requests from 20 days to 60 days, but we will not thereafter allow the 60-day deadline to be further extended to 100 days. That is welcome, but as I understood what Jenny Gilruth said—she can correct me if I am wrong—the bill will continue to provide that

“The Scottish Ministers may by direction specify further circumstances in which a Scottish public authority may extend a relevant period”

beyond 60 days. There is still a substantial degree of flexibility there to avoid or evade ordinary FOI rules. We will need to look very carefully at that at stage 2 and, if necessary, at stage 3.

10:57

Michael Russell: A great deal has been covered in this debate. I will deal with as much as I can, and I will be happy to address other issues outside the chamber as we go forward. I will explain that in a moment.

I want to say a couple of words about things that have not been mentioned. First, there is the extension of provisions under the Anatomy Act 1984, which is not a minor matter but requires to be done. Secondly, a very major matter relates to provisions under the Adults with Incapacity (Scotland) Act 2000. These are designed to try to assist in the present situation, but there are times when space within medical premises will have to be allocated to victims of the disease, and we will have to be able to take appropriate actions. I would be happy to answer specific questions on those matters.

Mr Rowley indicated that there may be an amendment from Labour on one-month reporting. That would be an entirely legitimate amendment, but I stress that, as I indicated, discussion is going on about a structure of reporting within Parliament. If a special committee is set up, reporting might be even more regular than that; I would not necessarily want to tie anybody’s hands on that matter. An effective protocol is in place to allow negotiations to take place quite quickly on secondary legislation for Brexit. I am sure that we can negotiate very quickly a protocol with Parliament that would allow a special committee to have a function in reporting.

In addition, I am about to start commissioning work on guidelines for reporting across the Government. That committee could feed into that, and that work could start almost instantly. I hope that, instead of amending the bill, we can take that forward as something that we need to do.

Under public safety, and Mr Kelly’s point about prisoner release, there will be robust criteria and assessment for release. Providing that power in the bill does not mean that it will happen. The regulations have to come into place and, clearly, those regulations are open to influencing. I know that the Cabinet Secretary for Justice will want to discuss those regulations. Certain categories of prisoner are already exempt in the bill.

On the issue that was raised by Liam Kerr, the first choice will be for people to go on home

detention curfew. There would be no blanket release, but that would reduce the prison population in a way that would be effective. Again, the cabinet secretary is happy to discuss those matters.

Kenny Gibson and Pauline McNeill raised issues about the real hardship that people are experiencing. We are very aware of that. Every constituency MSP will be aware of the real hardship that exists: we are getting emails and being contacted about that not hourly, but almost minute by minute. That has been the situation for the past 10 days.

As Pauline McNeill indicated, there are people who fall between the gaps. That happens at every level, whether it is in relation to assistance for self-employed people, rent, or long-term debt. At present, we do not have all the answers to that. I stress that point, because it is quite unfair to criticise ministers or officials for not answering inquiries—sometimes the information is not there. Some of the support systems are being run by the United Kingdom Government and some by the Scottish Government, and it is difficult to keep up with some of it. We are doing our very best and will continue to do so.

The points that have been made about hardship need to be addressed and will be addressed. Mr Gibson made the point about the self-employed not receiving assistance until June and that is a very big issue. An equally big issue is those people who are already in debt and who will find themselves in further debt as a result of some of these actions. I know that my colleagues Fiona Hyslop and Kate Forbes are focused on the issues. We will continue to try to address them.

I want to make it clear, as did my colleague, that there is an open invitation for discussion on the issue of jury trials. The only thing that remains solidly on the table is the imperative to take action. That imperative is not an administrative issue—I will try to disagree reasonably gently with Adam Tomkins on that point—but is about the effect of the backlog on the accused and, most important, on the victims, who have a matter of great difficulty hanging over their heads for a long period of time. Victim Support Scotland wrote to every MSP to make that point. What is on the table is how we resolve that issue. If there are better ways to resolve it than those proposed by the Lord President, we would wish to see those ways. We have heard some ideas here today. The idea of taking over the cinemas of Scotland in order to hold trials in them, although slightly Kafkaesque, is probably something that we can consider very seriously. We need to get on and make a decision. That is why there is a commitment to bring a bill to Parliament on 21 April, along with draft regulations, so that we can get a solution in place.

Finally, as everybody here has reflected, we are engaged in highly unusual proceedings. Many people will be busily writing away and planning to lodge amendments. I will make two points. If the bill can be improved, let us improve it. That has been my position on every bill that I have introduced to the Scottish Parliament. For example, that was my position when we had the exceptional emergency legislation on the continuity bill, although the passing of that bill seems like a slow tortoise compared with what we are doing on this occasion. That approach was much criticised by Mr Tomkins, among others, so if we can improve it, we should. However, the best is the enemy of the good; our amendments need to focus on what we can do and what we need to do, otherwise we could sit here all night and into tomorrow and would still not have a better bill.

Angela Constance (Almond Valley) (SNP): There has been much discussion this morning about our justice and legal systems—rightly so. Does the commitment to revise and revisit the bill apply to our very many vulnerable adults and elderly people who will be impacted by the considerable changes to the legislation on adults with incapacity?

Michael Russell: It does not. I mentioned the legislation on adults with incapacity briefly, but I am happy to discuss that in more detail with the member. The purpose of those changes is very clear and they are very time limited. It is focused almost entirely on ensuring that those who are in very difficult circumstances continue to get the support and help that they need and that that is not affected, for example, by a shortage of staff. It also reflects the needs of the health service. I would be happy to discuss the matter with Ms Constance, but I note that there is no equivalent taking place here.

If there are amendments that could improve the bill, we want to see them and we need to see them quickly. The bill team is in a committee room on this floor of the building and will be happy to discuss amendments, as am I. If anyone thinks that a probing amendment would give them an opportunity to consider something, I ask them to come and probe me first [*Laughter.*] I may probe back very vigorously. Let us focus on what we need to achieve in the bill.

I commend the general principles of the bill to the Parliament. I hope that at stage 2 we can focus on what is really important so that we can pass the bill. The bill will be passed: it is designed to be passed and it must be passed in order to save lives.

The Presiding Officer (Ken Macintosh): That concludes our stage 1 debate on the Coronavirus (Scotland) Bill. Because this is emergency legislation, we move straight to the question on the

motion. The question is, that motion S5M-21370, in the name of Michael Russell, on the Coronavirus (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Coronavirus (Scotland) Bill.

Coronavirus (Scotland) Bill: Financial Resolution

11:05

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-21377, on a financial resolution for the Coronavirus (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Coronavirus (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Ben Macpherson*]

Motion agreed to.

The Presiding Officer: I advise members that the deadline for lodging amendments to the Coronavirus (Scotland) Bill at stage 2 is 12.30 pm today. A Committee of the Whole Parliament will consider the bill at stage 2 from 2.30 pm—that will be all of us sitting in committee in the chamber.

Deputy Presiding Officer

11:05

The Presiding Officer (Ken Macintosh): The next item of business is the election of an additional Deputy Presiding Officer for the duration of the public response to the novel coronavirus Covid-19 pandemic. The election will use the electronic voting system, but it will be a secret ballot, so only the overall result, not how individual members voted, will be published.

I can inform members that I have received one valid nomination, which is Lewis Macdonald. I now declare the election of the Deputy Presiding Officer open. The question is, that Lewis Macdonald be elected as a Deputy Presiding Officer.

Members voted by secret ballot.

The Presiding Officer: I can inform members that a majority has voted in favour. Lewis Macdonald is duly elected as Deputy Presiding Officer, and I offer him my congratulations. *[Applause.]*

Scottish Government Legislation Programme

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Graeme Dey on the Scottish Government's legislation programme. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

11:09

The Minister for Parliamentary Business and Veterans (Graeme Dey): I will set out for Parliament the Government's plans for managing its legislative programme in the light of the impacts of Covid-19.

Scotland, as countries around the globe do, faces an unprecedented challenge. The fact that Parliament will spend the lion's share of today on the emergency Coronavirus (Scotland) Bill is ample evidence of the current reality. The next few weeks and months are likely to be extremely difficult, and will need sustained collective national endeavour in response.

Every organisation the length and breadth of the country is having to find creative, innovative and flexible ways to respond to this unique and challenging situation: the Government is no different. Not only are we having to manage the crisis nationally under the leadership of the First Minister, but we must, like any other employer, protect our staff and ensure their wellbeing, and accept that, despite our best endeavours, our workforce will be impacted.

Along with every other organisation, we are under pressure, and we are having to manage our resources as carefully as we can so that we can devote the maximum effort to concentrating on the nation's response to the Covid-19 crisis.

The self-same challenges face Parliament, as is demonstrated clearly by the fact that we are, in order to follow guidelines, meeting for only one day this week, and with reduced numbers. I therefore record my gratitude for the constructive way in which members, committees and Parliament officials have responded to what is confronting us.

As the First Minister has made clear, we expect that the Government's response to Covid-19 will be sustained over an extended period. The chief medical officer has said that restrictions could be in place for 13 weeks, and the United Kingdom's deputy chief medical officer has indicated that the situation could impact on our lives for six months, or perhaps more. We therefore need to make some pragmatic but fundamental and essential

changes to the legislative plans that are before Parliament.

The Government's legislative programme absorbs a lot of the time and resources of the Government, Parliament and beyond. I am sure that members will accept that it is entirely inevitable that we have had to consider carefully the implications of the Covid-19 outbreak for that programme. I am clear that delivery as expected of the existing or intended programme is not possible; a different approach is required. I will, therefore, set out the principles that I am, in that context, adopting in managing the Government's legislative programme.

The first principle is that the Government will prioritise legislation that is needed to respond to Covid-19. In particular, we will introduce any necessary emergency legislation beyond what is provided for in the UK Government's emergency Coronavirus Act 2020 and the Coronavirus (Scotland) Bill, which we are in the midst of scrutinising today.

In addition to the introduction of more justice-related legislation immediately after the Easter recess, on which a commitment was given by ministers this morning, it is highly likely that we will have wider emergency legislation to consider before May, such is the scale and volume of the issues that require to be addressed.

The second principle is that the Government will also prioritise other essential non-Covid-19 legislation. As members know, Parliament routinely passes a wide range of essential secondary legislation that is needed to ensure that our public services and other parts of society can continue to operate effectively. Government and Parliament officials are working collaboratively to identify the most efficient means of dealing with the most pressing secondary legislation.

The third principle is that we will deprioritise any legislation, primary or secondary, that is not identified as being essential in the immediate term. Although it remains my view that every piece of legislation that the Government proposes has an essential purpose, it is obvious, in these exceptional circumstances, that not all essential purposes can be treated as equal. In other words, not all of our current programme can, or will, be delivered according to the timescale that we had previously announced—not when Parliament, its committees and its members must, in their own ways, respond to the challenges that Covid-19 presents. I am therefore taking steps to ensure that resources and parliamentary time can be diverted from legislation that is not time bound, in order to free up our capacity to deal with Covid-19.

The fourth principle is that we will work openly and collaboratively with Parliament—including the

Parliamentary Bureau and the committees—in managing delivery of legislation during this difficult period. I want to acknowledge the importance of the committees and their conveners in all this. I highlight the Agriculture (Retained EU Law and Data) (Scotland) Bill and the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill as examples of our working collaboratively to overcome challenges that are related to Covid-19.

Stage 1 of the Agriculture (Retained EU Law and Data) (Scotland) Bill is still to be concluded. I do not intend to ask the Parliamentary Bureau to schedule it in the immediate future because I wish as many members of the Rural Economy and Connectivity Committee as possible to be able to participate. We hope, all being well, provisionally to target a date in early May.

It has, as a consequence of coronavirus, proved to be impossible for the Health and Sport Committee to scrutinise the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill properly, thus far. Following discussions with the committee's convener and the Cabinet Secretary for Health and Sport, it has been agreed that we will seek to extend the stage 1 deadline.

I make it clear, however, that both those bills are extremely important and necessary, and that it is my intention that both will continue and be completed.

To assist with preparation and processing of the emergency bill that we are debating today, the Government has delayed the introduction of the hate crime bill and the social security bill, but I hope that the delay is merely temporary. It is our intention that the bills will proceed and be completed in this session of Parliament.

To be absolutely clear, I say that we hope to conclude stage 3 of the Consumer Scotland Bill, the Scottish Elections (Reform) Bill and the Disclosure (Scotland) Bill as soon as it is practical to do so.

I reiterate that—as the cabinet secretary, Michael Russell, has previously said—for the time being no additional work is being done on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, although we will be forced to revisit that quickly if the UK Government does not move to a commonsense extension of the transition period.

The fifth principle is that we will, once we are operating in a post-Covid world—we all look forward to that—work with Parliament to consider how we effectively manage the remaining Government and non-Government legislation that we hope to deliver before the end of the current session of Parliament.

It is clear to me, however, that given the scale of the challenge that is ahead of us, and the timescales that we think will be involved, we will not be able to deliver all the legislation that we had intended to deliver. That is not simply because of pressure on parliamentary time. Just as great a consideration is, as I have said, the need for Government resources to be focused on Covid-19 matters.

The practical impact of that is that it will not, in all probability, be possible to restart, in the current parliamentary session, some of the bills that the Government decides to pause, and that other bills that we had hoped to deliver will not be introduced. I am sure that Parliament will understand that the same consideration will need to be given to non-Government legislation, in due course.

Members will be aware that we have already made the difficult but sensible decision not to progress with the transient visitor levy bill at this time. I also advise members that we do not now intend to introduce in this parliamentary session the good food nation and circular economy bills, which were scheduled to be introduced shortly. All three are important bills, but the current emergency, its unknown timescales and consequences, and the need to prioritise mean that—very regrettably—we need to pare back legislation and focus on the immediate term. The Government will reflect further on that when determining the shape of our year 5 programme.

I also advise Parliament that, as we focus our energies on responding to the challenges that are caused by the pandemic, it is, regrettably, the case that work in Government is being halted—for now—on planned bills on moveable transactions, on reform of the Gender Recognition Act 2004 and on fox control. I am afraid that that is an unavoidable consequence of focusing resources on efforts to deal with the virus.

As the Covid-19 crisis unfolds, there might well be more difficult decisions to come, so I undertake that we will maintain lines of communication with the relevant committees and wider Parliament as we are able, and that a revised programme will be published in September, as we enter the final year of this session of Parliament.

I understand that the need to pause or delay aspects of our legislative programme will be deeply disappointing, and that those who have waited a long time for the reforms will be frustrated that we can no longer achieve all that we wanted to achieve. However, this is a challenging time for us all, and there will be many more challenges ahead. The Government is taking a pragmatic but essential approach.

I know that members will have questions; I will do my best to respond to them.

Liz Smith (Mid Scotland and Fife) (Con): I thank the minister for prior sight of his statement. I also commend him on his diligent and very courteous engagement with the Opposition parties at what is clearly a very difficult time for us all.

I am sure that the minister will agree that striking the right balance between ensuring that Parliament abides by Government regulations on health advice and social distancing, and permitting effective scrutiny of the Government by elected members—who, after all, sit in Parliament to represent the best interests of their constituents—is not easy, but that is an essential part of parliamentary business during the Covid-19 period.

What measures will be put in place during the coming weeks in which Parliament is due not to sit, or to sit on a restricted basis, to ensure effective scrutiny of the Scottish Government at a time when many constituents are anxious and are asking us important questions?

In his statement, the minister rightly highlighted criteria that he has used in setting provisional timescales for the Government's forthcoming legislation, but are other factors—in particular, health factors—being considered to address what could be a lengthy period of dealing with Covid-19?

At what stage will the minister review the measures that have been proposed in his statement, to ensure that Parliament is working as effectively as possible during this very difficult time?

Graeme Dey: I thank Liz Smith and all the parties' business managers for their constructive contributions to our work.

Liz Smith is right to mention the need to balance social distancing with the ability to hold the Government to account. I am open to suggestions—I have heard one today—about different ways of working to ensure that the Government is scrutinised and that Parliament is seen to be functioning as it ought to function. I am happy to hear other constructive suggestions: this is a time to be innovative and to find ways of working that we might never have considered before.

The question about the flow of information has come from a number of directions. The Government is considering its response to that. One option might be to create some question-and-answer responses.

I hope that members will recognise the strain on the organisation and the pressures on fit and healthy staff. Over the weekend, more than 30

Scottish Government officials, including 16 lawyers, worked into the early hours of two mornings to produce the emergency bill that we are considering today. I have a duty of care for them and their health.

The criteria that have been deployed came from recommendations that I made to the First Minister and to the Cabinet. They were suggested for a number of reasons, not least of which was the resource that each piece of legislation would demand. The proposed bill on moveable transactions is a good example of that. That would be important legislation that could bring considerable economic benefits, but would require considerable resources.

I commit myself to continuing to work with the other parties.

Alex Rowley (Mid Scotland and Fife) (Lab): We do not know what position we will be in next week, never mind next month. It will be important to prioritise and I respect what the minister has said.

Unite the union, the GMB and Unison have written today to the First Minister to raise specific issues about front-line staff. We have all come across those issues. Who gets or does not get personal protective equipment? Social distancing is a major issue for front-line workers, as is the testing of workers. Who are key workers? We can be sure that the virus will continue to spread at an unnecessary rate if we cannot establish an effective lockdown.

The Deputy Presiding Officer: Please come to a close Mr Rowley.

Alex Rowley: Those are the kinds of issues that MSPs are trying to grapple with and talk to businesses about. It is therefore crucial that MSPs are able to hold the Government to account. The only business for me now is Covid-19 and how we deal effectively with the virus.

The Deputy Presiding Officer: Mr Rowley, please come to a close.

Alex Rowley: Therefore, what will the minister do to ensure that the Parliament is able to hold the Government to account?

Graeme Dey: I acknowledge that Alex Rowley is not a business manager and so may not be sighted on the discussions that are going on and the offers that I am making on behalf of the Government. For example, the Government is open to requests for statements on specific subjects. Those need not be extended statements such as these; they could be shorter. The offer is there. *[Interruption.]* I hear Mr Findlay chuntering in the background, as he is prone to do. Yes, the Parliament will soon be in recess, but I have already committed—if Mr Findlay had been

listening—to mechanisms to try to improve the flow of information.

I have one brief plea for members. There is already a lot of information out there. Government staff are hard at work dealing with the crisis. Members should look at the information that is already available and should disseminate that to help to alleviate the pressure on Government officials. We also undertake to improve the flow of information. *[Interruption.]*

The Deputy Presiding Officer: Could members all calm down a wee bit? This is becoming very rude and that is not appreciated. I would like concise questions and answers, please.

Angela Constance (Almond Valley) (SNP): In his statement, the minister did not mention a number of bills. What is the status of the civil partnership legislation, which was introduced to correct non-compliance with the European convention on human rights? The minister might be interested to know that there is committee consensus on the need for that bill and the way forward.

Graeme Dey: The member is right about the importance of the Civil Partnership (Scotland) Bill. I did not mention a number of bills, because they are not in the category of being paused. The Civil Partnership (Scotland) Bill is essential in resolving an ECHR incompatibility and it is due to proceed to stage 1 in the week commencing 27 May. All being well, we hope to stick to that timetable or—Covid-19 impacts permitting—something like it.

Patrick Harvie (Glasgow) (Green): I am grateful for the statement. No one imagines that the current public health emergency would not have a significant impact on the Government's legislative programme. However, it is deeply regrettable that so much of what is being set aside comprises measures to address the climate and ecological emergency. Surely we should learn from the current situation that, if we take it seriously, we are capable of responding with speed to an emergency.

I will also ask about a human rights issue with regard to the reform of the Gender Recognition Act 2004. Four years ago, during the election, all political parties in this chamber made clear promises, but the reforms have been repeatedly delayed and consulted on, and members of the public found out through anonymous briefings that the reforms were likely to be delayed. Surely it is possible at least for the consultation analysis to be conducted? That could be done by officials who are working from home or outsourced to university research capacity.

Graeme Dey: I acknowledge Patrick Harvie's constructive contribution to what we are trying to do. I recognise his point about the climate and

ecological situation. As the former convener of the Environment, Climate Change and Land Reform Committee, the Circular Economy Bill is close to my heart. As a country, we have to follow the direction of travel that it establishes and supports. However, is it a priority right now? As a small example, at present, how viable is it to have an emphasis on reusable cups? In the immediate aftermath of the crisis, what would be the appetite for that? It is an important bill; so are some of the others, and we need to return to them in due course, but this is about prioritising.

Patrick Harvie asked about progress on the GRA consultation. The cabinet secretary is making the point to me that, as soon as we are out of the pandemic, we can look at the consultation. I acknowledge that a lot of people will be disappointed about the announcement today, but I keep returning to the point that this is about prioritising for the here and now.

Tom Arthur (Renfrewshire South) (SNP): In his statement, the minister said that no further work will be done on the continuity bill, although it will be revisited if the UK Government does not revisit its position on the transition period. What impact does the minister think that coronavirus will have and should have on the Brexit transition period?

Graeme Dey: The member is right to raise the implications of trying to complete the UK's departure from the European Union by December. Before the onset of coronavirus, the timetable was, to say the least, challenging; now, it is impossible. From the perspective of parliamentary process, let alone the many serious aspects of the matter, the UK and the EU need to agree a commonsense delay.

I will briefly outline one example that might benefit the Parliament's thinking. Before the end of the year, the Scottish Government anticipated having to deal with circa 50 Brexit statutory instruments in the Department for Environment, Food and Rural Affairs space; a few weeks ago, the UK Government advised us that it could be as many as 150. Given the impacts—known and currently unknown—of Covid-19 on both the Governments and this Parliament, no one in their right mind would suggest that it is realistic to anticipate completing the work to the current timetable. Just as the Scottish Government is showing common sense and pragmatism today, so the UK Government needs to get real on the transition timetable.

Willie Rennie (North East Fife) (LD): I thank the minister for the advance sight of his statement and for his constructive work on the Parliamentary Bureau. None of this has been a surprise; it is pragmatic and sensible to proceed in this way. Ministers have been open with our party in getting

us the answers that we are seeking and, if we hunt for them, many of the answers are out there already. Officials are doing a remarkable job; in many areas, they are in effect setting up a new system in a short space of time.

However, many people will be disappointed by the decisions to delay some bills or postpone them considerably. Is there an easy means of communicating directly with such people, to explain the reasons? They might not be listening to the statement and might welcome and appreciate an explanation.

Graeme Dey: I thank Willie Rennie in particular for his comments about the civil service, because civil servants are carrying out an enormous amount of demanding work and have very much risen to the challenge.

Willie Rennie makes a good point. There will be disappointment out there about some of the decisions that we have taken about bills. I can tell the member that the relevant ministers are engaging directly with stakeholders on that very subject, to explain the rationale.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Does the cabinet secretary agree that it is everyone's responsibility to tackle hate crime and that we should not have to wait for a hate crime bill to do so?

Graeme Dey: First, I thank Rona Mackay for promoting me.

The member makes a good point, as many members have done. That hate crime bill is coming; it will not be very much delayed. In the meantime, yes, we can set an example and tackle some of the issues out there, particularly at this time of national crisis, and remind everyone of what type of country we want Scotland to be.

Alexander Stewart (Mid Scotland and Fife) (Con): The public sector and charitable organisations that are very much at the forefront of the response to Covid-19 are the same organisations that often provide invaluable evidence to committees of this Parliament. Given the current constraints on their resources, what provision will be made to assist such groups should they be required to provide evidence on proposed legislation while at the same time fighting Covid-19 on the front line?

Graeme Dey: That is a good analysis of the situation, which underpins some of my thinking about the approach that we take. Bill development is not just about the Government and the Parliament; the member is right to point out that all sorts of bodies, charities and interest groups contribute to the development and scrutiny of proposed legislation.

The Health and Sport Committee, for example, has struggled recently to allow people to come and give evidence. We must be cognisant of the situation. As we come out of the crisis, it will be the case that many organisations will have been working flat out to respond to it—indeed, they will still be responding to it. That must inform and is informing our thinking about how we take legislation forward and ensure that organisations are in a position to contribute to the process of informing the legislation that this Parliament produces, in as normal a way as is possible at this time.

Richard Lyle (Uddingston and Bellshill) (SNP): I thank the minister for his tremendous work during this time.

I know that the crisis will have a knock-on effect on Government bills and members' bills. However, my proposed licensing of funfairs (Scotland) bill seeks to address a 38-year wrong, which was caused by the United Kingdom House of Commons in 1982. Will committee and chamber time be constantly reviewed in an attempt to accommodate members' bills during this session, including next year?

Graeme Dey: A considerable number of worthy members' bill proposals are progressing through the Parliament. As we heard, the member has a bill proposal of his own.

I hope that Richard Lyle appreciates that I am not entirely comfortable, as a minister of this Government, with expressing a view on whether such proposals should proceed. Clearly, the case can be made that if a number of Scottish Government bills are not to be progressed, members' bills might be subject to the same approach, in whole or in part, in these unprecedented times. However, these matters should be left to the Parliament and its committees to determine. I have every faith in the ability of committees and conveners to come to the right conclusions.

Neil Findlay (Lothian) (Lab): Everything that the minister has said is understandable, of course, but given the limits of the current parliamentary session, something that has not been mentioned is the election. Will the minister say what discussions are going on at the heart of Government? Will he clarify whether it is credible or even possible that an election will take place with any or all of the provisions of the Coronavirus (Scotland) Bill on the statute book?

Graeme Dey: Although I disagreed with Mr Findlay earlier, I very much welcome the question that he has just asked, which is entirely valid.

No consideration of that issue has been made by the Government, so it follows that no discussion on it has taken place with the

Parliament. Right now, everyone is, rightly, focusing 100 per cent on responding to the challenges posed by Covid-19. The election is a year off, and we have more pressing matters with which to concern ourselves.

It is worth noting, however, that the measures contained in the emergency bill that we are now considering will be subject to possible renewal in six months' time. To pick up Mr Findlay's point, logically, if we were to find ourselves having to invoke the renewal provisions in October, because the measures currently proposed remained absolutely necessary, we might then consider whether an extension of the present term would be appropriate. However, of course, such consideration would be a matter for all the parties in the Parliament—not just the Government.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Will the minister commit to still adopting the vision set out in the programme to move Scotland towards becoming a good food nation, regardless of whether we use the emergency legislation to do so?

Graeme Dey: The good food nation bill is designed to underpin the significant work that is already being done across the Government to deliver its ambitions on Scotland's becoming a good food nation. The specific aims on improving access to nutritional food and the sustainability of our food industry will resonate entirely, both today and throughout the current crisis.

I will ask the Cabinet Secretary for Rural Economy and Tourism to write to Mr Coffey in more detail on the perfectly valid issue that he has raised. There is an opportunity to advance those aims without the legislation.

Covid-19 (Social Security)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Shirley-Anne Somerville on the impact of Covid-19 on social security. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

11:37

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Presiding Officer, these are unprecedented times. Every one of us is affected by the Covid-19 pandemic that is gripping the world. Our people, our communities and our economy are facing major challenges. Tough decisions are also having to be made across the Government—and my portfolio is no different. As has been said so often over the past few weeks, our lives are being impacted as never before. We need to work at home if we can, and many parents are doing so alongside caring for children who are also now at home. We are very aware that people will be off work through their own ill health or because they are caring for loved ones.

The position is no different for the staff who are working on the social security programme in the Scottish Government and in Social Security Scotland. Business as usual is not an option. Our entire focus is on the health and wellbeing of our citizens, and everyone is turning their attention to responding to this unparalleled global pandemic.

Now to the difficult decisions that I have had to make. All our public services need to ensure that they are doing everything they can to manage our country through this crisis—and Social Security Scotland is no different. I am incredibly proud of what we have already achieved. The Scottish welfare fund, discretionary housing payments and universal credit Scottish choices are firmly established, and we have seen the introduction of seven new Scottish benefits—the carers allowance supplement and the young carers grant, the funeral support payment, the best start grants and best start foods—all of which will provide crucial support to people in Scotland during this difficult time.

My officials in the Scottish Government and in Social Security Scotland have been working hard to respond to the impact of Covid-19. Plans were activated quickly to protect the wellbeing of staff, who are mostly now working flexibly—and, more importantly, safely—from home while ensuring that the provision of vital benefits is maintained. In the weeks and months ahead, we will, of course, face further challenges that are very likely to have an impact on how we provide front-line services.

However, I reassure the public that we will continue to deliver such services: applications are being processed and, crucially, payments are still being made.

Unfortunately, that is not the case for the benefits that we were on track to deliver within the next year. Covid-19 has changed our plans completely. My officials have been engaged in an intensive exercise to determine the impact on our programme, assuming that the spread of Covid-19 develops as we expect and that it has the impact on staffing that I have outlined. We have used assumptions that see staffing levels fall for between two and 12 weeks due to school closures, caring responsibilities, self-isolation and contraction of Covid-19.

Of course, that goes wider than the Scottish Government—it also applies to the Department for Work and Pensions, where its staff are necessary for this joint programme of work, and to our suppliers and contractors. As members will know, the DWP also faces challenges and is rightly concentrating on meeting the emerging huge demand for universal credit.

Not long ago, I anticipated laying out my plans for launching Scottish disability payments this week. Work had been continuing at pace, and I had planned to lay out plans for rolling out the child disability payment and the Scottish replacement for the personal independence payment to the previously agreed timescales, alongside—importantly—our plans for a new method of decision making, which would, in effect, end face-to-face assessments. Those timescales are clearly no longer possible.

Alongside the clear challenges that we have within the Government and the agency, and with the United Kingdom Government and suppliers, there is another reason for our being unable to go ahead with our replacement for PIP. We have been working hard to introduce a new disability benefits service to meet the expectations that people rightly have of us. As with all our work, we have designed that service with people who have lived experience of disability and long-term health conditions and the people who support them. They told us that they wanted decision making for disability assistance to take into account the professional judgment of health and social care practitioners. Therefore, we have designed a service that draws on that resource at all stages.

Our new system will mean that, when people apply, they can tell Social Security Scotland about the health and social care professionals who already support them. Social Security Scotland will then contact those professionals or their organisations to collect supporting information for clients. When it is the only practical way of collecting the information, a minority of working-

age clients will be invited to a discussion with a health and social care practitioner. If such a client consultation happens, it will be arranged to suit the client, which will include the possibility of its being conducted by phone. The words that I have used are important: I said “client consultation”, not “assessment”, and “practitioner”, not “assessor”. The whole service is built on a relationship of trust with the client and is grounded in the professional ethics and expertise of our health and social care practitioners across Scotland.

Our new model will provide a wide range of tools and guidance, including detailed medical guidance, that will be prepared by health and social care professionals. It will require new information-sharing arrangements with health boards and with each local authority. Significantly, it will require an entirely new service, which will be staffed by health and social care professionals who can carry out those consultations and provide advice to case managers in Social Security Scotland. Those professionals are needed now on the front line in our health service.

That new way of working, which involves a disability benefits service with respect and dignity at its heart, will happen, but it cannot happen yet. We cannot introduce the child disability payment or the new personal independence payment until the social security programme and Social Security Scotland return to something approaching normal operations. Given the uncertainty, I can offer no precise timescale for how long that will take. It is likely that it will be several months before I will be able to do that—I might not be able to do it until after the summer—but I will do it as soon as possible.

I know that people will be distressed by the decision, and I am more than sorry for that. Members should be in no doubt that I, personally—along with the many, many people who have been working so hard on the plans—am absolutely devastated by the decision, but I know that there was no choice.

I have therefore spoken to UK ministers, and we have agreed that the DWP will continue to deliver disability benefits for existing and new Scottish clients over a longer transition period. Although that is not what I wanted or what the public would have wanted, it is the only way to ensure that people will continue to get the financial support that they are entitled to. It will provide security at a time of great uncertainty and anxiety. Leaving people without financial help and assistance is something that no responsible Government would do, and it is not a situation that I would allow. I thank the DWP for ensuring that both Governments can continue with a safe and secure transition even in the most difficult circumstances.

In these unprecedented times, I have agreed two priorities with my officials. Priority 1 is, bluntly, keeping the lights on—that is, maintaining the delivery of existing benefits for Social Security Scotland’s clients, including the carers allowance supplement, which will be paid as usual this year. To allow Social Security Scotland to focus on that, the job start payment, which would have launched in March, has been delayed. We have also made provision in the emergency Coronavirus (Scotland) Bill, which we are debating today, to allow more time for redeterminations and appeals. To support our clients, regulations will come into force temporarily on Friday that will allow carers to retain carers allowance over a break in caring, and temporary changes have been made to ensure that emotional caring also counts. We have also relaxed some rules about the timing of applications. For example, if a person were to apply for the young carers grant after their 19th birthday, their application would be considered as though it were on time.

Priority number 2 is the Scottish child payment. I will focus the remaining resources within the social security programme on delivering that payment as soon as we can. That new benefit will support families that are on low incomes and tackle child poverty, and this Government will prioritise it.

Introducing the Scottish child payment will involve enormous effort. As with disability payments, we had been ready to deliver it on time, if not ahead of schedule. The process for applications would have opened in the autumn, if not before. However, that timescale was dependent on a major recruitment exercise that has now been paused. We simply cannot recruit and train the staff that are required, and it is not possible to say when we will be able to do so. I still hope that we will see the application process for the Scottish child payment open by the end of 2020, with payments made next year. However, I must be blunt and state that, if Covid-19 is with us longer, the situation might change again. Members can be assured that we will do everything that is humanly possible to deliver the payment as soon as that is practically achievable. There is a resolute determination from me, and from everyone who has worked so hard and at such pace, to make it happen at the earliest opportunity.

I also hope to deliver child winter heating assistance on schedule for winter 2020. That will make a tangible difference for severely disabled children in Scotland without impacting on Social Security Scotland’s wider delivery.

Nobody can predict the future and how this virus will impact our lives. I cannot make guarantees today about dates and times, but I can guarantee that the work—albeit according to a slower schedule—will not stop.

Though it is with a very heavy heart that I make these announcements, I know that members across the chamber will understand why I have to make them. I hope that all members will join me in thanking the staff who are working hard to allow us to operate as close as possible to business as usual during the current crisis.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement.

Graham Simpson (Central Scotland) (Con): I thank the cabinet secretary for advance sight of her statement. I also go further and thank her for discussing the statement with me and other members of the Social Security Committee earlier this morning. That was very useful, because we were able to explore some of the issues. I might be repeating some of the questions that I asked, but I will ask them again so that they are on the record.

It was a depressing statement and not what any of us would have wanted to hear. However, under the circumstances, what has been announced is understandable. I commend the cabinet secretary for having had those frank discussions with the DWP. Can she expand on what was discussed and tell us in what way the DWP is assisting when, as she said, its staff are up against it themselves, big style, due to the coronavirus?

Will she also tell us how staffing levels in her own department have been affected by the virus and whether she thinks that benefits such as the child disability payment and PIP can be delivered in Scotland during this parliamentary session?

Shirley-Anne Somerville: I agree with the member that it was an utterly depressing statement to give—and, I am sure, to hear. It was a very difficult statement to put together because of the impact that I know it will have on people across the country.

I pay credit both to the UK ministers of state at the Department for Work and Pensions—particularly Justin Tomlinson MP, to whom I spoke yesterday—for working so closely with the Scottish Government on this and to all the DWP staff across the country, who are working under extreme pressure because of the increase in the number of people who are applying for universal credit and because of staff absence rates. I pay credit to them for working under exceptionally difficult circumstances.

As I said in my statement, most of the agency's staff—the figure is over 98 per cent, I think—are now working from home. In effect, the only people who are not are those who are working in our mail room at Dundee house to ensure that we are still processing as required. That means that the system is not as efficient as usual, but it is

necessary to ensure that we protect our workforce. We will inevitably see staff absence levels increase over the coming weeks and months in both the agency and the programme.

I am afraid that I will not give any timescales at this point for child disability payments or the replacement for PIP, but I reinforce the point that I will come back with those timescales as soon as possible. The Government will absolutely endeavour to deliver those things as quickly as possible.

Mark Griffin (Central Scotland) (Lab): I thank the cabinet secretary for her statement and for the discussions that we had in advance. We have seen a glimpse of what a welcome new Scottish social security system would have looked like, and it is disappointing to everyone here and everyone at home who relies on social security that the cabinet secretary has not updated the country on the way forward. However, although people will be disappointed, I know that they will absolutely accept the reason for that.

The Scottish child payment is one of the entitlements that will still be rolled out. What is the expected impact of that on the Scottish budget, given that the number of applications for universal credit, which is the qualifying benefit, has increased dramatically? Also, will local authorities be given additional administration funding to enable them to cope with increased demand on the Scottish welfare fund, the increase of which is welcome?

Shirley-Anne Somerville: The statement that I intended to give this month was a much cheerier one than the one that I have given. We had planned a stakeholder event for the Easter recess, to go through in detail what our assessment process will look like, and that would have provided much hope for people. Obviously, we still intend to hold such an event at the earliest opportunity once we are able to do so.

The budget for the Scottish child payment is demand led, and we anticipate that we will see an increase in demand once it is introduced, because of the increased numbers that are moving forward with entitlement to benefits such as universal credit. I assure Mark Griffin and other members that, because that benefit is demand led, if someone is eligible for it they will be paid. It is too early to say what the impact on the Scottish budget will be, but there will inevitably be an impact on it as we see that demand increase, and the same applies for the other benefits.

We have increased the Scottish welfare fund—in fact, we have more than doubled it—to deal with the crisis, and my officials are in regular contact with local authorities to determine whether there is anything further that we need to do in terms of

flexibilities. As well as that funding for local authorities, there was £50 million in Aileen Campbell's statement that went directly to local authorities to enable them to deal with the overall impact of Covid-19, and that money would include the Scottish welfare fund. However, we remain open to discussions with the local authorities on an almost daily basis on the management of the demand that they are seeing.

The Deputy Presiding Officer: We move to open questions. I ask for questions and answers to be as concise as possible, please.

Alison Johnstone (Lothian) (Green): I thank the cabinet secretary for advance sight of the statement and for the opportunity to discuss it earlier today. I fully appreciate that the very difficult times that we are facing have necessitated the actions that the cabinet secretary has outlined today. I know that we all regret having to take the steps, and I very much appreciate the work that Social Security Scotland has put in.

I accept that the implementation will take longer than was intended, but I note that the cabinet secretary said that she will, in effect, end the need for face-to-face assessment in favour of a consultation with a health professional, and even that will take place only when strictly necessary. What are the practical differences between a face-to-face assessment and a consultation? How will the change alter the experience of applying for disability benefits?

Shirley-Anne Somerville: The differences will be stark because, as I said in my statement, the new system is based on trust.

Currently, someone will go to a face-to-face assessment without being able to pick the date, time, or where it happens. They will have to go through a full assessment, even if there are questions on only one aspect of their claim, and the way in which the assessment is done will not be based on a trusted relationship between the client and the individual who is carrying out the assessment.

Trust will be important as we go forward. A lot of these assessments can be done with a couple of questions that could easily be discussed on the phone by the health professional and the client, who would not be required to come in and do anything face to face. There would be an entirely different relationship between that client and the health professional. The client would be able to have a trusting conversation with someone who can work through the claim with trust and reassurance.

That is key to what we are doing. It is not an assessment of someone. We will not put anyone through anything that can be considered in any way inhumane, and we will guarantee that that

happens by working with those who have lived experience and with health and social care professionals to ensure that we build on the experience of both groups together.

Willie Rennie (North East Fife) (LD): I understand that, in the past two weeks, there have been 800,000 claims for universal credit. To put that in context, that is up from 55,000 a week and is an eightfold increase. We should all recognise the tremendous effort that the staff at the DWP and elsewhere are making to process those claims.

I also understand that the Scottish Government is assisting the DWP with that demand. Can the minister explain a bit more about how we are helping it to cope with that pressure?

Shirley-Anne Somerville: One of the important ways that we can assist the DWP is by recognising the pressure that its staff are under. I have called for the DWP to make changes to some reserved benefits to assist people with them, but I am also being realistic about the art of the possible. For example, we have not called for a change to the five-week wait because that is so hard-wired into the universal credit system that it cannot be easily changed. There is no point in asking for a change that we know cannot happen. We need to be realistic about what we ask the UK Government to do to support people through this period.

The DWP has also called for staff to assist and, although I do not want to overplay it, a small number of agency staff have gone back to the DWP to help with universal credit applications. We stand ready to assist in any further way if we can. As I said, this is a difficult time for DWP staff as they move forward with universal credit payments.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I welcome the fact that the DWP has dropped face-to-face assessments because of the Covid-19 crisis, but I want to ask about reassessments. My constituents who are on PIP and DLA hope that, from summer 2021, they will never again face a PIP or DLA reassessment, and that their claims will be dealt with by Social Security Scotland.

Will the cabinet secretary talk to the DWP to secure a moratorium on PIP and DLA reassessments, which have caused disabled constituents so much anxiety, until a new Scottish system is put in place and reassessments can be led by Social Security Scotland, which will have a different way of working?

Shirley-Anne Somerville: We will have a different way of working, but I have to be blunt on this point, and I hope that Bob Doris recognises the context in which we are working. The priority for the Scottish and UK Governments in social

security is to ensure that those who are being paid get paid, and that new clients who come forward will have their claims processed.

We are not yet at the stage of working out with the DWP the details of how this will work out in future, but I will endeavour to keep Parliament updated about that discussion with the DWP as it progresses. To be blunt again, I should say that that might not be for some time, possibly until after the summer, as both Governments work with the social security system to ensure that we continue to make payments to the clients that we have at the moment.

Michelle Ballantyne (South Scotland) (Con): I thank the cabinet secretary for advance sight of her statement. I also take the opportunity to thank the UK Government and DWP, which, despite some significant challenges of their own, will ensure that vulnerable Scots continue to get financial help while plans for devolved services are delayed.

What discussions have taken place with local authorities about the possibility of widening eligibility for council tax reduction during the Covid-19 outbreak? We know that council tax is the number 1 contributor to household debt in Scotland.

Shirley-Anne Somerville: The Government has already ensured that there is increased funding available for local authorities. Part of the announcement that Aileen Campbell made, I think, last week—forgive me, the weeks are blending into one another—was about the money that is available for council tax reduction. Another important aspect of council tax reduction is that it is greatly underclaimed. Many people who are eligible for a reduction now are not receiving it.

Just now, many people will have fallen into a category that means that they are eligible for support that they may not be aware of. That is one reason why we are asking people not just to apply for universal credit, although that is important, but to speak to their local authority about whether they are eligible for council tax reduction and to their energy provider to see whether anything can be done around that issue. Importantly, they should speak to their landlord, as well. We already have a good system for council tax reduction in Scotland, and the imperative is to ensure that people who are now eligible for it know that they are eligible and are encouraged to apply.

Shona Robison (Dundee City East) (SNP): We clearly could not have a situation in which people could not apply for disability benefits, so the Scottish Government has taken a sensible, although difficult, decision. Did the Scottish Government look at options such as setting up a partial service or explore other delivery methods

for disability benefits, or is delivery without the partners in DWP as you have described it simply not possible?

Shirley-Anne Somerville: My officials and I discussed very seriously whether there were alternatives to asking the DWP to continue that would let us move forward with disability benefits, and my conclusion was that there were not. We looked at whether there was an alternative system to the gold standard system, which we plan to introduce as soon as we can, but we found that we would not be able to launch a service safely and securely because of the reduction in staff numbers and our reliance on the health and social care sector.

We have a commitment to collecting supporting information within both the service design and the guidance and training materials. That means that we would require information sharing agreements and to staff up health and social care practitioners directly ourselves. Because of those requirements, we cannot put in place a system that Social Security Scotland could implement directly.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome that the Scottish Government will maintain a service for Scottish benefits. The increased demand for reserved benefits will have an impact on Scottish benefits. Will the Government be able to meet that increased demand when it comes?

Shirley-Anne Somerville: As I said to Mark Griffin, social security spending is demand led and therefore if people are eligible for a payment they will receive it. We affirm strongly that social security is a human right and human rights are important now more than ever as we move into a crisis. There will inevitably be an impact on both UK and Scottish case load, but how much of an impact is uncertain at this time. We anticipate a sizeable increase in the number of applications, but I stress again that demand will be met.

Sarah Boyack (Lothian) (Lab): I, too, thank the cabinet secretary for her statement and welcome her call for people to take up reserved benefits. Does the Scottish Government accept that a benefits uptake campaign would be desirable and, at this time, morally right, so that people can be encouraged to claim what they are due, whether it is social security or welfare credits? Also, does the cabinet secretary agree that we need employers to make proper use of furlough leave to avoid people being unnecessarily pushed into the welfare system?

Shirley-Anne Somerville: I agree with Sarah Boyack on both points. There is a duty on employers to act responsibly during this crisis, and she is right to stress the importance of benefits take-up. That is something that the Scottish

Government is determined to do, and it is important now more than ever. We are actively looking at how we can take that forward with some urgency.

Ruth Maguire (Cunninghame South) (SNP): I commend the Scottish Government's focus on the Scottish child payment. It was needed before Covid-19 and, with the impact that the current crisis will have on family finances, it will be even more important. However, why did the Scottish Government choose to prioritise the Scottish child payment over disability benefits?

Shirley-Anne Somerville: Simply because the Scottish child payment does not have a reliance on health and social care professionals, and the disability benefits do. That is not to say that the Scottish child payment will be in any way easy to introduce. As I said in my statement, a major recruitment exercise needs to be undertaken in order to enable us to introduce it. However, I stress again that we will endeavour to do that as quickly as possible.

Covid-19

The Presiding Officer (Ken Macintosh): The next item of business is a statement by the First Minister, Nicola Sturgeon, on Covid-19. The First Minister and members of the Cabinet will take questions at the end of her statement.

12:06

The First Minister (Nicola Sturgeon): Thank you for the opportunity to make a further statement about Scotland's response to the Covid-19 epidemic.

We have now had the first full week of what I will refer to as lockdown measures, so I want to begin by thanking people across Scotland for complying with the rules. I know that the past 10 days have not been easy for anyone—that is a massive understatement. However, overwhelmingly, people across the country have been doing the right thing. That is not unexpected, but it is heartening, and it will continue to be crucial in the weeks to come. By staying at home except for essential purposes, all of us can play a part in stopping the spread of the virus, protecting the ability of the national health service to protect those who need it and, ultimately, saving lives.

In a few moments, I will talk about volunteering and support for businesses, but I want to start with an update on the spread of the virus, on what we might expect to see in the weeks ahead and on the steps that we are taking to increase capacity in the NHS and equip it to cope with the impact of this epidemic.

I confirm that, as of 9 o'clock this morning, there have been 2,310 positive cases of Covid-19 confirmed in Scotland. That is an increase of 317 on yesterday's figures. As I have stressed every day, those numbers will be a significant underestimate of the true spread of the virus across the country. It is with sadness that I must also report that there have been 16 further deaths of patients who had tested positive for Covid-19. That takes the total number of deaths in Scotland to 76. I am sure that everyone in the chamber will join me in extending condolences to all those who have lost loved ones.

I know that everyone will also join me in thanking everyone working in our health and care sector. They are doing an extraordinary job, and everyone in Scotland is deeply grateful for their dedication and expertise.

The numbers that I have given demonstrate that, as expected, we are now at the stage of the epidemic at which the number of cases is rising rapidly. Unfortunately, that means that the numbers of people becoming seriously unwell and

dying are also, sadly, rising. Of course, we hope that the lockdown measures that we are asking people to comply with will have a marked effect on the spread of the virus, and that we will see a slowdown in the next few weeks. However, given that these measures take some time to have an impact, it is too early to draw any firm conclusions yet. In any event, we must continue to plan for what will be a considerable impact on the national health service and on wider society.

First, I will address the impact on the NHS, which I must say is being felt already, and the steps that we are continuing to take to respond to that. We have already seen an increase in intensive care patients with confirmed or suspected Covid-19, from 51 in intensive care this time last week to 147 as of last night—that, in itself, is an increase from 135 yesterday.

Unfortunately, we expect that increase to continue for at least a further two or three weeks. However, I can advise Parliament that we have now achieved our initial target of doubling intensive care capacity in Scotland to 360 beds. Given that some of that capacity will still be required for other urgent care, that provides us with approximately 250 intensive care unit beds that can be used exclusively for Covid-19 patients.

I can also advise Parliament that we are now working to quadruple intensive care capacity to more than 700 beds for Covid-19 patients. To deliver that increase, we have ordered ventilators from a range of manufacturers and we expect those to arrive over the coming weeks. However, to bridge any gaps between now and the delivery of new ventilators, NHS boards have been working to repurpose operating theatre anaesthetic machines for use as ventilators. That is not a long-term solution, but it will allow us, over the next week or so, to rapidly increase capacity to more than 500 intensive care beds for Covid-19 patients. I pay tribute to all the NHS clinicians, medical physics colleagues and technicians who have worked non-stop in recent days to make that happen.

Our current modelling of the spread of the virus—I stress that it assumes continued high compliance with the lockdown measures—together with the steps that we are taking to increase ICU capacity, suggests that our intensive care units are now in a stronger position to cope with the expected peak of the epidemic. However, I again stress that we are in no way complacent about that and that we will continue to give all possible support to those who are working so hard on the front line. It is worth stressing again, because it is so important, that what I have just said assumes that people across the country will continue to do the right thing. Every single one of us who follows the public health advice is helping

to reduce the number of people who will need hospital care in the weeks ahead and is therefore helping to reduce the risk of the NHS being overwhelmed.

The measures to increase intensive care capacity are part of a wider effort to ensure that the NHS has enough beds overall to cope with Covid-19 patients. I can report that, as of last night, including those in intensive care, there were 1,153 patients with confirmed or suspected Covid-19 in hospitals across the country. Clearly, expanding general hospital capacity is also important, and I can report to Parliament that we are on track with that. The target that we set at the start of the month of quickly reducing delayed discharge cases by 400 has already been met and we are now working to go further. That is of course good for patients, who should not be spending longer in hospital than they need to, but it also makes more hospital beds available for those who need clinical care. Overall, the NHS currently has around 13,000 beds, and through the reduction in delayed discharge and the postponement of non-urgent elective care, we estimate that at least 3,000 beds will be available to treat Covid-19 patients.

In addition to those 3,000 beds in our existing hospital network, this week we announced our intention to create a new temporary NHS hospital at the Scottish Event Campus in Glasgow. We expect the facility to be ready to care for patients within a fortnight. Initially, it will have 300 beds available, with the capacity ultimately to care for 1,000 patients if that proves to be necessary. Let me be clear that our current hope and expectation is that that hospital will not need to be used. However, we are—rightly, I think—preparing now so that we are ready if necessary.

In addition to hospital capacity, which is extremely important, we are all well aware of the vital role that NHS 24, general practitioners and primary care more generally are playing in the efforts to deal with the virus. The NHS 24 111 number is now the first port of call at any time of day or night for anyone who is concerned about Covid-19 symptoms. The service has been under tremendous pressure and I want to thank everyone there for an exceptional response. Patients calling 111 who need further advice or care are now being referred to new community hubs that are staffed by clinicians from across the healthcare system. If necessary, those patients will be given an appointment at one of our new Covid-19 assessment centres. That new network of hubs and assessment centres will allow GPs to focus more of their time on patients who have needs other than Covid-19 needs.

However, GPs are also dealing with significant pressure. Yesterday, we announced £15 million of

extra funding to help with that. The money will support additional non-clinical staff and additional locum cover if GPs need to take sickness leave. The funding will also reduce the pressure that might otherwise have been placed on out-of-hours services by ensuring that many GPs will be able to remain open on Good Friday and Easter Monday this year.

The final health issue that I want to cover is the welfare of health and care workers. Testing is an important part of that. We are working at pace right now to significantly increase our testing capacity. We have already gone from the ability to do around 750 tests a day just a couple of weeks ago to being able to do around 1,900 tests a day now. Over the course of the next month, that will increase to around 3,500 tests a day. It is important to stress that that increase will be delivered within the NHS laboratory network. Commercial partnerships that are being developed at the United Kingdom level will increase capacity beyond that. As part of one of those partnerships, a new laboratory has already been established in Glasgow, which we expect to be operational within the next two weeks.

As testing capacity expands, we will progressively increase the number of health and care service workers who are tested. We have already published guidance to support that.

The other two immediate priorities for testing remain the treatment of serious illness and community surveillance, both of which are extremely important. However, we will also carefully consider the role of more extensive testing as part of our strategy—at the right time, of course—to bring the country out of the current lockdown measures.

What I have talked about so far is, of course, diagnostic testing, which tells people whether they have the virus. We remain hopeful that antibody testing, which confirms whether a person has had the virus, will also be available soon. We will keep Parliament updated on that.

I turn to the provision of personal protective equipment. The importance of ensuring that our health and care workers have adequate supplies of the right equipment simply cannot be overstated. Over the past four to six weeks, around 34 million items of personal protective equipment have been delivered to hospitals across Scotland to provide care for Covid-19 patients. Over this week, we are issuing almost 8 million items of personal protective equipment stock to staff across primary care and social care. That includes around eight weeks' supply for primary care practitioners. We have reasonably good supplies of all key items at this stage, although it is important to say that we may face

challenges in the future as global pressure on those supplies continues to intensify.

We have taken steps to improve not just the supply of PPE but its distribution. For example, NHS National Services Scotland is now operating a triage service so that it can respond more quickly to urgent requests for PPE from health and social care providers. There is a fundamental principle at stake, which I, the Cabinet Secretary for Health and Sport and the entire Government take extremely seriously: given everything that health and care workers are doing to protect us right now, we must do everything that we can to protect them.

In addition to the action that we are taking to improve the capacity of the health service, we, of course, continue to be acutely aware of the growing economic impact of the crisis. Many businesses perform an essential role. I thank those who are working to keep the country going at this time: people in the essential retail industry and our food and drink sector, our pharmacists, those in our energy sector, our road hauliers, and many more besides. I also thank all businesses that have done the right thing by prioritising the health of their workers, applying the precautionary principle, and deciding to close at this time. I know how hard that is, and I am hugely grateful.

As a further example of that, we heard confirmation earlier today that, for the first time in more than 70 years, the Edinburgh festivals will not take place this summer. That is a heartbreaking decision, but it is absolutely the right one, and it is another sign of how far reaching the impact of the epidemic will be. We have agreed that some Scottish Government support for the festivals can be used for different purposes, such as ensuring that freelancers and artists are still paid, and we will work with the festivals to ensure that they return even stronger next year.

More generally, the Scottish Government has welcomed the support that has been made available by the UK Government, including the measures that were announced on Thursday to help self-employed workers, although we will continue to press for improvements where necessary.

We have introduced a £2.2 billion package of support for businesses in Scotland. More than £1 billion of that package is for the business support fund, which will make grants of up to £10,000 available to small businesses and grants of up to £25,000 available to eligible properties in the retail, hospitality and leisure sectors. The business support fund is being administered by local authorities, and I understand that approximately 30,000 applications for grants totalling £350 million have already been received.

We want to get money to businesses as quickly as possible. I can therefore confirm that the Scottish Government is today transferring £950 million to local authorities so that payments can start going into the bank accounts of eligible businesses from Monday. I know how desperately hard the past few weeks have been for businesses, and I hope that those payments, together with the wider support that is available from the Scottish and UK Governments, will go some way in helping.

The final area that I want to cover is volunteering. On Monday, we launched the Scotland cares campaign, which encourages people to sign up to help their community. There are three different ways in which people can help. Medical students, or former NHS staff, can apply for positions working in health and care. In addition, anyone can sign up as a community reserve volunteer. That part of the programme will be co-ordinated by the Red Cross. People can also take up volunteering opportunities in existing organisations through Volunteering Scotland. It is still possible to sign up. Anybody who wants to volunteer but has not yet done so will find information on the readyscotland.org website.

The response to the campaign in the first few days has been brilliant. I can tell Parliament that, so far, a total of 41,000 people have registered an interest. They exemplify the sense of solidarity and community that has already characterised so much of the response to this epidemic.

That solidarity and sense of community must continue. I do not underestimate how difficult life is right now, but the fact is that staying at home remains the best way in which we can all show that we care about our families, friends, neighbours and communities. It is, in fact, the single most important contribution that any of us can make to tackling the epidemic.

We must, of course, continue to reach out to other people, even as we remain physically separated from each other. By staying closely in touch, we will all find it easier to stay physically distant. By doing the right things, and by remembering that what really matters in life is our health, love and solidarity, we will slow the spread of this virus, we will protect the NHS, we will save lives and we will get through this. I end by again giving my sincere thanks to everyone across Scotland who is playing their part.

The Presiding Officer: The First Minister and the Cabinet will now take questions.

Jackson Carlaw (Eastwood) (Con): In weeks that we will long remember, all of us have witnessed the very best in our public services and in so many others—doctors, nurses, all other staff, shop workers, volunteers and, indeed, the country

at large. With the peak still yet to arrive, we know that difficult days lie ahead, and we really are in this together.

I thank the First Minister for her comprehensive statement. Again, I offer our support to ministers as they tackle the many challenges that we face. I add the condolences of all my colleagues to those who have lost loved ones in the days since we last met.

I will focus my questions on four major issues on which public information could be clearer. The first is testing, and I appreciate the extended part of the First Minister's statement that was given over to the issue. We know that some doctors and nurses are staying at home with flu-like symptoms, but they do not know whether they have the virus.

The Scottish Government has started testing key workers. Yesterday, the First Minister said that that was a priority and that she wants to achieve an increase to 3,000 tests a day. Today, she said in her statement that she wants an increase to 3,500 tests a day. Can she confirm that she expects those 3,500 key worker tests a day to be achieved by the end of April, as she suggested in her statement? Can she confirm whether the commitment includes all healthcare workers, including dentists and others?

The First Minister: I thank Jackson Carlaw for his comments and expressions of support.

Let me turn to the issue that Jackson Carlaw raised. Within the current NHS laboratory network, we expect to be able to carry out a total of 3,500 tests per day by the end of April. That will cover the three priority areas that we have set out for testing, the first of which is treatment for those with the most serious illness. The second is the testing of key workers. We have started to prioritise key workers on the basis of those who are more critical to maintaining rotas, and we will extend that as our testing capacity increases.

The third priority is, of course, ensuring that we have a robust system of surveillance across the country, which HPS, through our new community hubs, has been working to put in place. That will allow us to assess, monitor and report on the spread of the virus across the country, in a way that is similar to what we do for flu every year.

After the end of April, we intend to continue to try to increase the number to above 3,500 tests per day, but that is the target that we have set out to achieve over the next month. As I have said, as of today, we have capacity for 1,900 tests per day. That relates to tests is within the NHS laboratory system, but there are a number of initiatives over and above that, which I hope will give us significant additional capacity that will enable us to accelerate that progress, particularly with key workers, even further. One of those initiatives is a

United Kingdom-wide commercial partnership, and Scotland will play its full part in that through the opening of an additional lab in Glasgow, which has already been established and which we expect to become operational in a couple of weeks.

There is a real focus on making sure that we are using testing as extensively as possible and focusing testing on the right areas. I have noticed that the centre for disease—I think that that is the name of the organisation that I am about to quote—has talked about the “rational basis for prioritising” in that kind of way while capacity is being built up and extended. Sorry—the European Centre for Disease Prevention and Control is the organisation that I am referring to.

Finally, one thing that occupies more of my mind, and which the cabinet secretary and I are talking about and will increasingly be discussing intensively with our expert advisers, is how we use more extensive testing as part of the strategy to take the country out of lockdown. It is too early to assess this now—I am summarising and using shorthand here—but we are discussing how, if we are as successful as we want to be in suppressing the virus at this stage, we can use testing to go back to a strategy that is more like the contain strategy as opposed to the delay strategy that we are using now. That is the other reason why it is important that we accelerate and expand the testing capacity as quickly as possible. We will keep Parliament up to date as those plans progress.

Jackson Carlaw: I thank the First Minister, especially for that final point and for being encouraging as we try to normalise—at least relatively—our lives again. I am also sure that she will undertake to ensure that there is complete transparency as to which groups of front-line NHS staff can expect to receive testing as a priority.

The second issue is contact with vulnerable people. All MSPs will have constituents who fall within one of the vulnerable groups and who were probably expecting a letter last week but were then confused when nothing arrived. When letters started to arrive this week, there was concern that the information in them was quite long and complex, and that a mobile phone or internet access is required to register for help. There was some doubt among GPs about whether they still had to call patients individually, and councils have told us that they do not know how many people in their areas might have received letters.

None of us doubts the good intent underpinning all of that—that is understood. However, the situation is slightly confused, and vulnerable people are therefore understandably worried. Has every vulnerable person now received the letter? Is the Scottish Government certain that, between its letters and the efforts of GPs and councils,

every vulnerable person will be contacted and no one will be inadvertently overlooked?

The First Minister: I will take a bit of time to give as much detail as possible. When we talk about “vulnerable people”, first and foremost we are talking about the group that we refer to as “shielded”. That is a group of up to 200,000 people in Scotland who have certain conditions, such as people with specific forms of cancer; people with severe respiratory conditions; people with rare diseases that leave them vulnerable to infection; people who have received solid organ transplants or are on immunosuppressive therapies; and women who are pregnant and have congenital heart disease.

The first point that I would make is that it has been very important to get that list of people as accurate as possible. We do not want to mistakenly send letters to people who really do not need to be in that group, because what we are asking them to do is so incredibly restrictive for a long period of time. Therefore we have taken time to make sure that those records have been checked and are as accurate as possible.

I took part in a meeting yesterday to get an update on the issue. The figure will have increased by now, but as of yesterday, 94,000 of the letters had been issued, and the others are going out over the next day or so. The people in that group will also have a contact text number, but we are making sure that they are able to phone as well.

The letter is complicated, but the advice that we are giving to those people is serious and complicated. Their being able to contact us—central Government and local government—will enable us to contact them back to ask what they need in terms of food and medicine delivery. Arrangements are in place to ensure that those services are delivered.

Local authorities, through local resilience partnerships, are working to ensure that they also have local arrangements in place to capture all those vulnerable people. We are working closely with local authorities, which have good information and intelligence of their own, to make sure of those people’s identities. A huge amount of work is going on to ensure that all those people are captured—Jackson Carlaw knows in what sense—and provided with the care and support that they need.

We also now seek to focus on a wider group of vulnerable people. For example, I am getting a lot of contact from a lot of elderly people who are at home and find it difficult to get online shopping because of the understandable waiting times that supermarkets are dealing with. We are now looking at how to extend some of the

arrangements that I have described in order to look at a broader range of vulnerable groups. That is work in progress, but we will continue to keep the Parliament updated.

Jackson Carlaw: I accept that we do not want to include individuals who do not need to be included, but we all have constituents who expect that they will be included, and they are obviously anxious and need that confirmation and clarity as soon as possible.

In the rush of the past few weeks, we have seen a pulling together of companies, workers and Government. I hope that that kind of co-operation will long outlive the present crisis. The efforts of manufacturers, both large and small, and universities to develop ventilators have been pioneering and exceptional. I congratulate those that have repurposed theatre anaesthetic machines, as the First Minister detailed.

We now need to understand how those efforts will translate into front-line equipment. Jeane Freeman told the media a few weeks ago that “around 700” ventilators would be in place; more recently the Scottish Government used the higher figure of 1,000. It was then suggested that those might not be available until midsummer. Meanwhile, some of the procurement is UK-wide: Professor Jason Leitch confirmed that Scotland would have a share of the 8,000 ventilators that are being bought at a UK level.

No one doubts the intent here, but those varied messages are potentially confusing. Can the First Minister clarify how many ventilators in total the NHS in Scotland expects to have, from where those are being sourced and by when it hopes to have them?

The First Minister: I will first complete a point on the previous question. It is important for people to know that they are in a shielded group. Many of those people will know that already, as they are in close contact with their health professionals and the list of conditions is available. However, that does not in any way undermine the importance of getting the letters to people as quickly as possible.

On the issue of ventilators, I hope that we are not giving mixed messages; I appreciate that different strands of this work, when they are articulated in different ways, might sound as if they are saying different things. I will try to set out our position step by step. The Scottish Government has a number of orders in for ventilators with existing ventilator manufacturers, mainly from overseas. Assuming that those orders stay on track, they will be delivered over the next number of weeks or—and I can provide the information in more detail—by the summer. That will take us to slightly more than 1,000 ventilators. That is the first strand, and I stress that those are orders with

existing ventilator manufacturers and that they are not dependent on companies repurposing what they do.

Secondly, Scotland will seek to participate in the UK-wide procurement. Thirdly, efforts are on-going on a UK basis to see whether companies can repurpose to produce ventilators as well—we have been looking at that as part of the UK efforts but also through the work that Ivan McKee has been leading. Our current estimate of the ventilators that will come into use over the next number of weeks is not dependent on companies doing different things and changing or repurposing their capacity.

My final point is to stress that, given the modelling and the numbers it suggests we will face in terms of intensive care requirements over the next two to three weeks, the work that we have done to repurpose the theatre anaesthetic machines and the number of ventilators that we currently have in stock and operational in our hospitals give us greater confidence that we will be able to meet that peak demand. It is nevertheless important that we continue to see orders for the medium and longer term being delivered.

Jackson Carlaw: I thank the First Minister—that was extremely helpful.

My final point relates to personal protective equipment, which the First Minister referred to, and full face masks in particular. In mid-March, Jeane Freeman reassured us that we had adequate supplies of PPE. Some supply issues then emerged, as they have across the whole UK, and the Scottish Government made a number of changes to distribution. As a result, the chief medical officer, Catherine Calderwood, said last week that “Distribution should not” now “be a problem” in Scotland, and Jeane Freeman has said that hospitals, GPs and social care now have appropriate supply.

Of course, the need for PPE is on-going, as the First Minister said; it is not a one-off, and it is an issue for the entire public sector. This week, the Justice Committee was contacted by officers at three separate prisons saying that they do not have the kit that they need to stay safe. Yesterday, the Royal College of General Practitioners, the Royal College of Nursing and Scottish Care all wrote to the Scottish Government saying that their members lack the protection that they need. They said:

“Every minute we wait is a minute too long. All staff, no matter where they work, must feel safe. We will continue to raise this issue until it is resolved.”

If she can, will the First Minister tell us whether she is confident that every public servant who needs protective equipment will get it, and is she now able to say when they will get it?

The First Minister: Every public sector worker who needs protective equipment—and I will come back to that point—should absolutely have it. We are working on an on-going basis to make sure that that is the case, again on an on-going basis. There are three issues that, for understandable reasons, are very often conflated: supply and stocks; distribution; and advice as to what items of PPE are required by different groups of workers in different circumstances.

On supply, right now, we have fairly healthy stocks of all the key items, but I do not want to labour that point because there is huge demand for them and global supplies are under pressure, so we cannot be complacent about that.

On distribution, to be candid, I do not think that we have done as well as we would have wanted to in the past couple of weeks. Significant steps have now been put in place by NHS National Services Scotland to streamline and improve that. For example, the exercise that is under way this week to proactively get eight weeks' worth of supply to GP practices is an important part of that work, and there is a triage system to deal with urgent requests more quickly. I am much more confident that the distribution issues have been resolved, although with an operation of such scale, I cannot guarantee that issues will not arise. However, we will absolutely work as hard as possible to resolve any issues that do arise.

On the final issue, Health Protection Scotland advice is available on which groups of health workers need which items of PPE in which circumstances. Not every health worker will need the FFP3 masks that are talked about; for many, it will be appropriate to use other types of mask. That advice is under on-going review, and the four nations across the UK have been looking at whether there is a need to update it. If there is, I hope that that will be done in the next day or two, and we will make sure that that advice is there.

More generally, we are looking at providing bespoke guidance and advice to different groups of public sector workers about how to best protect themselves. Some of that advice will be about PPE and some will be about safe social distancing and other working practices. I give an assurance that we take the issue extremely seriously. There are complexities in it, given the logistics, but we have made improvements and will continue to do so, so that every public sector worker who needs such protection has the assurance of knowing that they will get it.

Richard Leonard (Central Scotland) (Lab): I extend our condolences to all those who have lost loved ones to the coronavirus.

I thank the First Minister for an advance copy of her statement. In these challenging and anxious

times, I offer the support of my party to the Government in the fight, for all of us, against this virus. Those working on the front line in our NHS and social care services also have our full support. It is because of that that I need to raise testing with the First Minister again.

The commitments to roll out testing to key workers are welcome—it is something that we have been calling for since the very beginning. However, the NHS and care staff that I speak to still have real frustrations and anxiety about the lack of testing. They are worried for themselves, but also for their patients, co-workers and families. Will the First Minister confirm how many front-line health and care staff have been tested, and will the Government start reporting daily the number of key workers who have been tested, as well as the number who have tested positive?

The First Minister: We are hoping to get to a position in which we can report daily, not just on the total number of tests that are being carried out, but on the breakdown of that number between the three priority areas that I have spoken about. I cannot give that number today. I can say that—forgive me, I think that I am reading this table correctly; I will correct what I say later if I am not—around 1,700 tests were carried out yesterday. We have the capacity right now to grow that to 1,900, and we are doing that.

There will always be a difference between the number of tests that are carried out and the number of people tested, because some people require more than one test. We are trying to get, on a daily basis, much more granular information around that.

On testing for key workers, we have been working very hard in the Scottish Government to accelerate the expansion of testing so that more key workers can be tested. It is important to say—healthcare workers, more than any of us, will know and understand what I am about to say—that testing is not a complete panacea. If a healthcare worker is isolating because somebody in their family has symptoms, but that worker does not have symptoms, testing will not be appropriate. However, testing will help, to a great extent, to make sure that we do not have healthcare workers with symptoms isolating unnecessarily if they do not have the virus.

For that and other reasons, we are focused on trying to expand testing as much as possible, and health boards across the country are very focused on doing that. As I said a moment ago, guidance is already available that helps with the prioritisation of testing.

We will continue to provide as much information as possible to Parliament as the situation

progresses, including some of the more detailed information that Richard Leonard has asked for.

Richard Leonard: I thank the First Minister for her answer. We raise questions of testing simply because it is clear, from international experience, that comprehensive testing has been critical to successfully limiting the spread of the virus.

Two weeks ago in Parliament, the First Minister reassured us that her aim was to increase testing capacity in Scotland to 3,000 tests every day. Today, the First Minister mentioned the figure of 3,500 tests a day. However, it is clear from the daily updates that we are still far below that figure. In fact, the average daily number of tests over the past two weeks is just 754—a quarter of the target—and not the 1,900 daily capacity that the First Minister just referred to. NHS and care workers are asking me, so I am asking the First Minister, why that testing has not happened.

The First Minister: The answer to that is reasonably straightforward, although I understand the frustration and the desire to see us increase testing capacity more quickly.

The provision of equipment and having the staff trained and able to do testing is, unfortunately, not something that can simply be increased overnight. It takes time to do that. We have gone from the position, just a couple of weeks ago, in which we had the capacity to do around 750 tests a day—which had, in itself, been increased since the start of the epidemic—to the position that we are in now, in which we are able to do 1,900 tests a day, and that will increase again in the next few days. I am now reading the table accurately. In the 24 hours that ended at 9 o'clock this morning, 1,710 tests were carried out. We are increasing the capacity and we will continue to do so.

As I said earlier, we have firm priorities for testing—the three priorities that I have spoken about. The World Health Organization is talked about a lot, understandably. Some of what it is saying is, I think, about countries that are still in a containment phase. We are in a delay phase, but as we come out of that and come out of these lockdown measures and go back to something that is more about trying to contain the virus, the importance of testing will become even greater. That is why we are working so hard to increase the capacity and we will continue to do so.

Richard Leonard: Testing is an essential part of our response, but on its own it is not enough. I have previously raised the importance of PPE with the First Minister and I know that she agrees with me, as we have just heard. However, workers, trade unions and professional associations continue to voice serious concerns about the availability and quality of PPE that they and their members are receiving.

In the past 24 hours, the British Medical Association Scotland said:

“BMA Scotland’s members have raised with us concerns about the quantity, quality and speed of roll out of PPE.”

Yesterday, the RCN said that it had heard from district nurses who had run out of PPE but were still required to make home visits.

The Government’s new PPE distribution measures, which were put in place on Monday, are welcome. We cannot have supplies stuck in warehouses while staff are put at risk in our communities. The last thing that staff should have to worry about during this time of immense pressure, when we are relying on them so much, is whether they have supplies of the right equipment.

Can the First Minister therefore confirm that, when the updated guidance that she spoke of earlier on when and what PPE to use in Scotland’s NHS and care services is issued, it will match the guidance from the World Health Organization, and can she give a guarantee that we will have adequate supplies of the right PPE to see us through this pandemic?

The First Minister: I will say a number of things on that. The Government, and the health secretary in particular, is talking to groups of workers in the health service, trade unions and professional organisations on an on-going basis. The health secretary spoke to the BMA yesterday about the issue, and we are actively listening and responding to concerns. That is why the changes to distribution have been made and why eight weeks of supply is being issued proactively up front to general practices this week.

We will continue to listen. The health secretary is establishing an email hotline so that any group of workers, or worker, who has concerns can very quickly make sure that the Government, not just those who are distributing the supplies, is aware of the concerns and so that we can respond.

Let me be very clear on the guidance: there is Health Protection Scotland guidance right now, which is robust and quality guidance that complies with relevant standards. As people will understand, and as I have previously said in the chamber, I do not decide what the guidance is in terms of who needs to and who does not need to wear different types of PPE. I am not qualified to do that; I rely on expert advice, which comes from Health Protection Scotland.

If there is a need to update the guidance—the four countries of the UK have been looking at that in recent days—it will be updated and any explanations will be given. Healthcare workers can rely on the guidance that is in place right now. It tells people what kind of PPE is required in

different circumstances, and it allows those distributing it to make sure that we have the supplies and that they get to the front line as quickly as possible.

Alison Johnstone (Lothian) (Green): I, too, extend my sincere sympathies to all who have lost a loved one, at a time when they may have been unable to visit or even to pay their respects. I also thank all those working to care for, protect, feed, deliver stuff to and transport us. We are truly grateful.

I would like to understand what liaison is being undertaken with the Scottish Fire Brigades Union and the Scottish Police Federation with regard to the sustainability of their services as more and more of their officers are forced to self-isolate in line with the Government's advice. Testing those front-line emergency personnel must be a priority so that we can ensure that every able emergency worker can assist during this unprecedented emergency. Will the First Minister confirm when a testing regime will be in place for all our emergency services?

The First Minister: First of all, on the point about liaison, the Government, in particular the Cabinet Secretary for Justice, will liaise closely with the Scottish Police Federation and the Fire Brigades Union, and indeed with the Scottish Police Authority and the Scottish Fire and Rescue Service, to make sure that those who work in those services get the right advice and proper protection when it is needed.

On the issue of testing, my answer is the same as the one that I have given several times already: we are building up testing capacity. We must prioritise the use of that testing capacity in line with the three objectives that we set out. Among key workers, we have been prioritising health and social care workers—for reasons that people will understand. As we build up the testing capacity, we will be able to do more of that. That is the general position on testing, which applies to the particular groups that Alison Johnstone asked about.

Alison Johnstone: Testing helps us to better understand where the coronavirus is, but as testing increases, how will the Government use the information that the results provide to better protect the most vulnerable, including homeless people and those without a fixed address, who may not receive the shielding advice that they desperately need? How will the information from the test results help to ensure that the services that those people require can reach them when they most need them?

The First Minister: We are working hard with local authorities to ensure that people in vulnerable groups—I am not talking specifically

about the shielded group but about the kinds of groups that Alison Johnstone mentioned, such as those who are homeless, or rough sleeping—are being contacted and are being given accommodation and access to the services that they need. That work is on-going and is important notwithstanding the wider question about testing.

One of the objectives of testing is to provide surveillance to enable us to know how the virus is operating, whether particular parts of the country are affected more than others and whether different groups are more affected than others. That is why surveillance is such an important part of the strategy for testing. As I said before, unless there is a particularly bad flu outbreak, most people do not pay much attention to such things, but it is the same kind of system that is used every year during the flu season. That reporting will be important in this context and will allow us to take informed decisions about different groups and where we have to target particular action. As we start to come out of the lockdown measures, the system will give us better intelligence about how to do that in a way that will not simply reactivate the spread of the virus.

There is another important development that I have not yet mentioned today, but which has been reported by the Government over the past week or so. The chief medical officer has established a new scientific advisory group, chaired by Professor Andrew Morris, to ensure that the UK-wide modelling that the scientific advisory group for emergencies—SAGE—is using to inform its advice to the Government can be provided and considered at a more granular level for Scotland.

All those things are important in ensuring that we understand exactly what the virus is doing and how we can modify our response.

Willie Rennie (North East Fife) (LD): I offer my condolences to all those who have lost loved ones and my appreciation to those public servants, including those working in care homes, who are doing an exceptional job just now. It is incredibly stressful for them and I am sure that everyone here appreciates their work.

My questions are designed to be helpful and to bring clarity rather than to criticise. I am not convinced that there is clarity about which businesses and organisations should continue to operate and which should close. Some seem to believe that all non-essential businesses should close, but health guidance does not say that. With some exceptions, it says that if businesses can operate safely, they can continue whether they are essential or not.

The whole situation is causing great anxiety among workers and employers. Can the First Minister bring some clarity to this important issue?

The First Minister: I have tried very hard to be clear on that in a way that accepts up front that we cannot give bespoke guidance that covers every situation, although we try to offer advice wherever possible.

We have a group of businesses that have been told categorically that they should close. Such businesses include non-essential shops, pubs, restaurants and theatres. At the other end of the spectrum we have businesses that are essential to the on-going operation of the country, such as the businesses that keep the lights on and food flowing through the supply chain. Those essential businesses should keep operating, while following health advice.

We recognise that in the middle of that spectrum there are different circumstances. We have set out principles for businesses to consider, such as whether the activities that the business is engaged in are material to the wellbeing of the country and if so, whether the business can allow staff to work at home and if not, whether it can ensure safe social distancing. I have said clearly that if a business's answer to those questions is no, it should be closed.

I make no apology for that, although—trust me—I do not underestimate the impact of the situation on the economy or the challenge and task for us all in rebuilding the economy afterwards. As I said—deliberately starkly—yesterday, we can rebuild and repair the economy, but we cannot bring back to life people who have died.

That is why the absolute priority is for any business that is in any doubt to err on the side of protecting the health of its workers and protecting life. That is my clear advice to such businesses.

Willie Rennie: That helps to bring clarity. I have spoken to many businesses, employers and workers, and I know that it is possible to work through those issues. However, that takes a bit of time, so clarity is important.

Should those who share homes with people who are on the shielded list go to work, or should they remain at home? What is the advice to employers on that?

Some people in self-isolation or who are shielding are beginning to run out of cash and do not have access to online shopping. They can get support from a mutual aid group, but has the Government considered other ways of ensuring that people can pay for goods if they do not have cash or access to online shopping?

There are concerns about how parents and carers of disabled children who are supported can maintain that support when they are at home and are shielding or self-isolating. They are under

incredible stress right now and need such support. What can the First Minister advise?

The First Minister: I am happy to make more detail available on my answers to those questions, because they are all important.

As quickly as I can, on the question of people sharing a household with somebody who is in the shielded group, the advice to the shielded group is to isolate themselves in their households as far as possible. That is hard advice. They are advised to sleep in a separate room and to use separate utensils, towels and such like. It is about them isolating themselves. That said, if the nature and circumstances of the household make that more difficult, I ask the employers of people who are in the same household as a shielded person to take that into account if their business is still running. It is really important that they do so.

On access to cash, we have given local authorities money to increase the Scottish welfare fund as a source of emergency support for people. We are also providing additional resources to local authorities to deal with food poverty and to give more resources to organisations that are working on the front line of the issues. Detail about that is available, but we can make it available again, because it is important that people are aware of it. For understandable reasons, the waiting times for universal credit are long at the moment, but we encourage people to apply for such support.

We continue to work with councils and front-line organisations to ensure that, as far as feasibly possible, we get as much direct support to people as we can. I have already mentioned the issue—experienced particularly but not exclusively by older people—of the difficulty of getting home deliveries of food from supermarkets, and we are very much focused on seeing whether we can do anything to address that, in addition to what we are already doing for shielded people.

The Presiding Officer: As well as the First Minister's statement, we have had helpful, detailed and lengthy questioning from the party leaders on behalf of their parties. As we turn to the 24 members who want to ask questions, I ask that they restrict themselves to one question, if they can. I ask them to identify the Cabinet minister to whom the question is addressed and I urge each Cabinet minister to respond as succinctly as possible.

Rona Mackay (Strathkelvin and Bearsden) (SNP): My question relates to business. What is the Scottish Government's view on private nurseries that continue to charge for places while they are closed and are in receipt of funding introduced by the Government to help businesses cope with the impact of Covid-19?

The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop): That question also covers education aspects; I am happy for my education colleagues to give more information on it.

In terms of keeping businesses productive and maintaining capacity, some of the announcements that have been made on support for three and four-year-olds have been important. Local government colleagues have ensured that private nurseries that were in receipt of funding for three and four-year-olds could continue to receive that funding to enable places to be maintained. From discussions, my understanding is that people can speak to their local nurseries and negotiate with them.

Members should remember that those private nurseries have staff, who should be supported and paid.

If people are in receipt of income—there are many people who are working from home and are being paid—even though their child cannot attend the nursery, they will want to make sure that they have a nursery to go back to, when it is fully open, not just for themselves, but for others who are not in work. People need to take a commonsense approach, because we want to keep capacity. Workers will want that capacity. However, if they are not using the nursery, and they are not being paid, that is a different issue. There needs to be flexibility both from parents and from the private nurseries.

We need to make sure that we all get through this together and that when we return to a containment—or different—phase, such capacity is there.

Miles Briggs (Lothian) (Con): Following the announcement that the national cancer screening programme will be paused, what consequential impact is that likely to have on early diagnosis and mortality rates for cancer outcomes in Scotland? Will ministers agree to publish information on that, if it is available? If patients who are currently in the screening programme need further screening, have they been informed about plans to support them during this time?

The Cabinet Secretary for Health and Sport (Jeane Freeman): I will take the last part of that question first.

For patients who are currently in the screening programme, it will be completed. If they need any further treatment as a consequence of a diagnosis, or any further tests, that work will be completed, too. In getting to this point, we consulted the Scottish Cancer Coalition, and we remain in regular contact with it, so that it can ensure that those with whom it is in touch with are also kept informed.

The decision was taken on the basis of clinical advice. That will also advise us about the best way to pick up the programme again when the pause is ended, and to ensure that everyone who would have been called is called as soon as we are able to restart the screening programmes.

Monica Lennon (Central Scotland) (Lab): Across all social care sectors and settings, carers are frightened, either because they do not have any PPE or because they do not have the right PPE. I have raised that issue in Parliament previously.

Yesterday, the First Minister was made aware of a survey of GMB Scotland members, which revealed that a majority of care workers have lost confidence—due in part to a lack of PPE, but also because they do not believe that safe systems of work are in place for them or for the people who rely on their care. I am told that absence levels are soaring—in some parts of the country, more than a third of people are off sick already—and that care packages have been withdrawn or downgraded.

Not valuing carers is going to cost lives. I ask the Cabinet Secretary for Health and Sport: who is advising the First Minister that there are reasonably good supplies in place? Is the cabinet secretary convinced by that advice? Have we got the guidance right? That is not the real-world experience of carers, their families and the trade union representatives who stand up for them.

Jeane Freeman: I take seriously all issues around PPE. I assure Ms Lennon that I now monitor on a daily basis the supplies, the outgoing stock and the supply line.

Over lunchtime, a letter will be issued to the Health and Sport Committee—I have taken steps to ensure that it is circulated to all MSPs—which will provide two things in addition to what the First Minister has said. It will provide members with the new dedicated email address for MSPs, unions, members of the public and individual members of staff to raise particular issues relating to individuals not having the PPE that they think that they require. That will be monitored continuously, and immediate action will be taken to ensure that, when such issues are raised, they are acted on and resolved within the same day, if at all possible, and that the individual who raised them is informed of the steps that we have taken.

Tomorrow afternoon, I will again speak to Scottish Care to ensure that the direct distribution line that we have created for the supply of PPE, and for the ordering of PPE by care homes and care-at-home providers, is operating satisfactorily in its first week. Where it is not, we will take the necessary steps to ensure that it does.

I know from emails that I have received that there are carers who are receiving supplies of PPE—that is as it should be, given the volume that we have released—but we will continue to work our way through any glitches. The four direct ordering and distribution lines will make a significant difference, along with a dedicated capacity to monitor constantly any specific issues that are raised.

As I have said to all our union colleagues so far, we will proceed by resolving specific issues in the way that the GMB did with the ambulance service. That matter was successfully resolved in the course of a discussion that lasted an hour and a half. If people come directly to me, I will meet them, we will resolve the matter and we will move on.

Stuart McMillan (Greenock and Inverclyde) (SNP): I have been made aware this morning that Police Scotland has some, but not all, of the PPE that is required but that PPE has not yet been issued to Police Scotland front-line staff. Will the Cabinet Secretary for Justice look into that?

The Cabinet Secretary for Justice (Humza Yousaf): I spoke to the chief constable about that matter just this week. Additional PPE has come into Police Scotland. It is limited stock, because it will be given to officers who have a reasonable chance of coming into contact with someone with coronavirus. Police Scotland is monitoring that situation regularly. The advice that was given to me by the chief constable is that Police Scotland has the appropriate PPE and the appropriate stocks. If Stuart McMillan has concerns in relation to his constituency, I will discuss them offline with him and raise them directly with the chief constable.

Jamie Greene (West Scotland) (Con): The First Minister mentioned progress that was made on delayed discharge, but evidence suggests that many people who are ready to leave hospital are still stuck in hospital settings because local authorities are struggling to provide suitable care. I am sure that we all agree that the safest place for someone who is fit and able is at home. I therefore ask the First Minister, how many people are currently in a hospital setting who should not be there? What specific and direct support will be given to local authorities, which claim that funding and resource are the two main reasons for cancelling discharge?

Jeane Freeman: In March, the health and social care partnerships, in co-operation with the Scottish Government and local authorities, reduced the numbers of delayed discharges in our hospitals by 500. We will continue to work towards a further reduction of 500 over the month of April. There are about 1,100 people in hospital who are clinically able to leave that setting but are not yet

able to do so. For some of those individuals, there are adult with incapacity or power of attorney issues. We are working hard to progress those as quickly as possible. However, for the majority, who should either be at home, with the support that they need, or, if it is more appropriate and is their wish, in a care home, work is under way with our local authority partners. I have given our local authority partners a commitment that the Government will meet any additional costs that are incurred in ensuring that that happens, and in meeting the additional demand for social care. This is not an issue about funding; it is an issue about the resilience of the workforce.

Along with my colleague in the Convention of Scottish Local Authorities, Councillor Stuart Currie, I am working with each health and social care partnership, and individual local authorities, to help them to work out what their rotas should be, how they can use appropriately redeployed council staff—for example those who are no longer working in other areas—to free up staff who could work in social care, and how they can make the best use not just of the returners to health and social care who we have talked about before but the social work, nursing and medical students who are entering our workforce to help us with this challenge.

Kenneth Gibson (Cunninghame North) (SNP): My question is for the Cabinet Secretary for Economy, Fair Work and Culture, who, on 18 March, announced £25,000 grants for hospitality, leisure and retail properties with a rateable value of between £18,000 and £51,000. However, by 24 March, the upper limit had mysteriously fallen from £51,000 to £50,999—surely just a wee admin error. A restaurant and bar in my constituency that employs 31 people was refused a grant because its rateable value is £51,000. I have been advised that, for the sake of £1 of rateable value, that business could now close. I would therefore be grateful if the limit could be restored to £51,000. If it is, cabinet secretary, that will save those 31 jobs.

Fiona Hyslop: Kate Forbes, the finance secretary, is dealing with the operation and delivery of the scheme. Some 80,000 businesses will benefit from it, and we have heard that 30,000 businesses have already applied for grants.

On the rate relief scheme, the member's analysis is correct. Clearly, the rate relief and the grant schemes were developed with two principles: speed and simplicity. That means that they can also be quite blunt, and the finance secretary is looking at those businesses that might fall through the gaps and the areas where we might need to provide additional support.

The member raises a specific case. However, it is not the first time that I have heard such matters being raised, and I will bring it to the finance

secretary's attention and ask what can be done, particularly in that area, to make sure that the measure is not as blunt as it might be for some businesses, especially when there are concerns about jobs.

I hope that people will be able to bear with us. The plans—not just those of the Scottish Government, which are worth £2.2 billion, but those of the UK Government—have been developed at speed. Making improvements as we go along will be one of the things that Kate Forbes and I will be looking at.

Maurice Golden (West Scotland) (Con): I appreciate the earlier remarks about online deliveries for our elderly and vulnerable people. When can we be confident that those people are receiving the food and sustenance that they need, either through the supermarkets or a volunteer network? What is the timescale for that?

The First Minister: I will not give a definite timescale right now, because I am not confident about what that would be.

We are, with local authority partners, first and foremost focused right now on making sure that the shielded group have the deliveries and the support that they need. As soon as possible—I think that I said earlier that, yesterday, I took part in a session that looked at that issue in particular, among others—we want, either through extending the arrangements for the shielded group or through other ways, to capture other particularly vulnerable groups. Over the Easter recess and beyond, I will undertake to keep Parliament updated on what additional mechanisms we are able to put in place.

Rhoda Grant (Highlands and Islands) (Lab): This question is directed to the Cabinet Secretary for Economy, Fair Work and Culture. She will be aware that the Scottish Trades Union Congress has highlighted that food and drink sector companies are playing fast and loose with the concept of essential work. That is true in other sectors, too, including in some Government agencies. What redress do workers have who do not believe their work to be essential and whose health is being put at risk because they are being forced to come to work? They have been told that if they do not come to work their job will be at risk.

Fiona Hyslop: When speaking about how we are dealing with Covid-19, the First Minister referred to all of us having to be part of the national mission to tackle it. That means employers, too. Clearly, some categories of employers are essential, but they must work in a way that is safe and embraces social distancing and health and safety measures.

Some businesses are closed. There are businesses that might be considered as part of an

essential sector, but not all businesses in a sector are essential. There are questions about whether, for example, it is essential, at this time, for distilleries to supply our supermarkets with whisky that will not be used for three years. We are asking employers to think very carefully about what they do. Staff should report to their unions, and to their managers, if they feel any discomfort.

We have asked the construction sector to close non-essential sites, and to reopen sites only when it is safe to do so. That is a sensible approach. As we move through the different phases, we want to make sure that companies, when they reopen, do so safely, with the confidence of their customers and, most important, of their staff.

We are calling for businesses that are not essential to close on a precautionary basis in order to make sure that staff are safe. The recommendation is that they close unless and until they can give evidence to everybody, including to their staff and the unions, that they can operate safely.

The way for businesses to reopen safely at the appropriate time is to work with their staff. For the safety of the country, they must do so in a way that everybody has confidence in. That is our very strong message to employers; we cannot force it, but it is a very strong steer.

Look at what has happened with Walkers Shortbread and Tunnock's, for example. Many such companies have taken the decision, for the good of the country, to close until such time that it is safe for everybody to go back to work. That is the type of company—those that are showing leadership at this very difficult time—that we should be supporting.

George Adam (Paisley) (SNP): The First Minister will be aware that there has been an extremely positive response from the public for the temporary hospital in the ExCel centre in London being named the NHS Nightingale hospital. In these difficult times, any form of positivity is surely a good thing. Does the Scottish Government have a name for the proposed temporary hospital at the Scottish exhibition and conference centre in Glasgow?

Jeane Freeman: I am grateful to George Adam for that question. The name that has been chosen for that hospital is the NHS Louisa Jordan. That is in honour of Louisa Jordan, who was a nursing sister who was born in Maryhill. She joined the Scottish Women's Hospital in 1914 and served in Serbia during the first world war. The daughter of a painter, she cared particularly for typhus patients; however, unfortunately, she contracted that disease herself and died at the age of 36. Every year, she is remembered in Serbia for the care and commitment that she gave to them. As

such, it is very good that she will now be remembered in her native Glasgow.

Murdo Fraser (Mid Scotland and Fife) (Con): My question is for the Cabinet Secretary for Health and Sport. Over the past few days, I have been contacted by constituents who, believing that they had coronavirus symptoms, tried to contact the NHS 111 number, but had great difficulty in getting through. In some cases, they waited for hours to have their call answered, which was, as the cabinet secretary can imagine, a very distressing situation to be in. Can the cabinet secretary put more resource behind that particular phone line?

Jeane Freeman: I understand very well how distressing that will have been for Murdo Fraser's constituents, and that others have had the same experience. We have made significant additions to NHS 24, which staffs that helpline, in relation to both the number of people who answer the initial call, and the clinical specialists who take the call forward and make the decisions about what additional advice to give the individual and whether they should go through the hub, which is also clinically staffed, to a particular appointment at an assessment centre. NHS 24 has been scaled up significantly through a number of steps since this all began. We hope that the additional resource will now make a difference.

It is really important that people do not call 111 to get the sick line that they need for their employer but use the NHS inform website, where they can do that. We have tried very hard to get that message out, and it would be very helpful if members could assist us in that messaging. In addition, if further problems with the 111 line are raised with members, they should ensure that they let me know; we will do everything that we can to resolve them.

Colin Smyth (South Scotland) (Lab): The cabinet secretary for the economy will be aware that the Fraser of Allander institute last week highlighted the disproportionate economic impact that the pandemic will have on rural communities, where there are sectors such as tourism and hospitality as well as a large number of people who are in the self-employed workforce. It is clear that there are gaps in the existing support, whether in relation to a self-employed person who has set up in the last year or a guest house that pays council tax and not rates.

Will the cabinet secretary therefore bring forward additional support now to support those businesses in relation to which we know that those gaps exist? For those businesses, the issue is not their economic recovery but their very survival in the days and weeks ahead.

Fiona Hyslop: Colin Smyth made a very important point. We are also looking at the

geographical impact. In relation to the schemes that have been put in place, the small grants scheme affects—as I said—80,000 businesses, and the retail, leisure and hospitality scheme around 9,500. We know that the self-employed scheme that the UK Government has established also reaches a large number of people.

However, we also know that there are gaps in that system. That is why my colleague Kate Forbes is looking at the different areas to see whether there is anything that we can do to supplement it. However, resources are tight. We have been given the Barnett consequential, which we have used and will continue to use to support businesses. The member makes an important point and I will make sure that it is brought to her attention. As he reflects, it is also about speed and the impact is being felt now. Therefore, anything that can be done should be done.

Every second day, I have been having meetings and teleconferences with the banking sector to relay issues in relation to small businesses. Some of the packages could be simplified to help people through a difficult period. If loss of income will never be recovered and is replaced by a loan, businesses will not be able to repay that further down the line. Therefore, we are looking carefully to identify the gaps and to see what measures can be brought in to help support the type of people that he described.

Mark Ruskell (Mid Scotland and Fife) (Green): At the moment, neighbours, carers, councils, charities and retailers are meeting the emergency food needs of many vulnerable people. However, as the First Minister acknowledged, other vulnerable households remain hidden—particularly those with no support networks in place, no ability to order food online or to get to a shop and, in some cases, no money to buy food. How will the Government ensure that emergency food provision is put in place consistently across Scotland so that it gets to every hungry household?

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): We are giving active consideration to that issue, because, increasingly, we want to ensure that no one falls through any gaps in the Government provision. The First Minister has already talked about those who are in the shielding group but she also mentioned that there are wider groups in society who will need assistance.

Aileen Campbell mentioned the food fund, which was part of her £350 million announcements. That is partly for public sector responses but also to fund national third sector partners that deliver community-based responses. That is an important aspect; the other aspect is the volunteers that we

now have in place. I encourage members to publicise further readscotland.org to ensure that we get more volunteers, because they can play a part in this. How they play that part is down to the local resilience partnerships and local volunteers. We have not reinvented the wheel but we are using the networks that are already in place and their contacts. By doing so, we are confident that we will be able to breach any gaps. Yesterday, I had a useful conversation with third sector organisations about the fact that they might know that there is a need but they are not the people who will meet that need. Where necessary, we must use those local resilience partnerships and volunteers to deal with that.

Liam McArthur (Orkney Islands) (LD): I welcome the First Minister's assurances in relation to testing and PPE.

I have a question for the economy secretary. As Colin Smyth rightly pointed out, there are gaps between the various grant and support schemes, particularly for businesses in rural and island areas. I welcome the Scottish Government's decision last week to reverse the earlier exclusion of all self-catering businesses but the eligibility criteria remain tighter than elsewhere in the UK, which leaves self-catering businesses in Orkney and across Scotland unable to access the support that they need. In order to make sure that self-catering businesses, which are key to our tourism sector, get the support that they need at this difficult time, will the economy secretary work with her finance secretary colleague to address not just the point that Kenny Gibson legitimately made—that also affects my constituents—but the eligibility criteria?

Fiona Hyslop: Provided that it was their primary source of earnings and that the property was let for more than 140 days, self-catering and caravan businesses will be eligible for grants. I have given the commitment that, reflecting the UK scheme, all the consequential of the £2.2 billion for businesses will be distributed. However, because of the nature of Scotland's economy, proportionately, we have more small and medium-sized enterprises than the rest of the UK—no least in the constituency that the member represents—so our funding has to stretch further. We are conscious of that and we are looking at other mechanisms. That might mean repurposing and reorganising the Scottish budget more generally; Kate Forbes and Ben Macpherson will be looking at that work.

John Mason (Glasgow Shettleston) (SNP): This is a health question. I have an 88-year-old constituent who is self-isolating but needs to go for dialysis three times a week to Stobhill hospital. His family is worried because he goes in a car with

three or four other patients and the driver, which is a problem.

Jeane Freeman: Work is under way—I encourage the member to pass on this information to his constituent—to ensure that, where patients in such a situation require transport to take them to their treatment, they go singly and are not required to share cars or any other transport. I am very happy to take on the issue and pass him the specific details with regard to Greater Glasgow and Clyde, and to ensure that members across the chamber know what is happening in their health board areas.

Michelle Ballantyne (South Scotland) (Con): My questions cross justice and health. Covid-19 has meant delays in granting guardianship orders and intervention orders, which impacts on the health, social and financial needs of individuals, many of whom are affected not only by Covid-19 but by things such as might frequently arise in normal circumstances. Has the Government had any discussions about how the Adults with Incapacity (Scotland) Act 2000 might be temporarily amended to enable guardianship orders to be progressed? Would the Government consider a draft amendment to include advance directives, which could help with patient triaging?

Humza Yousaf: I will get back to Michelle Ballantyne, because I do not have detail to give in answer to her question. The Scottish Courts and Tribunals Service has detailed guidance on specific court orders. We will carefully consider draft amendments to any legislation that are brought forward to help vulnerable people, in particular. I am more than happy to address offline the detail of the question that she has asked, and will come back to Michelle Ballantyne with a fuller answer, if she does not mind.

Sarah Boyack (Lothian) (Lab): I ask the First Minister what proportion of key workers are now benefiting from childcare? Can she also update us on how distribution of PPE is being managed to ensure that key workers who urgently need it, regardless of whether they are in the public sector or private sector, can access the equipment?

The First Minister: Key workers who want to access childcare should contact their local authority. I can tell Parliament—we are monitoring this daily—that the number of children who are in formal education settings each day is pretty low. We want it to be low, because the reason for closing schools was to limit spread of the infection. Under 1 per cent of all children have been accessing childcare daily, so there is some room—although it is not unlimited—for people who are in the key-worker category and vulnerable children to access childcare. All members can relay to their constituents that individuals or

organisations that want to access childcare should ensure that they contact their local authority.

We continue to make sure that we are providing guidance on PPE to various groups of workers. We will provide additional guidance to those groups so that there is understanding of what is needed. When PPE is needed, we will make sure that we work with organisations, companies and individuals to ensure that it is supplied.

Shona Robison (Dundee City East) (SNP): The clear advice to stay at home has been a very powerful and important message to everyone. However, for many victims of domestic violence, home is often not a safe place. Can the First Minister reassure people who are at risk that they should continue to report crimes during the crisis, and that they can still access services including Scottish Women's Aid and Rape Crisis Scotland if they need them?

The First Minister: This is a really important point that cannot be emphasised enough. As we encourage people to stay at home, and as more of our lives are lived at home, people who were already vulnerable to domestic abuse and violence are now even more vulnerable, and might feel even more isolated and alone. Yesterday, I announced additional funding for Rape Crisis Scotland and Scottish Women's Aid to help them to ensure that they have capacity to deal with the situation. I also took the opportunity to make it clear—I ask all members to use all their channels of communication to do likewise—that the Scottish domestic abuse and forced marriage helpline continues to be available 24 hours a day. Nobody in such a situation need wait until after the crisis to seek help: help is available to them now and they should access it.

Jamie Halcro Johnston (Highlands and Islands) (Con): My question is for the Cabinet Secretary for Health and Sport.

Some testing is happening many days after symptoms have been displayed, with tests of some people who are concerned that they might have had Covid-19 coming back negative. The guidance that was issued last week gives flexibility to NHS boards in respect of whom, when and how they test.

Is the cabinet secretary confident that we are getting an accurate picture from the current testing regime? The First Minister referred to the possible roll-out of new antibody tests that will determine who has already had Covid-19. Will the cabinet secretary confirm that NHS staff and other front-line workers will be given priority for any such testing?

Jeane Freeman: The testing is as accurate as it can be. As the First Minister has said more than once, and as the chief medical officer has

consistently made clear, we know that the numbers are an underestimate of the prevalence of the virus in the community. That is why the First Minister has outlined measures, including our being part of the UK-wide testing initiative, that will allow us to increase our testing capacity.

As was said in an answer to Jackson Carlaw, we have begun to consider how testing can assist us in getting from the current delay stage to the containment stage, during which we will manage the prevalence and impact of the virus as best we can.

The current test says whether the person is positive or negative for the virus today. A person who is told today that they are negative might develop symptoms in a week, and test positive then. It is, if you like, a binary situation that does not give anyone the assurance that if they are negative today they will be negative from now on.

The antibody test that Jamie Halcro Johnston mentioned will be key. We are working with the other three nations of the UK, and hope that we will have a reliable and robust antibody test in the near future. We will make effective use of that to assist us not only with testing the health and social care workforce, but in making decisions about the steps that we must take in order that we can come out of the current delay stage, with its necessary restrictions, and move forward to the stage in which we contain spread of the virus.

Anas Sarwar (Glasgow) (Lab): It is right to acknowledge the role of NHS staff. However, I am sure that the First Minister and the health secretary agree that we do not need just to applaud them, but must also support and resource them. We must also support other front-line workers—social care workers, postal workers, all those who are involved in food distribution and production, people in our call centres who handle calls about domestic abuse and benefits, people who run advice lines, and many more. It is important that we recognise those people, but making sure that they have adequate protection and access to PPE is also fundamental. Can the Government commit to supporting such companies and organisations and their supply chains with provision of adequate amounts of PPE?

Can we be updated about progress in discussions on making death-in-service payments to NHS workers?

The First Minister: I will answer about PPE, then hand over to the health secretary to talk about death-in-service payments.

This will be a short answer, because I have already covered the subject in some detail, although it is a heartfelt answer. I want to do everything in my power to ensure that we support

people who are on the front line. I have said that before. I have close family members who are—probably as I speak—on hospital wards around the country, so I know personally how important the matter is. Everybody who has a family member or friend in such circumstances will know how worried we all are about them, given the situation that they are dealing with. We will do everything that we can do, by working with organisations and with the supply chain, to ensure that supply, distribution and use of PPE are exactly as we expect them to be.

Jeane Freeman: We almost have a finished proposal on how we can extend death-in-service benefits to all those in the health service who might need such provision. I can also tell Anas Sarwar, and other members, that we now have an agreed position on indemnity for all our health and care workers.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): My question straddles justice and health.

The justice secretary is considering early release of some prisoners who are coming to the end of their sentences. I fully understand why. For those who are being released who might have a variety of vulnerabilities, will the Scottish Government seek to put in place support, including housing solutions, financial support and particular support for those who are living with addiction or mental health challenges?

Humza Yousaf: I thank Bob Doris for raising that exceptionally important issue. I have had communications from the Howard League and many other organisations that are pressing the Government to look at early release. We are actively exploring options, the foremost of which is the home detention curfew. Of course, we will have stages 2 and 3 of the Coronavirus (Scotland) Bill this afternoon. If the bill is passed, the legislation will give the Government emergency release powers.

Bob Doris is absolutely correct. If we release people when they do not have accommodation—I confirm that I have spoken to the housing minister about that—if the appropriate benefits and social security services are not in place, and if we do not work with addiction services and others, we will see those people return to the criminal justice system and prison, rather than staying out. I confirm that such conversations are taking place with our local authority partners, addiction services and ministerial colleagues. We hope that if we must increase the number of prisoners whom we release through HDC or via emergency release, we will set them up well on the outside, so that they do not go back into the prison system.

The Presiding Officer: I am conscious that a number of members still wish to ask questions, but I am afraid that I must draw proceedings to a close.

Before I suspend the meeting, I draw members' attention to the fact that the deadline for lodging amendments to the emergency Coronavirus (Scotland) Bill has passed. We have received a significant number of amendments from several members. Officials are working to get the amendments in order so that they can prepare a marshalled list and groupings. Because of the number of amendments, it will not be possible to reconvene at 2.30 pm. I therefore advise members that the Committee of the Whole Parliament will not start until 3 pm, at the earliest. I will ask the clerks to ring the division bell 10 minutes and five minutes before we plan to start the sitting.

I impress on members that every effort is being made to get the necessary documents ready for members' consideration.

I suspend the meeting, and assure members that the canteen will be open throughout the day.

13:37

Meeting suspended.

16:35

*On resuming—***Business Motion**

The Presiding Officer (Ken Macintosh): I thank colleagues for their patience this afternoon and I thank the officials who have been working hard behind the scenes.

We move to consideration of motion S5M-21379, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the referral of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106) be considered by the Parliament.—[*Liz Smith*]

Motion agreed to.

16:35

*Meeting suspended.***Committee of the Whole Parliament***[The Convener opened the meeting at 16:35]*

The Convener (Ken Macintosh): We turn to stage 2 of the Coronavirus (Scotland) Bill, which we will consider as a Committee of the Whole Parliament.

Coronavirus (Scotland) Bill: Stage 2

The Convener (Ken Macintosh): In dealing with the amendments, members should have the marshalled list and the groupings of amendments. I remind members that we will follow normal procedure, which is that the division bell will sound for the first division of the afternoon. Despite the social distancing measures that we have put in place in the chamber, there are enough consoles and desks for every member participating. We hope that each vote will last one minute for the first division after a debate and 30 seconds for divisions thereafter.

*Sections 1 and 2 agreed to.***Schedule 1—Eviction from dwelling-houses**

The Convener: The first group of amendments is on housing. Amendment 1, in the name of Pauline McNeill, is grouped with amendments 2 to 21, 49 to 51, 55 and 58. If amendment 17 is agreed to, I cannot call amendments 18 to 20, because they will have been pre-empted.

Pauline McNeill (Glasgow) (Lab): A few weeks ago, after the ministerial statement, I indicated that, should there be larger problems in paying rent due to the coronavirus pandemic, I would want to discuss the notion of rent-free periods. After reflection, I decided not to lodge an amendment that was drafted for me. However, in the frenzied process for today's proceedings, it has found its way into the marshalled list. I am moving amendment 1 in order that we can have a discussion on the group, but I intend to seek permission to withdraw the amendment. Instead, I will speak to wider points around amendment 48.

With regard to amendment 18, according to Shelter Scotland, many people are being asked to leave their temporary accommodation during the pandemic. Shelter gave me two cases: in Dundee, an 18-year-old was asked to leave their accommodation at short notice on the basis of an outstanding service charge but was subsequently accommodated by the Salvation Army; and another individual was asked to leave when a private hostel closed and was not refunded for the nights that they had already paid for. Amendment

18 could plug a gap in the legislation. We all agree that, during the pandemic, no one should be evicted from temporary accommodation without due process. The drafting might leave a lot to be desired, but I am looking for the minister's assurances that people in temporary accommodation will not be treated differently or unfairly during the period of the Covid-19 pandemic.

I address Andy Wightman's amendments in the group. I support the Government's overall policy of no evictions during the pandemic crisis. It is important to raise awareness of that law, and I want it to be the strongest law that it can be. I was interested in the statements that Andy Wightman made at stage 1 and I am interested to hear in detail what he will say about the many amendments that he has lodged at stage 2. I raise with ministers my concern that the bill does not cover those who have been given notice for eviction; I would like the bill to cover them. If the bill does not cover them at stage 2, I would be interested to discuss with ministers whether anything could be done at stage 3.

I move amendment 1.

The Convener: I call Andy Wightman to speak to amendment 2 and the other amendments in the group. Amendment 19 pre-empts amendment 20, both in the name of Andy Wightman.

Andy Wightman (Lothian) (Green): Presiding Officer, did you say that amendment 19 pre-empts amendment 20? The note on the grouping says that amendment 17 pre-empts amendments 18, 19 and 20. Thank you. Those are all amendments in my name and it is clearly a measure of the short time that we have had that I have lodged amendments that pre-empt each other—never mind.

I join the Presiding Officer in thanking the Parliament's legislation team for its remarkable work over the past few hours. I also thank the cabinet secretary and his officials, who have engaged constructively and promptly in what I think is now known as the Mike Russell probing room, committee room 4.

The Greens welcome the provisions in the bill that relate to social and private tenants. I place on record our appreciation for the work that the Government has done in that area. It is a substantial interference in the normal working of the rented housing market, but it is a necessary and proportionate one. For the avoidance of doubt, we wholly support the measures in the bill.

I also want to thank staff at Shelter for their assistance with my amendments, which take the provisions that are in the bill a little further. The amendments are in line with my comments at stage 1 about our view that nobody should be

served with a notice to quit during the emergency period.

Amendments 3 to 11 provide clarification of the grounds for eviction from private residential tenancies as they are considered by the First-tier Tribunal. When it is back up and running, the tribunal will deal with eviction orders made during the emergency period. Schedule 1 to the bill takes all the mandatory grounds for eviction from private tenancies that exist in the Private Housing (Tenancies) (Scotland) Act 2016 and makes them discretionary during the emergency period.

The bill as drafted—and this is new—also requires the tribunal to be

“satisfied that it is reasonable to issue an eviction order on account of those facts”.

Those facts are the ones that pertain to the circumstances of the landlord in relation to the specific eviction ground. That is how I read it; I had a brief discussion with Scottish Government officials about the issue and I am happy to be corrected if that is not the case.

In light of that belief, I have inserted amendments 3 to 11 to add the words:

“and, in particular, to any relevant facts relating to coronavirus”.

In the First-tier Tribunal, the facts that must be stated in order to obtain an eviction are facts that relate substantially to the landlord's condition—in other words to whether the landlord really intends to sell the property. Those are the facts that must be established. There are very few facts that must be established on behalf of the tenant. During the emergency period, some landlords will be affected by the coronavirus, but the situation is most particularly faced by the tenant, who faces losing their home. The landlord does not face losing their home. I want it to be clear—and we may return to this at stage 3—that the First-tier Tribunal can, on new and universally discretionary grounds, take account of relevant facts relating to the coronavirus.

That is my first suite of amendments.

I indicated at stage 1 that I think that the bill should go further in two areas. First, instead of extending the notice period as the bill provides, we should, as I said earlier, suspend completely the ability to serve notices to quit. Many tenants are facing very difficult personal circumstances and will, as the bill stands, still be in receipt during the emergency period of notices to leave, although those notices will be for a longer than normal duration. It is of little comfort to someone in such circumstances to know that they are to be evicted, but not quite yet.

Amendment 16 gives effect to that policy. It is a blanket amendment. It removes all ability for

landlords to initiate eviction proceedings. I am aware from our discussions this morning that the bill provides certain grounds for exemption from the extension to the notice period. Those grounds are antisocial behaviour and criminal conduct. Were amendment 16 to be agreed to, I would support any amendments at stage 3 that sought to fetter the blanket effect that amendment 16 currently would create.

Amendments 12, 15 and 17 would remove the parts of schedule 1 that would be redundant were amendment 16 to be agreed to. That deals with a second substantial issue.

16:45

As I raised at stage 1, a third substantial issue relates to tenancies in which proceedings for eviction have commenced but have not been completed or in which proceedings have been concluded, with orders and decrees granted but not yet enforced. That latter group—those for whom orders and decrees have been granted but the landlord, for whatever reason, has not yet enforced them—are possibly the most vulnerable tenants, because they face imminent eviction.

As far as I can determine is competently possible in the short timeframe that is available, amendments 2, 13, 14, 19 and 20 try to ensure that, in such cases—whether they be Scottish secure tenancies, short Scottish secure tenancies, Scottish assured tenancies or private residential tenancies—legal proceedings can be suspended until after the conclusion of the emergency period. Again, if Parliament is minded to support those amendments, I would be happy to support amendments at stage 3 that would provide some exemptions.

On a separate note, amendment 21 makes modifications to the Housing (Scotland) Act 2001, so that a court, in considering the recovery of possession proceedings in relation to Scottish secure tenancies, takes account of any rent arrears that

“have arisen as a result of coronavirus”.

Currently, that is not the case, but amendment 21 would allow that to happen.

Amendment 50 is on quite a different matter; it relates to the requisition of accommodation. It is evident—no doubt all members will have received correspondence about this—that some accommodation provision needs to be made for homeless people and for key workers who cannot, or, indeed, should not, continue to live in their own home. That might be for public health reasons, because of transport difficulties—the person might live at some distance from their workplace in a hospital—or, indeed, because a family member is

isolating or is vulnerable. For the person’s own mental welfare, they might also want to be closer to their place of work. I am aware that, here in Edinburgh, some owners are continuing to offer short-term lets for rent to key workers, in contravention of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020, which we will vote on later.

In my view, random Airbnbs—particularly those in shared stairs, many of which are unlawful because they do not have planning consent, are in contravention of title conditions and mortgage lending conditions, and do not have appropriate third-party liability insurance—are singularly ill suited to the job of housing the homeless or key workers. That job should be done in a co-ordinated manner, using accommodation such as hostels, hotels, serviced apartments and the like, where there is no interference with the lives of residents and where health risks can be managed. That is not communism, as Murdo Fraser intimated earlier on Twitter, but a proportionate response to an emergency.

Under the Housing (Scotland) Act 1987, local authorities already have powers to acquire property, and amendment 50 would put it beyond doubt and make it explicit that local authorities have the power to requisition accommodation in connection with the public health emergency that we face.

Amendment 51 is on a separate issue and is concerned with the unsuitable accommodation regulations. It seeks to ensure that everyone has a right not to be housed in unsuitable accommodation for more than one day during the emergency period.

I think that I have covered all my amendments. I apologise that I have not had time to properly consider Pauline McNeill’s amendments but, broadly, they look like they are able to be supported.

Ross Greer (West Scotland) (Green): I will move amendment 49 as a result of the behaviour of private providers of student halls of residence in Scotland. Members will be aware that, under the terms of the 2016 act, the overwhelming majority of people who live in private rented sector accommodation and who do not live in student accommodation have the right to terminate their lease with 28 days’ notice. Many private rented sector tenants have used that right.

Those who live in student accommodation do not have that right; student accommodation is treated privately. Although every university that I am aware of and a number of private providers, such as Unite housing, have been very accommodating of their students during this time of crisis, some private providers have absolutely

not been and have simply attempted to trap students in rooms that they are not using.

That is what spawned the not staying, not paying campaign that the National Union of Students, many members of the Scottish Youth Parliament and a number of student associations are running at the moment. There are students who are being forced to pay for rooms that they are not staying in because they have left—they have followed public health advice and are back staying with their families.

Amendment 49 gives students the right to terminate their lease and, should the amendment be agreed to, I will move a further amendment at stage 3 that will make it clear that the amendment will give students the same right to terminate their lease with 28 days' notice that other private tenants have. That was the original intent of the amendment; the immediacy of the right that is currently proposed by the amendment is simply a consequence of the rushed process. The purpose is to give students in student accommodation the same rights as anyone else in the private rented sector.

I am aware that the Government has concerns about the proposal relating to the European convention on human rights. Briefly, the issue is about the balance of rights. Landlords have rights, but so do tenants, and they are vulnerable during a crisis—especially young tenants with little income. We are not talking about pensioners who use rental income like a pension, as Conservative colleagues mentioned this morning; we are talking about private companies that run student halls.

Two sections of the ECHR are relevant and I will briefly quote from them. One is article 8.2, which says:

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

This is clearly an issue of public safety and the protection of health as clarified under article 8. Article 2 of protocol 4 also includes relevant points about an individual's

“liberty of movement and freedom to choose his residence.”

The amendment is simply about giving students those rights. If the Government believes that there are ECHR concerns, my question is about the other bold steps that it is taking to protect private rented sector tenants in other areas, which we welcome. The intention of the amendment is to give students, specifically those in student accommodation, the same rights as anyone else,

including students, in the normal private rented sector, and that is why I will move amendment 49.

The Minister for Local Government, Housing and Planning (Kevin Stewart): The Government has made it clear that no landlord should evict a tenant because they have suffered financial hardship because of the coronavirus. We expect landlords to be flexible with tenants during this financial hardship, and we expect that folk—whether they are in the private or the social rented sector—will be signposted to the financial support that is available. I have already written to all landlords in Scotland about that, and we will continue to communicate with them to ensure that we keep people as safe and secure as possible.

We have moved swiftly on to stage 2 today. I turn first to Pauline McNeill's amendments. I understand that she intends to withdraw amendment 1 and I am grateful for that. It is unclear how her amendment 18, on evictions from hostels, would stop those evictions. There is a provision in the Housing (Scotland) Act 2001 that looks at minimum rights for hostel dwellers, and it is unclear what amendment 18 would add.

There is already provision for people who are asked to leave hostel accommodation, and that should be picked up by local authorities under their statutory duties to homeless people. I assure Ms McNeill that I have spent almost every waking minute of every day talking to folk about situations across the country. I would be interested in finding out about the two cases that she mentioned and what has been done to help those folk.

At the moment, we are, in the main, getting things right for people throughout the country, thanks to front-line staff from the Simon Community Scotland in Glasgow, Streetwork in Edinburgh and other third sector organisations across the country. I want to ensure that we get folk off the street, out of hostels and into the best temporary accommodation that we can find for them. If Ms McNeill will choose not to move amendment 18, I pledge here and now that we will have further discussions as we move forward about getting it right for everyone across the country.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I hope that this is the appropriate grouping in which to raise this particular concern, given the amendments that we are looking at.

I was approached today by a landlord in my constituency whose position is that a small number of tenants—I should point out that I believe that this will be an absolute rarity—who are not financially impacted by Covid-19 may not pay rent despite being perfectly able to do so. As I

say, I am sure that that would be an absolute rarity.

Can the minister reinforce the point that those who can pay their rent should continue to do so?

Kevin Stewart: Those folk who can afford to pay their rent should continue to pay it during this time. Those who find themselves in difficulties should look to access the benefits system and the housing element of universal credit. We have already advised landlords in the social rented sector and in the private rented sector that they should be giving their tenants that information now and that tenants should approach their landlords immediately if they fall into difficulties. However, those who can afford to pay their rent should continue to pay it during this time.

Turning to Andy Wightman's amendments, I will first deal with the amendments that seek to insert the phrase

"and, in particular to any relevant facts relating to coronavirus".

Inserting that phrase would cause some redrafting difficulties. Beyond that, the tribunal itself will have to look at the reasonableness of all this, and I reassure Mr Wightman that it will have to look reasonably at the impact of coronavirus in making its decisions. I think that Mr Wightman talked to some legal officials earlier about the issue, and I reinforce the point that we will ensure that those reasonableness grounds include the impact of coronavirus.

Andy Wightman: I am grateful to the minister for that clarification. Can he confirm that, when the tribunal considers the reasonableness grounds, it will take into account both the interests of the landlord and the interests of the tenant in relation to the coronavirus situation and that it will pay particular attention to the interests of the tenant, because they face losing their home?

Kevin Stewart: I would expect the First-tier Tribunal on every occasion to look at what is reasonable not only for the landlord but for the tenant, particularly in the situation that we find ourselves in.

We have some disagreements with Mr Wightman around some of the grounds-for-eviction issues. We believe that there should still be an allowance for evictions in three months of folk who display antisocial behaviour and people who carry out criminal acts. That is extremely important, because some of the acts that might be taking place during this situation could be dangerous for other householders in the area. We need to handle this appropriately. The other area where we think that there should still be grounds for eviction is abandonment, but only if it is proven that the tenant has abandoned the property.

Mr Wightman has lodged a huge number of amendments on these issues, some of which—as he has already pointed out—are pre-empted. I think that it would also be fair to say that some of the amendments are a little bit confusing.

Pauline McNeill: I would like to press the minister on the specific situation of tenants having already been given notice of eviction, for whatever reason, and that notice being served during the coronavirus pandemic. Does the minister consider that the bill should cover that situation?

Kevin Stewart: The tribunal has not been sitting for some time, so I find it difficult to believe that anybody has been given a legal eviction notice during this time. Any landlord who serves an illegal eviction notice—one that has not gone through the tribunal—at this time will be committing a criminal act and could face a fine of £50,000 plus imprisonment. If any member finds any case like that, I would like to know about it as soon as possible. I cannot accept Mr Wightman's amendments on these issues.

17:00

Mr Wightman's amendment 50 raises real ECHR issues, and I cannot accept it. The proposed new paragraph 7A(2) of schedule 7 says that the definition of

"holiday letting" has the meaning given by Regulation 4(4)", which is a regulation that could change at any time, so there are also technical difficulties with the amendment.

I reassure Mr Wightman that I have spoken to many local authorities and others in the sector over the past few weeks. Many local authorities are already looking at utilising accommodation that was previously used for short-term lets as temporary accommodation for homeless people, and I encourage all local authorities to consider doing that. Beyond that, we have set up linkages between the Scottish Association of Landlords and some local authorities to ensure that we are utilising empty homes in the private rented sector to accommodate folk who find themselves homeless. I hope that we will do everything that we possibly can to get homeless people into mainstream temporary accommodation at this time.

We have made great efforts to move folk who have been rough sleeping off the streets and into hotel accommodation in Glasgow and Edinburgh, but I want to go further and get people into mainstream temporary accommodation. I thank everyone who is helping the Scottish Government to do that.

Andy Wightman: The purpose of amendment 50 is to ensure that, as a last resort, local

authorities have the legal power to requisition property if they need to. The minister's response has been to say that that is already happening, and I welcome that, of course. However, can he clarify whether, in extremis, if property is needed, local authorities will have that legal power?

Kevin Stewart: Local authorities have a lot of powers at their disposal, and they often do not use them. I would argue that, if we were to move to requisition, by the time we had looked at all the implications of that, including the ECHR issues, the pandemic would be well over. As it stands, local authorities can use their compulsory purchase power to take buildings into their use. That power is used very rarely, but it is now being used more because we have changed the guidance on it.

In this situation, we could move to something after we have ironed out all the possible difficulties, but it probably could not come into play for a very long time. I would much rather reach a mutual agreement to use empty properties right across the country during the current situation. It is in everybody's interests that we do so. Local authorities need to carry out their duties to house homeless people properly, and it is in the interests of landlords—whether they be short-term letters or in the private rented sector—that their properties are used. I would argue that it would be very difficult for some of them to attract tenants by other means during the period of lockdown and beyond. I would much rather that mutual consent was reached on these issues, and I am sure that we can achieve it.

I turn to Mr Greer's amendment 49, which is very complex and would convert all institutionally provided student accommodation into private residential tenancies. That would have huge ramifications for students and landlords. For example, if students did not wish to terminate, their tenancy type would suddenly change dramatically.

The legal issues with the amendment need much further consideration. We cannot say today that the amendment is compatible with the ECHR. It would treat students differently—

Ross Greer: Will the minister give way?

Kevin Stewart: I will take Mr Greer's intervention, if he will just let me finish this point first.

It would treat students differently from other categories of tenant, and there has been no examination of the balance between the landlord's and the tenant's rights. For that reason alone, I urge members not to risk this important bill by agreeing to amendment 49.

Ross Greer: I am interested in the minister's point about our not being able to say for certain in relation to the ECHR. The reality is that we cannot say for certain about any of the provisions in relation to the ECHR. Through the bill, the Government is making a number of bold provisions that will affect the balance of rights between landlords and tenants in other areas. If a private student hall provider believed that its rights had been undermined by the amendment, it would be able to make a legal challenge and seek redress if it wished to.

The amendment would affect the bill overall only if the Advocate General decided, between now and royal assent, that it was an issue and therefore paused the whole bill. That is not going to happen with a piece of emergency legislation such as this. If private accommodation providers wanted to seek legal redress, they would have the same right to do so as anyone else.

Kevin Stewart: In relation to the other provisions that we have put forward, we have looked at that balance and have justified the moves that we are making. We have to be absolutely certain that we get the bill right. There will be an acceleration to royal assent, and we cannot risk any difficulties at all in ensuring that the bill gains royal assent. I therefore have real concerns about the legal aspects of amendment 49.

Daniel Johnson (Edinburgh Southern) (Lab): I recognise the difficulty that the minister faces and the need to ensure that the bill gains royal assent. However, this is a very significant issue, with students left with accommodation that they frankly do not need any more, because the universities are no longer providing education. That is a real issue in my constituency. Does the minister recognise that issue, and will he commit to looking for proposals that might remedy the situation?

Kevin Stewart: I recognise the difficulties that some of Daniel Johnson's constituents face, because they are difficulties that some of my constituents face as well. We can look at the issue in the next emergency bill, but we must get this bill absolutely right. If this bill does not gain royal assent, that will create real difficulties not only for me, as a minister, for the Government and for this Parliament, but for people right across this country, in terms of keeping people safe and secure.

We can and will look at the issue in the second emergency bill. However, I ask Parliament to reject amendment 49. As I said, we recognise beyond doubt that there appears to be an issue in respect of some providers of student accommodation in their consideration of letting students leave their accommodation or tenancy early. However, we are also aware that a number

of providers are changing their policies and are agreeing to students being released from their agreements early.

The Minister for Further Education, Higher Education and Science has written to all university and college principals—and this has been copied to the networks involving student accommodation providers—asking that all institutions look sympathetically at any need for students to extend their stay beyond the existing arrangements. He has also asked that that be extended to those who have returned to the family home and who are having to ask to break agreements, and that institutions continue to be as helpful as possible to avoid disadvantaging those students. We are already working with accommodation providers to see how we can all work together to support students who are still in student accommodation.

Neil Findlay (Lothian) (Lab): The minister mentioned a second bill. Could he elaborate on that? It might just be me, but I have not heard of that.

Kevin Stewart: I did not hear what Mr Findlay said.

Neil Findlay: The minister mentioned that a second bill might be forthcoming. Could he elaborate on that?

Kevin Stewart: Mr Russell will deal with all that in his summing up.

I ask members to reject amendment 49.

I am well aware that I am asking Parliament to reject all the non-Government amendments in this group—sorry, I have missed one. I beg your pardon, Convener. This is what happens in situations where we are dealing with things at the tail end.

Mr Wightman's amendment 51—I apologise for not mentioning it—is on unsuitable accommodation. The amendment causes some difficulties, but I see exactly where Mr Wightman is coming from on it. I am willing to work with members to see what we can do to improve the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. I ask for patience and that we get the time to look at the proposal for the future—[*Interruption.*]

The Convener: Address the chamber through the microphone, please.

Kevin Stewart: Sorry. As I said, we will look at that suggestion for the future bill.

I am aware that we are asking Parliament to reject all the non-Government amendments in this group. However, I am more than willing to continue to talk to members about some of the issues that they have brought to the Government's attention. I assure Parliament that I am doing all

that I can to talk to stakeholders on a very regular basis so that we get things right, and I am more than happy to pinch suggestions that come from anyone in any part of this chamber, in order to get all of this right for the people out there, who we must keep as safe and secure as possible.

Graham Simpson (Central Scotland) (Con): The minister finished by saying that he is prepared to work with other parties and take on board good ideas. We have already been putting forward good ideas, through my good friend Murdo Fraser, and we are well aware of the legislation that will follow, after the recess. Some of those ideas, relating to holiday accommodation, might well appear in that legislation. For me, that is the way to do business in this Parliament. The way not to do business is to fly kites and launch mini-campaigns at stage 2 of an emergency bill. The number of amendments of that nature in this group is frankly absurd. They deal with very detailed, technical issues that require proper scrutiny. To throw them in at this point is absolutely ridiculous.

Andy Wightman: The member says that the amendments in this group are “absurd”. He knows as well as I do what parliamentary process is, and the timescales within which we are working on this bill. He is also aware that there is a policy issue about whether the Government's proposals in the bill are adequate. We take the view that they need to go further, and that is an honest difference of view with the Government. I have made it very clear that we whole-heartedly agree with what is in the bill and that we will be supporting it, but we believe that it needs to go further.

I ask the member to justify his remarks that these amendments, which have taken a considerable bit of work, are, in his words, “absurd”.

Graham Simpson: I will be coming on to one of Mr Wightman's most absurd amendments in a second.

I am surprised that the wee nats have not talked to the big nats more on this—[*Interruption.*—]—in the way that Mr Fraser has been doing.

17:15

The Convener: Mr Simpson is normally a very polite member. I urge him to stick to that and not to use even jokey terms across the chamber.

Graham Simpson: I apologise, Convener. It is a joke that I have used before, when I got away with it.

We will oppose most of the amendments in group 1—in fact, we will oppose all of them, bar amendments 55 and 58, in the name of Mr Russell, which Mr Stewart spoke about.

I turn to a few of the amendments that deserve comment—*[Interruption.]* Indeed, they deserve minimal comment. Let us look at Mr Wightman's amendment 50, shall we? That is a good one. It was described as a dose of communism by Mr Fraser on Twitter, and that is absolutely what it is. In effect, it would give councils the power to grab or requisition holiday accommodation, should they feel the need to have it. I go back to what I said at the start—someone who wants to introduce such an idea should surely go out to consultation on it. Amendment 50 is a step too far; what it proposes is absolutely absurd.

As for Mr Greer's amendment on student accommodation, I agree with the minister. There are human rights issues with what it proposes. At the very least, Mr Greer should have spoken to other parties for a number of days, if not weeks, about the introduction of such a measure.

As I said, we will oppose pretty much all the amendments in this group. I go back to what I said in the stage 1 debate earlier today, which is a long time ago now: the Coronavirus (Scotland) Bill is an emergency bill to deal with the coronavirus crisis that we are facing right now. That is what it is about. In the speech that I made this morning—*[Interruption.]* No, I will not take an intervention.

I made the point that we have people who are ill and who are stuck at home because of that. We also have people who have lost their jobs and people who will go on to lose their jobs. That is what the bill deals with. That is why we will, I hope, introduce measures to prevent evictions in certain cases. However, we should not introduce measures to prevent evictions in all cases, because that would be entirely wrong; if we did that, we would be going too far.

What we propose to do will leave some landlords in the position of not getting any income on properties for more than a year. By discussing the situation with the Government, we have got an agreement to introduce a fund that would help landlords in those cases, many of whom do not have big property portfolios. *[Interruption.]* I can hear Mr Findlay muttering at the back, as he usually does. Most of the landlords in Scotland—95 per cent of them—have between one and five properties; they are not wealthy people. Often, they are pensioners who rely on the rental income to pay their way. Given that we have agreement to have that fund put in place, I think that the measures that are in the bill are sensible, proportionate and should be supported.

The Convener: I invite Pauline McNeill to wind up and to indicate whether she intends to press or withdraw amendment 1.

Pauline McNeill: I seek to withdraw amendment 1, and I will not move amendment 18.

Unlike Mr Simpson, Labour members applaud the efforts of Andy Wightman to consider matters of technical detail in scrutinising the bill; that is welcome. I say that notwithstanding the support that we think should be given to landlords, which I mentioned earlier. The magnitude of the disruption that vulnerable tenants have already experienced is considerable, and that is before we consider what might lie ahead.

I think that it is unfortunate to reduce this issue to something as trivial as a suggestion that any member would come to the chamber and not scrutinise the proposal. Even if the minister disagrees with the proposal, I would like to think that he would get to his feet and support the idea that we should scrutinise it.

We do not think that the Government has gone far enough—we have said that. However, I also want to make this clear: we supported the Government this morning, and we will support the Government again. Whenever we can find consensus, we will be there with the Government, but we demand the right to challenge the Government on the areas in which we think that tenants will be vulnerable.

Kevin Stewart: Will the member take an intervention?

Pauline McNeill: I will let the minister in in a minute, and I would like him to address my next point. I am dealing with a case in which notice was given a week ago to a couple on the ground that the owner wants to move their family into the property. Now, we can take a view about that, but the point is that that couple will be evicted, because the bill does not cover them. That concerns me deeply. It is not a comfort to my constituents that the First-tier Tribunal is not sitting, because they will feel that they are breaking the law, because the notice has been served.

Kevin Stewart: I want to work across Parliament in order to ensure that we get what we are doing absolutely right. I have absolutely no problem with scrutiny taking place on all of that.

There are differing views around certain aspects of the issue that we are discussing. However, there is one clear message in all of this: we all have to do our bit to protect people as much as we possibly can during this situation. There will be folks who, throughout this, will act in an absolutely magnificent way and will rise to the challenges and be as good as they possibly can be. However, there will also be folks who do not behave appropriately during the course of the situation. I point out again the criminal penalties for illegal eviction, which can involve a £50,000 fine and, possibly, some time in jail. We should all be

pointing that out to those folks who might choose to flout the rules.

Pauline McNeill: Indeed.

In conclusion, we can only guess what situation people will be in, but that is what we are legislating for. That has to be borne in mind, but we know that there will be direct consequences for tenants. I whole-heartedly welcome the minister's assurances about those in temporary accommodation, so I will not press amendment 18.

Finally, I say that Andy Wightman makes an important point in relation to the directions that will be given to property tribunals when the notice period is lifted and people are brought before the tribunals for non-payment of rent or whatever. What the minister has put on record is helpful. It must be clear that, when a property tribunal is applying the test of reasonableness, it must consider the case in the context of the coronavirus pandemic and bear in mind that that is directly relevant to the loss of a job or other circumstances that have caused someone to be in arrears.

Amendment 1, by agreement, withdrawn.

Amendment 2 moved—[Andy Wightman].

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

Members: No.

The Convener: There will be a division. As this is the first vote of the afternoon, I will ring the division bell to summon members to the chamber, and we will have a five-minute suspension.

17:24

Meeting suspended.

17:29

On resuming—

The Convener: We will move straight to the division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Greene, Jamie (West Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 24, Against 57, Abstentions 0.

Amendment 2 disagreed to.

Amendments 3 to 11 not moved.

Amendment 12 moved—[Andy Wightman].

The Convener: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Greene, Jamie (West Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 24, Against 57, Abstentions 0.

Amendment 12 disagreed to.

Amendments 13 to 15 not moved.

Amendment 16 moved—[Andy Wightman].

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

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Greene, Jamie (West Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 24, Against 57, Abstentions 0.

Amendment 16 disagreed to.

Amendments 17 to 21 not moved.

Schedule 1 agreed to.

Section 3 agreed to.

Schedule 2 agreed to.

Section 4 agreed to.

Schedule 3 agreed to.

Section 5 agreed to.

Schedule 4—Justice

The Convener: Amendment 22, in the name of Stewart Stevenson, is grouped with amendments 23 to 27. If amendment 25 is agreed to, amendment 26 is pre-empted and will not be called. Stuart McMillan will speak to and move the amendment in Stewart Stevenson's name.

Stuart McMillan (Greenock and Inverclyde) (SNP): As Stewart Stevenson cannot be here, he asked me to move amendment 22, which is a probing amendment, on his behalf. Can the cabinet secretary confirm that, notwithstanding the reference to the general expression of willingness to receive a document being expressed on a website as giving permission to a sender, any printed notice such as a letterhead, or the giving of an email address, can also give such permission?

I move amendment 22.

The Cabinet Secretary for Justice (Humza Yousaf): As this is a probing amendment, I am happy to confirm that. However, I urge members to reject amendment 22 if it is pressed. I am sure that it will not be.

The Convener: I call Monica Lennon to speak to amendment 23 and to other amendments in the group.

Monica Lennon (Central Scotland) (Lab): Amendment 23 would add the Mental Health Tribunal for Scotland to the definition of "tribunal" in schedule 4 to the bill. The reason for doing so is that the Mental Health Tribunal for Scotland has not been transferred into the First-tier Tribunal for Scotland, therefore it is not included in the interpretation provisions of schedule 4. That omission needs to be rectified. Amendment 23 is necessary and I thank the Law Society of Scotland for its assistance.

The Convener: I call Humza Yousaf to speak to amendment 24 and the other amendments in the group.

Humza Yousaf: Do you mean amendment 23, Convener?

The Convener: I ask you to speak to Government amendment 24, cabinet secretary, and to the other amendments in the group.

Humza Yousaf: Forgive me; I thought that we were talking about mental health tribunals.

With regard to amendment 24, as the Lord President said in his written statement earlier this

week, an area that is as significant as trial by jury is a matter for the Parliament, and the Parliament has been clear that there is a need for further dialogue on the matter. I understand the concerns that have been raised, but I hope that it is accepted that the temporary measure was being proposed only to ensure that our criminal justice system could continue to operate effectively during these incredibly challenging times. I will now begin a period of intensive and wide-ranging discussions with the judiciary, the legal profession, victims organisations and political parties to find practical and achievable solutions to the impasse. I do not think that there will be any easy answers, as was mentioned during the stage 1 debate, but I will take forward the consultations with an open mind and in good faith.

The delay to cases that we may well see will be intolerable, so I hope that we can find a resolution to the matter. I look forward to the Parliament agreeing to amendment 24.

Daniel Johnson: I, too, thank the Law Society of Scotland, which has done an extraordinary amount of work in a very short space of time and has provided us with a huge amount of detail on the bill. My amendments address at least one of the points that the Law Society raised on the extension of exemptions to hearsay evidence that is provided in court. We have just heard from the cabinet secretary about the issues that were raised about jury trials. Although those were the subject of much discussion during the stage 1 debate, of equal concern are the provisions to extend the admissibility of hearsay evidence in trials.

Our system of justice relies on several principles, one of which is trial by a jury of one's peers; another is that evidence can be robustly tested in court, which is done by way of cross-examination. Although it is true that hearsay evidence is admitted in the case of the exemptions that are set out in the Criminal Procedure (Scotland) Act 1995, those exceptions are just that—exceptional. The bill that we are looking at would make exemptions very much the norm, because people are not able to attend court and therefore are not able to be cross-examined. That is the reason for my amendment 25; however, there is a drafting error in it and I will not move it. Nonetheless, the issue needs to be considered very carefully, particularly because we will have the opportunity to consider a further emergency bill when we return from recess.

Another issue that needs to be examined is the early release of prisoners on remand. The bill gives ministers significant powers to provide for the early release of prisoners, which is sensible and prudent. It is important that we manage the prison population for two critical reasons: first, the

capacity of the criminal justice system and, secondly, because prisons are, understandably, a cause for concern as centres for transmission of the virus. Remand prisoners constitute 20 per cent of our prison population and account for 50 per cent of daily prisoner movements, as they go into and come out of prisons. Understandably, that is a significant concern but, as it stands, the bill does not give ministers the powers to provide for the early release of prisoners on remand. My amendment 27 seeks to deal with that, but I recognise that it is a complex matter. Amendment 27 is very much a probing amendment that I am keen to discuss, and I will continue to raise the issue as the situation continues.

Alex Cole-Hamilton (Edinburgh Western) (LD): Before I speak to my amendment 26, I want to say a few words about amendment 24, and to express my gratitude to the Government for moving so far on the matter.

The changes that the UK Government made through its bill last week, for which we passed a legislative consent motion, were the first of many difficult adaptations that we will have to make to our society in our response to the crisis. As a Liberal Democrat, it is very hard for me to accept that we must, for the time being, surrender certain aspects of our freedom and liberties for the safety and protection of the most vulnerable people in our society, but I have made my peace with the measures that have been introduced so far. We, in my party, could not have supported the introduction of the new powers in part 5 of schedule 4, on the ability of ministers to remove, for the duration of the emergency, juries from trials of indictment, so I whole-heartedly welcome the Government's amendment 24.

As we heard this morning, Her Majesty's Courts and Tribunals Service in England is pausing all trials until such time as it can find measures with which to safely operate juries. We should rise to the challenge and emulate that action. Indeed, if we were to pass the proposal, we would have been the only democracy in the whole world that would, in just the second week of lockdown, have ended a tradition that has, in Scotland, lasted 800 years. It would have been a very sad day.

The meat of the argument is around the balance of rights. As a Liberal Democrat, I see the opportunity to be tried before a jury of peers almost as a human right. We must also observe the right of defendants not to languish on remand as they wait for us to find a solution; that is justiciable under the terms of the ECHR. We do not suggest that those two rights are mutually exclusive, and we do not suggest delaying such trials in perpetuity. The bill gives latitude to extend the time bar. Let us do that for as long as we need, but only for as long as we need.

The Lord Chief Justice in England is looking for solutions; I mentioned some to the cabinet secretary in my speech this morning. I was deadly serious about use of places where the public gather, such as cinemas and theatres, which have much more space than traditional courtrooms have, and could easily be repurposed with the audiovisual technology that would be needed.

Proponents outside Parliament of paragraph 11 of schedule 4 point to the tremendous backlog of cases that they imagine might build up if we pause the system. I say again that we need to pause the system only for as long as it takes us to find a solution that would allow juries to sit safely. In any case, it is also true that, during this period of lockdown, there could, because of the absence of people on our streets, be a dramatic reduction in the number of solemn arrests that are made. The reduction of upstream workload could give ample space for courts to clear any backlog that might arise.

I am very grateful to the Government for heeding my concerns and the concerns of the other parties, the Scottish Criminal Bar Association, the Law Society of Scotland, and solicitors throughout the country, and for lodging amendment 24. I am very glad to see that, and it is very welcome. It recognises that Scotland has, in only our second week of lockdown, no cause to be the only country in the free world to dispense with a tradition of justice that has endured unbroken here for 800 years.

I absolutely support Daniel Johnson's amendments. I understand that he does not intend to press them, but we will support any moves that he makes to attempt to take the matter forward in later legislation.

We politicians do not like to be asked hard questions, but every member knows the power of asking questions. By asking questions, we can probe what is being said, draw out areas of agreement, and highlight inconsistency. The same is true in a criminal trial. A witness who gives evidence in a witness box or in a court by videolink from a remote site can be asked questions and have their evidence proved, and any inconsistencies can be addressed. They can be cross-examined by the defence.

However, sometimes witnesses cannot be in court; for example, the witness might have died since giving a statement to the police. The law now recognises that the evidence of witnesses who are abroad, who cannot be traced, or who are unwell might be available only if their statements are read to the jury. That is not ideal, but it is a necessary compromise. We find the law in section 259 of the Criminal Procedure (Scotland) Act 1995.

However, it is important to realise that, following a decision of the High Court of Justiciary in 2003, in the case of *N v HMA*, the trial judge has no discretion. If a witness statement meets the criteria of that section, the judge must admit the evidence of the witness by statement. The then Lord Justice General, Lord Gill, was clear that the judge cannot choose whether to allow the statement into evidence: if the test in the section is met, the statement is used.

Our concern is that the proposal in the Government's bill would result in statements being used instead of oral evidence, for any witness for whom

"it is not reasonably practicable, because of a reason relating to coronavirus, for the person who made the statement to attend the trial or to give evidence in any other competent manner."

What does that even mean? Who fulfils that condition?

17:45

Paragraph 257 of the policy memorandum explains that that provision is designed to make sure that witnesses who are

"unable to attend court to give evidence in person",

or who are unable to give evidence because they are self-isolating and do not have access to the equipment that is required to give evidence via videolink, or lack the technical skills to operate that equipment, can have their statement admitted in evidence. That sounds very sensible, but it is not what the Government proposes. What about a witness who is not at high or higher risk, and who would still, if they had an essential job, be working? Why could they not go to court to give evidence, or to a remote site to give evidence by videolink?

Giving evidence is important. A prosecutor would not use evidence if it were not essential. We understand that there will have to be a role for the good sense of the Crown Office and Procurator Fiscal Service in this, but we cannot support a proposal that would make the test so wide that almost any witness could claim to fall within the criteria.

The Scottish Criminal Bar Association cannot support the proposed provision, and it has said:

"We urge that care is taken if the rule against hearsay evidence is to be varied as proposed, in that thought is given to how such an important step is taken securely and robustly. It cannot rely on the whim of the witness. Experience suggests that if it does, advantage will be taken of it."

I am coming to the end, Presiding Officer. If that condition is as loose as the Government proposes, a court will have to admit evidence from a witness

who says that they do not have the technology to give evidence from home, and do not want to leave home, even if they are not at high or higher risk from the virus.

Amendment 26 is designed to tighten the criteria and to focus the test on whether there is a particular risk to the wellbeing of witnesses and others from their coming to court or going to a remote site, and on whether a court officer could deliver a laptop with a video camera to a witness's home so that they could give evidence from there.

Under the new protective criteria in proposed new paragraph (2A), judges would still have no discretion on whether to admit statements, but they would have to decide whether there was a particular risk to the wellbeing of a witness that was attributable to the coronavirus.

The intention of amendment 26 is that judges will decide whether there is a particular risk to the wellbeing of the witness from coronavirus transmission, and whether that risk outweighs the undoubted benefit to the interests of justice and of a fair trial of having the witness examined under oath in the usual manner.

Liam Kerr (North East Scotland) (Con): I will not speak for long. Initially we were inclined toward Monica Lennon's amendment 23, because I, too, read the Law Society of Scotland's note and attach weight to it. However, I believe that the president of the Mental Health Tribunal for Scotland might say that it is unnecessary. I will take an intervention from the cabinet secretary if he is able to give me more detail on that.

Humza Yousaf: Of course, I should also have responded on other amendments, which I hope to be able to do later.

We received quite strong representations from the president of the Mental Health Tribunal for Scotland. The president said that the tribunal already has powers to deal with matters by electronic means, that it does not need the benefit of the bill's provisions on that subject, and that including them is likely only to confuse matters. Also, of course, we want to avoid unnecessary duplication in legislation. The Mental Health Tribunal for Scotland already has the powers, so there is no need to duplicate them in the new legislation.

Liam Kerr: I am grateful to the cabinet secretary for that helpful clarification.

As I stated this morning, I welcome amendment 24, which is in the name of the Cabinet Secretary for the Constitution, Europe and External Affairs. I am glad that the Government has responded to the considerable pressure on the matter. We understand the concern that it sought to address, but as we heard this morning, the Government's

proposal is not necessary and there are other ways to address that concern. I very much look forward to positive engagement in the near future on the matter.

Daniel Johnson's amendment 25 is interesting, and I am glad that he lodged it so that the matter could be aired. Although we are sympathetic to the points that he has raised, we would have difficulty with the amendment, so I am pleased that he will not press it.

Finally, having listened to the debate, I am inclined to support Alex Cole-Hamilton's amendment 26.

Humza Yousaf: I will speak briefly on the amendments that I have not yet touched on. On Daniel Johnson's amendment 25, I understand where he is coming from and the concerns that he legitimately raises. However, the coronavirus outbreak is likely to mean that some witnesses will be unable to attend court to give evidence in person or, in fact, to give evidence in any other manner, so the new measure is intended to reduce the impact of the coronavirus on court business by allowing statements to be used in evidence in appropriate cases, where there are no other alternatives. That is the important element.

Notwithstanding that, we recognise that a number of concerns have been raised on the issue, in particular by the Law Society of Scotland. I invite Daniel Johnson not to move amendment 25, but I am happy to support Alex Cole-Hamilton's amendment 26, for the reasons that he outlined.

On Daniel Johnson's amendment 27, I recognise his long-standing interest in reducing our prison population—in particular, in reducing the number who are in prison on remand. He and I agree that we have too many remand prisoners in Scotland.

However, prisoners on remand are different from other prisoners who are in our care, because remand prisoners are there as a result of a court-mandated decision on bail. It would not be right to go above the courts in that regard. The judiciary has a long-standing and established role in determining whether a person who is accused of a criminal offence should be bailed or remanded.

There would be operational issues if amendment 27 were to be agreed to. For example, on what basis would remand prisoners be released? Would it be conditional or unconditional release? Who would set the conditions?

To give Daniel Johnson some reassurance, I point out that there is already a mechanism for remand prisoners to have refusal of bail reviewed when their circumstances have changed. I do not

want to prejudge the issue, but the courts might well view the coronavirus outbreak as a material change in circumstances. Indeed, the courts have confirmed that they will continue to give priority to bail reviews and appeals. I look forward to continuing to work with Daniel Johnson to seek to reduce the prison population—especially the number of prisoners who are on remand. However, I suggest that amendment 27 is not the way to do that, so I hope that Mr Johnson will not move it.

Amendment 22, by agreement, withdrawn.

The Convener: I call amendment 23, in the name of Monica Lennon.

Monica Lennon: Because new information has come from the president of the Mental Health Tribunal for Scotland, I am happy not to move amendment 23.

Amendment 23 not moved.

Amendment 24 moved—[Humza Yousaf]—and agreed to.

Amendment 25 not moved.

Amendment 26 moved—[Alex Cole-Hamilton]—and agreed to.

Amendment 27 not moved.

Schedule 4, as amended, agreed to.

Section 6 agreed to.

Schedule 5 agreed to.

Section 7 agreed to.

Schedule 6—Functioning of public bodies

The Convener: The next group is on the functioning of public bodies, particularly in relation to freedom of information. Amendment 28, in the name of Neil Findlay, is grouped with amendments 29 to 47, 56 and 57. As a result of pre-emption, if amendment 29 is agreed to, I cannot call amendments 30 to 46; if amendment 36 is agreed to, I cannot call amendments 37 to 39; and if amendment 42 is agreed to, I cannot call amendments 43 to 45. I will outline those pre-emptions again when we come to the vote on each amendment.

Neil Findlay: I see that the Cabinet Secretary for the Constitution, Europe and External Affairs has left the chamber, so perhaps one of the other ministers who is on the front bench can answer a question for me. Earlier, I asked about another bill coming forward. Can the Cabinet Secretary for Justice tell us whether that will be only a justice bill or whether it will cover other elements? It would be helpful to know that before we proceed.

Humza Yousaf: The initial offer of another bill was to deal with the issue relating to solemn proceedings, but the Cabinet Secretary for the Constitution, Europe and External Affairs has given an indication that, depending on what is discussed here, and if members raise other issues, we will be open minded to widening the scope of that bill.

Neil Findlay: That is a helpful clarification.

At this time of crisis, huge decisions are being made by Governments, public bodies and agencies across the world. The decisions that are made by our Government and public bodies will affect people's jobs, businesses, homes and families. They will reverberate for years to come, and they will impact on every citizen in our country. Some are literally life-and-death decisions.

It is the role of members of this Parliament, councillors, the media and the public to hold the Government and other public bodies to account. We cannot abandon key elements of scrutiny and transparency at this critical time. Indeed, the First Minister herself said that transparency is vital and that she is committed to it, which is welcome. Greater transparency gives the public more confidence in what is being done in their name.

It was therefore surprising and disappointing to see what came out from the Government yesterday. It was in the interests of openness, transparency and accountability that I lodged the amendments in my name in this group, on behalf of the Labour Party.

Amendment 28 would change the blanket approach of the bill so that the bill would cover the sectors that are under the greatest pressure. It would limit the provisions of the bill to health boards, care providers and integration joint boards, leaving existing legislation to apply to other bodies. I omitted local government from amendment 28, and I will seek to remedy that at stage 3.

Amendment 29 is the key amendment in the group, and it would delete part 2 of schedule 6, on freedom of information. It appears that no other jurisdiction in the western world—including the UK Government, with its large parliamentary majority—has sought to use emergency coronavirus legislation to curtail access to information as this bill attempts to do. Scotland stands alone in taking such restrictive action, and the Scottish Government has not justified the necessity and urgency of such an approach.

An alternative approach, which is more considered and balanced, is essential and would be in line with our commitments on human rights and open government. I ask the cabinet secretary whether he will engage with the Scottish

Information Commissioner and follow the New Zealand chief ombudsman's approach, which is altogether more pragmatic and sensible in that it puts a responsibility to act reasonably on the applicant and the body that is subject to the FOI request. In New Zealand, the chief ombudsman has made it clear that the responding body will not be penalised for going over time if that is justified in the circumstances. I suggest that that non-legislative approach is a much more constructive route, which we should follow.

There is an added incentive for members to support amendment 29: if they do so, another 16 amendments will be pre-empted, which will save us a lot of time. [*Laughter.*]

Amendment 30 refers to the restricted list of the most pressured public bodies, which I mentioned.

Amendments 31 to 35 and 37 to 39 would change the number of days in which bodies must respond to FOI requests.

Amendment 47 would make provision for additional finance to be provided to the Scottish Information Commissioner should that be required, so that the public can be provided with information about their rights.

Amendments 56 and 57 would restrict the duration of the proposed changes to the period up to 30 June 2020. Any restriction on the FOI process should be a temporary and clearly time-limited measure, so that the public can hold the Government and public bodies to account. Restrictions should not be kept on the statute book for a day longer than they have to be there.

The freedom of information system was hard won. It is a key part of our democracy and a key element of the openness and transparency of our society. It is there to inform. As I said, no other western democracy is seeking to restrict its FOI system, even in these difficult times. It is essential and in the interests of good decision making and good governance that we maintain our system.

I move amendment 28.

Ross Greer: I lodged amendment 36 and other amendments in the group because, although I understand the immense pressure that some public bodies are under during this crisis, we need to strike a balance between the effective use of reduced resources and the need for transparency as a way to maintain faith in public institutions during a time of crisis. I have lodged amendments that, as a whole, strike a reasonable balance in that regard.

I have a question for the Government about schedule 6 as a whole, and paragraph 7 specifically, which a minister might address either through an intervention or during their own speech on the group of amendments. Paragraph 7 of

schedule 6 gives the Scottish Information Commissioner a broad remit to take the virus and its impact into account when considering the responses of public bodies to FOI requests. My question is sincere: why is that provision alone not sufficient to provide flexibility to public bodies in relation to their response times?

18:00

My amendments would remove the extension of the review period from 20 to 60 days and would remove the additional 40-day discretionary extension for both the initial request and the review, which would reduce the total maximum period in which an FOI request could be responded to from 200 working days to 80 working days. A period of 80 days is still quite long—it is double the current 40 days allowed between the initial request and conclusion. As someone who uses FOI extensively to hold the Government to account and for whom the review process is a norm when dealing with obstructive public bodies, I do not relish that extension, but I recognise the strain that some public bodies are under.

On the point that some public bodies are more directly affected, amendment 40 would provide that the provision would apply only to the public bodies that are the most pressed by the crisis. Amendment 28, lodged by Neil Findlay, has similar intentions. The Greens believe that being prescriptive through primary legislation now is not the best option.

Neil Findlay: Does the member accept that the approach that is being taken in New Zealand is much more pragmatic and that a non-legislative response is one that we could all work with and live with if it were applied here?

Ross Greer: I was reading up on the approach in New Zealand this morning. I do not understand the freedom of information law in New Zealand that underpins the statement by the ombudsman. It is because of what the ombudsman said today that I pose my question to the Government. Paragraph 7 of schedule 6 would give the Information Commissioner a broad, flexible remit during this crisis, which begs the question why the rest of the provisions in that part are necessary at all.

A huge number of public bodies can be subject to FOI requests, and I would not want to accidentally omit public bodies that should be included because they are subject to pressure simply because we do not realise that today. That is why we propose the approach of giving the Government dispensation to put the measures together using a Scottish statutory instrument—with appropriate consultation of the Parliament to ensure that the SSI is approved.

If amendment 42 is rejected and paragraph 6 is to remain, we would be content to support amendments 43 to 46, in the name of the minister, to clarify that paragraph. Paragraph 6 is essentially redundant without paragraph 5. I urge members to vote to remove both of them.

We will certainly support Mr Findlay's amendment 47, to ensure that the Information Commissioner's office is sufficiently resourced, given the additional responsibility that it will have during this period. That will be critical, and I am grateful to Mr Findlay for having lodged the amendment.

Going back to the extension to appeal times, I hope that Parliament will support my amendments 36, 41 and 42, removing that extension for the reasons that I have already outlined and giving particular consideration to what I have said about the powers that are given to the Information Commissioner in paragraph 7, which make the sweeping extension unnecessary. If amendment 36 were to be accepted, it would pre-empt amendments 37 to 39, in the name of Mr Findlay; if amendment 36 were to fall, we would support those amendments in Mr Findlay's name.

The Minister for Europe and International Development (Jenny Gilruth): The Government recognises that transparency is of paramount importance in the current circumstances. Nothing in what we have proposed would remove the right of people to make FOI requests or the duty of public bodies and the Scottish Government to respond promptly. I assure members that nothing in the proposals will restrict the normal channel of accountability of ministers through parliamentary questions and committee scrutiny. As we have made clear, we are very open to looking at how scrutiny can be tailored to meet the current, unique, circumstances that we face.

What we are proposing for FOI is timetable flexibility at a time when the absolute priority of the public sector has to be protecting the safety of Scotland's people. Scottish public authorities are experiencing unprecedented pressures and, despite their best efforts, many are likely to miss statutory FOI time limits for requests for information during the pandemic. As the Scottish Information Commissioner put it in his briefing to all MSPs yesterday:

"The circumstances that public authorities across Scotland currently face are unprecedented, and we are wholly sympathetic to the pressures that the COVID-19 pandemic will be placing on public institutions, structures, resources and staff. Meeting the current 20 working day FOI timescales in circumstances where premises are closed, where information may be inaccessible, where staff are absent, or where organisations face unprecedented demands for essential services will undoubtedly create significant challenges for many organisations."

Although we welcome that comment, the fact remains that unless we legislate in the bill, public bodies will be breaking the law if they miss FOI deadlines.

Anas Sarwar (Glasgow) (Lab): The Public Audit and Post-legislative Scrutiny Committee has looked at FOI legislation. We were due to publish our report two weeks ago, but, given the national circumstances, we decided to pause on publishing it until further down the line.

The use of proactive publishing was highlighted in the evidence that we received for our report, both from external organisations and from members of this Parliament. If we were to proactively publish more information, we would reduce the need for FOI requests. Can the Government look at proactive publishing as a potential solution, as an alternative to some of the provisions in the bill?

Jenny Gilruth: I thank Anas Sarwar for that helpful intervention, and I see that my colleague, the Cabinet Secretary for the Constitution, Europe and External Affairs, is nodding.

As a Government, we are looking at how we can communicate our messages in a different way. We are living through pretty unique circumstances, and displaying documents online, for example, which we might not have done in the past, is one of the ways that we will look to share information with the public in future.

The bill makes provision for temporary modifications to FOI deadlines as a proportionate response to these unprecedented circumstances. Since we published our proposals, there has been much discussion on whether we should limit the provisions to front-line health services. However, although national health service boards, general practitioners and others in the healthcare sector are on the front line of addressing the pandemic, a vast range of public sector organisations are involved in the response on matters including housing, transport, social services and education, with central and local government, agencies and public bodies all involved.

The current emergency affects all people in Scotland in a way that has never been seen before. Every public authority is affected. All but essential workers are working from home. As an example, occupancy rates in Scottish Government buildings are down by 97 per cent. Many staff have caring responsibilities.

Neil Findlay: Will the minister take an intervention?

Jenny Gilruth: Can I make some progress?

Neil Findlay: Will she come back to me?

Jenny Gilruth: I will.

We know that levels of sickness will increase as the pandemic progresses, and that that will affect organisations' ability to respond to requests.

This is not business as usual for the Scottish Government—far from it. Teams that deal with housing, education, food standards, social security and a wide range of other matters are now working together on our response to Covid-19. Essential services need to be delivered. A vast range of Government policy and legislative work—not least on this bill and other emergency legislation—needs to continue at pace.

I will now take Mr Findlay's intervention.

Neil Findlay: I do not disagree with a word that the minister has said on how public bodies are responding. However, exactly the same response is happening in England, Wales, Germany and France, and across western democracies, and none of those countries is seeking to restrict in the way that we are in Scotland. Therefore, I appeal to the minister again: can we take a balanced, sensible, non-legislative approach, rather than get ourselves tied into legislation that I hope none of us wants to pass?

Jenny Gilruth: We are taking a balanced and sensible approach. We have looked at the recommendations from the Scottish Information Commissioner, and those are what have informed our amendments.

Some of those countries might still take action on FOI requests or comparable legislation as the pandemic plays out—we do not know yet. I do not think that it is necessarily fair to compare where we are now to where the rest of the world is in terms of the pandemic and its global spread.

The proposals that we set out in the bill include extending the default FOI deadline to 60 days, with an option for an additional extension of up to 40 days where the case is particularly complex. However, we have accepted the advice of the commissioner that it would be better for the additional extension to be an option that could be targeted where bodies are under particular pressure. Scottish Government amendments 43 to 46 therefore provide the power for ministers to make directions to allow public authorities to extend deadlines further. That power is designed to be used in a targeted way, in relation to areas of particular pressure. Before using that power, ministers must consult the commissioner, and directions cannot apply to the Scottish Government itself. Those provisions would replace paragraph 5 in schedule 6. Therefore, we are happy to support amendment 41, in the name of Ross Greer. I trust that that will reassure members, and that they will be able to support those amendments.

I turn to the other Opposition amendments. I appreciate that we are all trying to find the right balance. Amendments 28 and 30, in the name of Neil Findlay, seek to restrict the flexibility to health service bodies alone. We cannot agree to that. As I have explained, a vast range of public sector bodies are engaged in responding to the pandemic, and we should recognise the effect that that is having on them, too.

Amendment 40, in the name of Ross Greer, also proposes that the measures should apply only to certain public authorities. It would require Scottish ministers to bring an affirmative instrument to the chamber to specify which. We recognise that that would allow for far greater targeting of the measures, but the Freedom of Information (Scotland) Act 2002 applies to thousands of public authorities and time is of the essence. It would not be feasible for Scottish ministers to assess all authorities for potential inclusion and produce subordinate legislation in sufficient time to address the pressures that authorities across the country are feeling right now. Accordingly, we cannot support amendment 40.

Neil Findlay: Will the minister take an intervention?

Jenny Gilruth: I would like to make some progress.

Amendment 29, in the name of Neil Findlay, would remove the entirety of part 2 of schedule 6. If it were agreed to, the bill would make no provision whatsoever for freedom of information and the current law would continue to apply. Again, we cannot accept that. The Scottish Government is clear that our hard-pressed public authorities need additional flexibility so that they can focus on dealing with the pandemic. Amendment 29 would deny them that flexibility.

Amendments 31 to 35 and 37 to 39, in the name of Neil Findlay, seek to reduce the new timescales that are proposed in the bill. Again, we are unable to support those amendments as we do not believe that they would give authorities sufficient flexibility. I stress that authorities remain under a duty to respond promptly, which in many cases will mean that they will respond well in advance of the 60th working day in any event.

On amendment 36, although we recognise Ross Greer's desire to make the bill more targeted, we are unable to support the proposal. We believe that it is important that authorities have time to reach the correct decision, rather than making a rushed one.

Amendment 42, which is also in the name of Ross Greer, would remove ministers' ability to introduce an extension should the situation warrant it, which the commissioner recommended. We believe that it is sensible to have such a power

in case circumstances change because, otherwise, fresh primary legislation would be required. Mr Greer's amendment cuts across what the commissioner has recommended, so we cannot support it.

Amendment 47, in the name of Neil Findlay, would enable the commissioner to submit a revised budget to the Scottish Parliamentary Corporate Body for approval. Although we would wish to ensure that the commissioner is properly resourced, we observe that paragraph 4A(2) of schedule 2 to FOISA already allows the commissioner to prepare a revised budget and submit it. We believe that FOISA already contains provision to achieve what Mr Findlay seeks, so we are not persuaded that his amendment is absolutely necessary. We therefore do not support it.

Amendments 56 and 57, in the name of Neil Findlay, would see all the measures expire at the end of June 2020. We do not believe that that would provide our hard-pressed authorities with the flexibility that they need right now. Accordingly, we do not support the amendments. I note, however, that section 12 of the bill gives ministers the power to bring forward the expiry date of the provisions by regulation.

Adam Tomkins (Glasgow) (Con): We very much welcome the fact that the Government has moved on the issue since yesterday, but its concessions, although they are welcome, do not go far enough. We will support all the Opposition amendments in the group except for Neil Findlay's amendment 47, which we do not believe is necessary.

We recognise that the amendments are not perfect, as Mr Findlay did in his opening remarks on the group. We would certainly want the provision in amendment 28, if it is agreed to, to be extended at stage 3 to cover local authorities as well as health boards, general practices and the like.

Last week, in giving evidence to the Finance and Constitution Committee, Mr Russell said that he wanted the Scottish Government to be placed under increased scrutiny and oversight during the coronavirus crisis because of the extraordinary powers that it is having conferred upon it by both UK legislation and legislation to be passed by this Parliament. However, it now seems to have rather resiled from that bold position by being what appears to be the only Government in the democratic world that is seeking to shield itself from increased scrutiny under freedom of information legislation.

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): I will make two quick points. First, the

recommendations that we have brought forward are the recommendations of the Information Commissioner. It would be perverse if the Parliament were to reject the recommendations of the person it entrusts to monitor the legislation. That would be extraordinary.

Secondly, freedom of information is not the only instrument of scrutiny. I have made that clear. I will refer later to a very helpful proposal from Anas Sarwar in relation to scrutiny by the Parliament on behalf of the people of Scotland, and I hope to bring forward in the coming days new arrangements to allow individual members to be in touch with the Government about specific constituency issues very quickly indeed. We—and the Parliamentary Bureau, as I understand it—have protected parliamentary questions. To behave as though FOI is the only scrutiny is simply wrong.

18:15

As far as other countries are concerned, sometimes in the chamber people say to the Scottish Government, "Go further—you must do what isn't happening elsewhere," but the moment we say that something is required and offer a cogent explanation for doing it, they say, "Oh, no—draw back; we can't go as far, because nobody else has done it." That is also perverse.

Adam Tomkins: It is not perverse at all, and Mr Russell knows that. If a court rules that a certain measure is not necessary to comply with international human rights standards, but we as a Parliament wish to enact that measure, we are not acting perversely.

Courts, regulators and commissioners, including the Scottish Information Commissioner, set the floor; we set the ceiling. We are not acting perversely by wanting to have additional protections that safeguard the fundamental rights of freedom of information more robustly than has been recommended by the Information Commissioner. That is not perversity, and Mr Russell knows that full well.

I am of the view that no legislation in this area is required. I go back to the necessity test. We are prepared to work with the Government to enact the legislation that it needs in order to address the crisis that we all confront. On that, I think that we are all agreed, but this matter does not require legislation.

There is no equivalent to any of these measures in the United Kingdom's Coronavirus Act 2020, which was passed last week. It has found a non-legislative solution, which is that the Information Commissioner's Office has simply put out a statement that says:

“we will not be penalising public authorities for prioritising other areas or adapting their usual approach during this extraordinary period.”

That is all that we need—a bit of sensible, pragmatic and administrative flexibility to deal with what is undoubtedly the case: health boards should be prioritising matters other than processing FOI requests at the moment.

We are asking—indeed, we are requiring by law—the people who we represent to make extraordinary changes to their lives, businesses and lifestyles. We need to take them with us. We do that by being open and transparent and not by being secretive. The proposals are unnecessary; they are unneeded. We will support all the Opposition amendments in this group, except for amendment 47.

Alex Cole-Hamilton: I do not intend to add much more to what has been a robust and full-throated debate. Continued scrutiny is essential when legislation is being sped through and parliamentary proceedings are being scaled back.

As the Information Commissioner told the Government, public interest in decisions made during this time is, understandably, significant. Services are refocusing to save lives, experiencing office disruption and dealing with staff absences, but not every public body and every public servant is being occupied by the coronavirus crisis or the response to it to the same degree—some might even have spare capacity as their operations are being scaled back, and projects, including new legislation, are being postponed. The bill goes far beyond what is necessary. It is setting up the FOI system for paralysis and opening the door to the suppression of scrutiny, particularly from journalists.

The initial response and the first stage appeal need not take a combined 10 months. Such rules, coupled with the relaxed approach that some organisations take to existing statutory deadlines could lead to a request sent today potentially not even being answered before the next Scottish general election.

As with the removal of juries, the Information Commissioner was not aware of any other country adopting such measures in its emergency legislation. Like Adam Tomkins, we will be supporting all Opposition amendments.

The Convener: I call Neil Findlay to wind up, and to press or withdraw amendment 28.

Neil Findlay: I press amendment 28.

I think that we have had a very good discussion—we have got exactly to the right issues that people would expect us to be discussing at this time.

I make an appeal at this stage to my colleagues in the Green Party to take a principled approach and support amendment 29. By doing so, we can get this provision out of the bill and we can move on to finding a non-legislative answer to the issue. We would all take part in those discussions willingly—with the Information Commissioner—and I think that we would come out with a far better result than what we will have if this proceeds. I appeal to Parliament to make that decision. It is in the interest of all our constituents and in the interest of good governance. It reflects the view that was expressed by the First Minister that we want absolute transparency throughout this really difficult time for our country.

The Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 28 disagreed to.

Amendment 29 moved—[Neil Findlay].

The Convener: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 29 disagreed to.

Amendment 30 moved—[Neil Findlay].

The Convener: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 30 disagreed to.

Amendment 31 moved—[Neil Findlay].

The Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 31 disagreed to.

Amendment 32 moved—[Neil Findlay].

The Convener: The question is, that amendment 32 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 32 disagreed to.

Amendment 33 moved—[Neil Findlay].

The Convener: The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 33 disagreed to.

Amendment 34 moved—[Neil Findlay].

The Convener: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 34 disagreed to.

Amendment 35 moved—[Neil Findlay].

The Convener: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 35, Against 47, Abstentions 0.

Amendment 35 disagreed to.

Amendment 36 moved—[Ross Greer].

The Convener: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. I am therefore required to use my casting vote. The convention is that the convener votes against change because the Parliament has not made up its mind. I therefore cast my vote against amendment 36.

Amendment 36 disagreed to.

Amendment 37 moved—[Neil Findlay].

The Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. The vote is tied so, again following convention, I vote against amendment 37.

Amendment 37 disagreed to.

18:30

Amendment 38 moved—[Neil Findlay].

The Convener: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. The vote is tied—the Parliament has not made up its mind—therefore, I vote against the amendment.

Amendment 38 disagreed to.

Amendment 39 moved—[Neil Findlay].

The Convener: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. The vote is tied, so I use my casting vote to vote against the proposed change.

Amendment 39 disagreed to.

The Convener: I call amendment 40, in the name of Neil Findlay.

Amendment 40 moved—[Neil Findlay].

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. *[Interruption.]* I will call the amendment again. I call amendment 40, in the name of Ross Greer.

Amendment 40 moved—[Ross Greer].

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. *[Interruption.]* If members will just hold on a second, we will reset the vote.

Apologies, colleagues, that was my fault for throwing a spanner in the works. Members may now cast their votes on amendment 40.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. The Parliament is not agreed, therefore I use my casting vote to vote against the amendment.

Amendment 40 disagreed to.

Amendment 41 moved—[Ross Greer]—and agreed to.

Amendment 42 moved—[Ross Greer].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 41, Against 41, Abstentions 0. The vote is tied, so I will use my casting vote to vote against the amendment.

Amendment 42 disagreed to.

Amendments 43 to 46 moved—[Michael Russell]—and agreed to.

Amendment 47 moved—[Neil Findlay].

The Convener: The question is, that amendment 47 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (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)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 23, Against 58, Abstentions 0.

Amendment 47 disagreed to.

Schedule 6, as amended, agreed to.

Section 8 agreed to.

Schedule 7—Other measures in response to coronavirus

The Convener: We turn to the group of amendments on social security. Amendment 48, in the name of Pauline McNeill, is the only amendment in the group.

Pauline McNeill: Amendment 48 is a probing amendment. Thinking ahead about how the economy is likely to look in the months to come, we are all concerned about a further crash. We need to look at the short-term gaps in who might need help and what kind of help they might need—whether rent holidays or rent breaks, which would obviously have to be underwritten by the Government. That is a matter that we should discuss further, although I am not proposing that we discuss it today.

My amendment 48 explores the setting up of funds for the specific purpose of helping people who fall through the cracks. I want to emphasise that point. They include people who are not in the welfare system, people who experience a pay reduction and people who need rent relief or rent support because of how they have been affected by the pandemic.

Amendment 48 to schedule 7 would allow local authorities, which already administer welfare funds, to provide assistance for up to three months. Discretionary housing payments are designed for people who are already on universal credit or benefits, and welfare funds are not applicable for the purpose of paying rent.

I just wanted to probe the Government on thinking ahead a bit to where we might be if people who fall between the cracks who cannot rely on discretionary housing payments or the welfare fund do not have some way to have their rent supported, should the economy crash in the future.

I move amendment 48.

Michael Russell: I thank Pauline McNeill for lodging amendment 48, which is, as she said, a probing amendment. She is absolutely right to probe on the issue. The question how people will make their way through and survive in such circumstances is central to the concerns of not just the Government but the entire Parliament.

The initial response to that has been a substantial increase of £45 million in the Scottish

welfare fund, but that will be by no means the end of it. There will have to be considerable help for people throughout Scotland, across these islands and around the globe in order that we can get through what we are now facing.

On the specific issue of rent, the right and appropriate place for that is universal credit. We know the difficulties that people are having in accessing it at present, but that is very much what it is for. Many people have paid into the system and are not only entitled to that help, but must get the support of the system. That will be there for them; we have been told that and we believe it to be the case.

However, I commit myself, here and now, to continued vigilance on the issue. As I said in my opening remarks this morning—hours ago—we are committed to continuing to keeping the legislation under review.

Pauline McNeill: The cabinet secretary is quite right that many people will now turn to universal credit. If they qualify, they should get some support for their housing, but I have concerns that although some people will get something out of universal credit, they might not get housing support.

Michael Russell: I take the point. I am absolutely certain that the ministers and officials who are responsible, right across Government, will be looking at that not just weekly but daily, and we will come back to the matter again and again. When we come to the next piece of legislation—as I indicated this morning, there will undoubtedly be more legislation—we will need to return to the issue.

I ask Pauline McNeill to accept my assurances on the matter. What she has put in amendment 48 is extremely important, and it might be possible to flesh it out into a wider solution in another piece of legislation. However, Ms McNeill has marked the card, and has done exactly the right thing in doing so. We will continue to work with her and members from across Parliament to try to ensure that when people inevitably fall between the cracks, there is something there for them.

Amendment 48, by agreement, withdrawn.

Amendment 49 moved—[Ross Greer].

The Convener: The question is, that amendment 49 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
 Cameron, Donald (Highlands and Islands) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 19, Against 54, Abstentions 0.

Amendment 49 disagreed to.

Amendment 50 moved—[Andy Wightman].

The Convener: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Green)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Smyth, Colin (South Scotland) (Lab)
Wightman, Andy (Lothian) (Green)

Against

Adam, George (Paisley) (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)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (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)
Fabiani, Linda (East Kilbride) (SNP)
FitzPatrick, Joe (Dundee City West) (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)
Greene, Jamie (West Scotland) (Con)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lindhurst, Gordon (Lothian) (Con)
Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Uddingston and Bellshill) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kevin (Aberdeen Central) (SNP)
Tomkins, Adam (Glasgow) (Con)
Torrance, David (Kirkcaldy) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 19, Against 55, Abstentions 0.

Amendment 50 disagreed to.

Amendment 51 not moved.

18:45

The Convener: The next group of amendments is on other measures in response to coronavirus. Amendment 52, in the name of Pauline McNeill, is grouped with amendment 53.

Pauline McNeill: I lodged amendment 52 on the request of the Law Society of Scotland. It would amend line 6 of page 6 of schedule 7 by changing “10 days” to “10 working days”. The amendment would extend the period of effect of an advance notice under the Land Registration etc (Scotland) Act 2012. It is intended to provide additional time for solicitors to prepare and submit applications for registration.

Registers of Scotland temporarily suspended the application record on 24 March 2020. As of 24 March, Registers of Scotland has been unable to accept paper applications for registration. That includes some advance notices for first registrations and transfers of part, and applications for registration of deeds, including dispositions.

In the context of the purchase of residential homes, an advance notice gives the purchaser protection and safeguards their purchase from a competing disposition that is granted to a third party, by entering the register for their own disposition for a period of 35 days. In other words, it gives the purchaser satisfaction that their disposition has been properly registered and is not open to challenge.

Following suspension of the application record, the immediate concern was that any deed that had not been registered would lose the protection of that advance notice if Registers of Scotland did not reopen the application record within that 35-day period to allow the deed to be registered.

The Law Society has worked closely with Registers of Scotland to facilitate a way in which transactions could proceed, by satisfying a particular framework that involves extending the period of the advance notice to provide sufficient time to register the deed. That period will run from submission of the advance notice until 10 working days after the application record fully opens. The bill currently extends the period to 10 days.

The Law Society believes that clarity is required as to the period; through the insertion of the word “working”, the bill would also cover and take into account bank holidays and weekends when Registers of Scotland is unable to accept paper applications. The keeper of the registers of Scotland has confirmed that she will consult the Law Society of Scotland as to whether she intends to reopen the application record. However, the emergency legislation might be required to provide that safeguard.

I move amendment 52.

Andy Wightman: Members might be aware of many instances over the past few weeks of land managers continuing to set the hills alight. They do that for a variety of reasons, under legal restrictions that are imposed by section 23 of the Hill Farming Act 1946, which imposes a season, from 1 October to 15 April, or an extended season to 30 April.

I commend the call exactly one week ago by Scottish Land & Estates that land managers desist from muirburning due to the demands that it could place on emergency services, and because of other issues in relation to the restrictions around working.

However, as evidence from across the country demonstrates, it is clear that the call is not being heeded. That is so important because the latest fire risk assessment, which was published this morning on behalf of the Scottish Wildfire Forum, says that the overall fire danger assessment for southern and eastern Scotland is officially “very high” for this week coming, and that in eastern Scotland on Saturday 4 April it is “extreme”. Amendment 53 would bring the muirburning season to an immediate halt, and would not allow any such activity during the emergency period.

Murdo Fraser (Mid Scotland and Fife) (Con): I will speak briefly to the two disparate amendments in the group. In relation to Pauline McNeill’s amendment 52, which originated from the Law

Society of Scotland, I declare my interest as a member of that society.

I welcome amendment 52; it seeks to extend the time that is available to solicitors to submit applications for registration of title to the keeper from 10 days to 10 working days. It is a modest and sensible change and I hope that the entire Parliament will support it.

I will not be quite as generous about Andy Wightman’s amendment 53, although I have no interest to declare in that respect; sadly, I am not the owner of a grouse moor—at least, not yet—although I appreciate that that distinguishes me from some of my Conservative colleagues.

An important qualification for any legislation is that it meets the test of necessity. That is particularly the case when it comes to emergency legislation that is being passed by Parliament without the opportunity for proper consultation and scrutiny. Amendment 53 does not meet the test of necessity because, despite what Mr Wightman said, there is no evidence that muirburning is currently taking place in Scotland.

Scottish Land & Estates has told its members very clearly that muirburning should not take place. In any event, the muirburning season comes to an end on 15 April, which is two weeks from today; that is likely to be before the bill is even enacted. The measure is therefore unnecessary—that is the kindest thing that I can say about it.

Andy Wightman is, once again, on his favourite hobby-horse—attacking landed estates and the people who own them. There are many other activities in the countryside that one could, equally, argue would present a challenge to the emergency services.

Andy Wightman: I merely observe to Mr Fraser that Scottish Land & Estates has called on its members to desist. My amendment would give that the force of law.

Murdo Fraser: Mr Wightman and I disagree. We should not be legislating unless there is compelling need to bring in a new law. His amendment is not necessary, because there is no social ill that it is trying to cure. There is no evidence of muirburning taking place at the moment; even if there was, the chances are that by the time the bill is enacted, the muirburning season will be over. Mr Wightman is again on his favourite subject—attacking people who earn a living from the countryside and from grouse moors. It is a vindictive move, and Parliament should oppose it.

Michael Russell: Convener, I find myself in the position of being contrary on both amendments. If

you will bear with me, I will do my best to explain why.

There is absolutely no reason why we should not support Pauline McNeill's amendment 52, except, apparently, for the way in which Registers of Scotland operates its computer systems. The Government has worked hard today to see whether we could accept the amendment. The problem is that the computer systems are based on days, rather than on working days, and to change the computer systems would require substantial work.

I have a solution. As Pauline McNeill suggests, there will probably be a need for emergency legislation to reopen the registers. That is being discussed. If we can resolve that, we will, of course, use the proposal in amendment 52, because we are entirely sympathetic to there being as much time as possible. Unfortunately, the issue cannot be resolved here today. I wish that it could, because there is no reason for my objecting to the proposal other than that strong reason.

Pauline McNeill: I appreciate what the cabinet secretary is trying to do. I think that we are probably at one in terms of the desired outcome. As I am sure he knows, and based on case law, days can be crucial for people when they register properties. I want to put that on the record. I do not know when he is thinking further legislation might be introduced, but it is important to make the point that some people could be caught out.

Michael Russell: I entirely accept that. Our intention will be to give the maximum time possible. It is for Registers of Scotland to decide, but I do not want to put in statute something that would create an additional problem for the organisation.

In all honesty, I say that I am by no means an expert on the subject. I had not heard of it until about an hour ago but, knowing it now, I feel that it is my duty to share it in Parliament. I hope that Pauline McNeill will seek to withdraw amendment 52.

On Mr Wightman's amendment 53, I shall be contrary with regard to Conservative members. I read the amendment with a sense of déjà vu. It brought back the happy days when I was an environment minister and had heard of neither Brexit nor coronavirus. I would go back to those days, if only I could. I was familiar with muirburn regulations then. It is a sensitive issue. If any muirburn is taking place at this stage, it should stop: given the forecast, it must stop. In support of Mr Wightman, I say that I see absolutely no harm in putting that into statute. Therefore, I suggest that we do so.

It is not as simple as saying that the provision should cover only until 15 April, because there are

circumstances in which muirburn could continue beyond 15 April—for, I think, another fortnight, although I am dredging from my memory regulations that I have not thought about for a very long time. In the circumstances, I am happy to support amendment 53. Others might not be.

The Convener: I call Pauline McNeill to wind up and to say whether she intends to press or to seek to withdraw amendment 52.

Pauline McNeill: I was just looking across the chamber towards Murdo Fraser, who I think is probably minded—as am I—to fix the issue correctly. I understand that some people could be adversely affected by amendment 52's proposals—because a property is not wholly theirs until their title is registered by the keeper—although it is to be hoped that no one would be so affected.

Based on that, and on the promise that the cabinet secretary has made, I look forward to further discussion on the issue. I am sure that the Law Society of Scotland will have picked up on the matter and will be in touch when it sees the outcome of the debate. For those reasons, I will be happy not to press amendment 52.

Amendment 52, by agreement, withdrawn.

Amendment 53 moved—[Andy Wightman].

The Convener: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: I summon members to the chamber for a one-minute division on amendment 53. [*Interruption.*] Yes—I summon them to the chamber.

The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (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)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

The Convener: The result of the division is: For 59, Against 17, Abstentions 0.

Amendment 53 agreed to.

Schedule 7, as amended, agreed to.

Before section 9

The Convener: We turn to the last group of amendments, which is on equalities and human rights. Amendment 54, in the name of Ruth Maguire, is grouped with amendment 59.

Ruth Maguire (Cunninghame South) (SNP): We know that people who are already facing inequality are most likely to be negatively affected by Covid-19, with an increased risk of facing financial and physical insecurity.

For example, women are affected in terms of their health not only as front-line workers and carers but also because of the policies that have been introduced to manage the impact of the virus. Periods of isolation and social distancing can exacerbate women's experiences of domestic abuse, effectively trapping them in unsafe situations with limited access to vital support and means of escape. As at 31 March, seven women had been murdered in their own homes this year—this is therefore a serious matter.

I praise the Scottish Government's decision to fund Scottish Women's Aid and Rape Crisis Scotland to ensure that the key services that they provide are maintained. I thank both organisations for the important work that they do to keep women safe, which has always been challenging but has probably been particularly difficult recently. I want them to know that they are valued, respected and supported.

Amendment 54 creates a duty on ministers to "have regard to opportunities to advance equality"

and reflects mainstreaming obligations under the Equality Act 2010. It does not introduce any additional reporting obligations during this period of crisis, but it does ensure that Scotland's efforts to eradicate gender inequality lose as little ground as possible during it.

I move amendment 54.

The Convener: I call Monica Lennon to speak to amendment 59 and the other amendment in this group.

Monica Lennon: The purpose of amendment 59 is to ensure proper monitoring of the use of emergency powers on mental health.

Amendments made to the Mental Health (Care and Treatment) (Scotland) Act 2003 by the UK Parliament Coronavirus Act 2020 could have significant impacts on vulnerable adults. The Scottish Human Rights Commission has suggested that local authorities and health boards should be required to report on where and how they have used powers on mental health and that, if it were appropriately resourced, the Mental

Welfare Commission for Scotland would be an appropriate body to receive such reports.

Although Scottish Labour accepts that the Scottish Parliament's emergency bill is necessary, its significant implications for the safeguarding of the human rights of those who are mentally ill are of concern. That is why increased powers for mental health professionals and the potential increase in periods of detention must be undertaken only where necessary and must be properly monitored. The powers must be applied with only that in mind, rather than to ease the administrative burden on health and social care staff. Reporting of when and how the powers have been used will provide important checks and balances.

Notwithstanding what I have said, I recently received an email from the Scottish Government that, if I had seen sooner, might have resulted in a differently drafted amendment. Can the cabinet secretary give assurances, especially to those vulnerable groups, about the measures that can be put in place to ensure proper scrutiny of the additional powers? This relates to the timing of what has not yet been implemented. I accept the Government's email in good faith and, if I can have further clarification, I will not have to move amendment 59.

19:00

Michael Russell: I welcome amendment 54 from Ruth Maguire. It is very much required, and she has drawn attention to considerable issues that are arising and will, regrettably, continue to arise during this difficult period. The insertion of a new section before section 9 will be important, and it must be of importance if it drives our minds and our actions towards making sure that we consider those matters. I make the commitment on behalf of the Government that we will do so.

I thank Monica Lennon for her remarks. I am sorry that it took time to come back to her on amendment 59, but we have been running to stand still in respect of the detail of the amendments this afternoon. I respect the point that she has made. The position of the Mental Welfare Commission was raised in my conversations this week with the Scottish Human Rights Commission, and I make a commitment to ensure that the Mental Welfare Commission is involved in the reporting process.

There are two problems with amendment 59. One is that the reporting period it asks for is longer than the reporting period that we have already decided upon in the bill. It would create a worse set of circumstances than there would otherwise be.

The second problem is that there is very little in the bill that would be affected by amendment 59: only a tiny subset of adults with incapacity. The real target of amendment 59 is the legislative consent motion that we gave to the UK Coronavirus Act 2020, which has substantial powers under mental health legislation. I made commitment during the LCM process—which I am glad is on record—that we will report, in detail, on the use of those powers, that we will make sure that that reporting covers the whole country, and that we will engage the Mental Welfare Commission.

Amendment 59 is not helpful. In actual fact, it would put burdens upon people that would be irrelevant given what is referred to in this bill.

Presiding Officer, I would like to make a few comments about the issue of reporting, which is of wider concern to members. It is important that we have as much reporting as possible, and I know that Anas Sarwar has written to you with a proposal, which has been circulated to members, for a special committee.

The Scottish Government is happy with that proposal and I am grateful to Mr Sarwar, who has done us all a service by making a concrete proposal about how things should go forward. If the proposal is to go forward, either completely or in some variation agreed by the Parliamentary Bureau, the Scottish Government will work hard with that special committee. I told Mr Sarwar today that I would be happy, if the committee were to come into existence very quickly, to take part in a video, or other, conference with it as soon as it is established.

We are already looking at the reporting guidelines. I am commissioning work on that, and I want that work to be influenced by whatever structure comes into place, so that we are all clear what the reporting guidelines are, how that information is brought together and how it is then disseminated.

As I said to Neil Findlay at lunch time today, Scottish Government colleagues and I are also looking at how we can give individual members more direct and faster access to information on the common issues and complaints that they raise. All members have been deluged with genuine concerns from constituents. Some of those concerns, such as issues with personal protective equipment, have been dealt with rapidly. Other concerns have been put to the side because we need an answer from elsewhere. I appreciate that that is difficult, so we are looking at what we can do, and I hope to have something more to say in the next couple of days.

As I mentioned earlier, there is also the enhanced issue of making sure that questions are

answered rapidly. We will do our best to respond and to provide as much information as possible, as well as to take part in the scrutiny structures that Parliament puts in place.

I make those commitments, but I would be grateful if Monica Lennon did not move amendment 59 as it will not enhance the situation.

Presiding Officer, I do not know when we will come on to it, but I would like to say a word or two about the stage 3 process when we conclude the stage 2 proceedings; I would like to ask members for some help.

The Convener: I invite Ruth Maguire to wind up and to indicate whether she intends to press or withdraw amendment 54.

Ruth Maguire: I press amendment 54.

Amendment 54 agreed to.

Section 9 agreed to.

Section 10—Power to suspend and revive provisions

Amendment 55 moved—[Michael Russell]—and agreed to.

Section 10, as amended, agreed to.

Section 11—Expiry

Amendment 56 moved—[Neil Findlay].

The Convener: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 32, Against 45, Abstentions 0.

Amendment 56 disagreed to.

Amendment 57 moved—[Neil Findlay].

The Convener: The question is, that amendment 57 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Against

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (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)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Greer, Ross (West Scotland) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 32, Against 45, Abstentions 0.

Amendment 57 disagreed to.

Amendment 58 moved—[Michael Russell]—and agreed to.

Section 11, as amended, agreed to.

Sections 12 to 14 agreed to.

After section 14

Amendment 59 not moved.

Sections 15 to 17 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the Coronavirus (Scotland) Bill and concludes this meeting of a committee of the whole Parliament. I want to say a few words but, before I do so, I think that the cabinet secretary wishes to make a few comments about stage 3.

Michael Russell: I want to make two points. The stage 2 process has been very full and detailed, and it is not my intention to lodge any amendments to the bill at stage 3. Clearly, there are always small matters that can be dealt with, but given the detailed debate that we have had on almost every issue, I think that that is the appropriate response.

Members are, of course, entirely free to lodge amendments at stage 3, but it seems important for us to give a lead and to say that we think that it would be possible to move on to have a brief debate about the bill overall, but to make sure that the bill is passed and goes on its way.

The Convener: That is very helpful. I invite the cabinet secretary and the business managers to join me in committee room 5—the Adam Smith room—to confirm whether there are any plans to lodge amendments. At that point, I will come back and inform members about when we can move to the next stage, which will be either stage 3 deadlines or the stage 3 debate.

I ask members to loiter around the chamber for about five minutes. Please keep a social distance.

Meeting closed at 19:10.

19:24

On resuming—

Meeting of the Parliament

The Presiding Officer (Ken Macintosh): I have had no indication that any member wishes to lodge a stage 3 amendment, but, following consultation with the cabinet secretary and business managers, I will allow five minutes for any member who wishes to do so.

If no amendments are lodged, we will resume in five minutes' time with the stage 3 debate. I suspend Parliament until 7.30.

19:24

Meeting suspended.

19:30

On resuming—

Coronavirus (Scotland) Bill: Stage 3

The Presiding Officer (Ken Macintosh): I can confirm that no amendments have been lodged at stage 3, so we will shortly move to the stage 3 debate.

The Minister for Local Government, Housing and Planning (Kevin Stewart): On a point of order, Presiding Officer. During today's debate, I got some legislation mixed up with regard to illegal evictions. I mixed up the fines that are involved in relation to that offence with the fines that are in the landlord and letting agent registration legislation, and I would like to correct the *Official Report* to set the record straight on that front. The summary conviction and maximum fine for an illegal eviction is £10,000.

I apologise to Parliament. It has been a day during which things have happened extremely quickly, and I have mixed up pieces of legislation. Again, I apologise for that mistake.

The Presiding Officer: Thank you, Mr Stewart. I am sure that members are grateful for that speedy clarification.

Before we move to the stage 3 proceedings, I have a determination to make. As members are aware, I am required under standing orders to decide whether, in my view, any provision of the Coronavirus (Scotland) Bill relates to a protected subject matter—that is, whether it would modify the electoral system and franchise for Scottish parliamentary elections. In my view, no provision of the bill relates to a protected subject matter.

Therefore, the bill does not require a supermajority in order to be passed at stage 3.

I advise members that decision time will be at around 10 to or five to 8. We will ring the division bell 10 minutes before the vote and again five minutes before, to give members an indication of when the vote will be.

We turn now to the debate on motion S5M-21371, in the name of Michael Russell, the Cabinet Secretary for the Constitution, Europe and External Affairs, on the Coronavirus (Scotland) Bill. I invite the cabinet secretary to open the debate and call on him to signify Crown consent to the bill.

19:32

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): Crown consent has been received.

I will be very brief indeed, Presiding Officer; it has been a long day.

I express no pleasure at having spent this day passing this bill. It would be far better if none of us had been called on to do so. However, we have been, and we have had to face up to our responsibilities.

I was a member of the first Parliamentary Bureau in the Parliament—indeed, I think that I am the only founding member of the bureau who is still a member of this Parliament. It was a great privilege to move some of the early points of order, to be involved in the setting up of the structures and to be a first in lots of different ways. However, I did not ever think that I would be the first person to bring forward this type of emergency bill in this way and in these circumstances. It is not something that I would have anticipated or wished for.

Nor would I have anticipated or wished for some of the outcomes that we have had today. There is no great pleasure in winning debates and votes in relation to this particular piece of legislation. We operate according to what we believe to be true. As the First Minister has constantly said in relation to this matter, we operate according to the best advice that we have. We try to be honest and transparent about that advice.

Daniel Johnson (Edinburgh Southern) (Lab): I thank Mike Russell for his reflective tone, because this is a serious moment for the Parliament. Would he reflect on the fact that the Government won a number of votes, especially the ones relating to freedom of information legislation, on the basis of a misunderstanding or an alteration of the provisions that have been made in this chamber for the circumstances in which we find ourselves? Will the Government

reflect on the fact that some of the things that are in the bill are there because of those circumstances? Will it proceed with due consideration of that fact?

Michael Russell: I do not want to enter into a dispute about that. I have spoken to our business manager and I know that pairs have been honoured. However, that is not really the issue; the real issue is that we have a bill that we will operate—I give this commitment to Daniel Johnson and to the rest of the chamber—with great sensitivity, and we will always be mindful of the fact that we do not unanimously agree on all of the elements in it.

It would not help the people of Scotland if we were to go back to bits of the bill and say, “That bit was not approved by such and such”, and so on. I made a commitment that I would not bring amendments back at stage 3. I also decided mid-afternoon—mid-evening now—that I would not bring issues back at stage 3 if we lost amendments at stage 2 because that would have been the will of the chamber. We made decisions on a whole range of issues and we will now press forward to implement them. However, we will do so with great sensitivity.

Although I have sometimes fallen out with both Neil Findlay and Adam Tomkins—sometimes at the same time—I believe that their points about action short of legislation are worth considering. I hope that, in all the things that we do, we can ensure that we operate in a way that does not require the legislative sledgehammer, if we can do so. I make that commitment and I am happy to have that discussion.

We will also work very closely with Anas Sarwar’s proposal, which might help the flow of information and ensure that people get what they want. I repeat my point: information can come out in many ways, and I want to see all of them used.

This is the first bill that my colleague Jenny Gilruth has been involved in in this chamber. I suspect that nobody will ever have quite that experience again. I am grateful for the work that she has done; she will do a great deal more work on the whole issue as we move forward. At the start of the debate this morning, she said in her opening remarks that these are

“dramatic and unprecedented measures for dramatic and unprecedented times.”

These times are, of course, not totally unprecedented. Many generations have lived through, and survived, the challenge of a global pandemic, with people nervous, frightened and concerned about their future and their lives. However, we have a job as leaders—political leaders and leaders in our community—to encourage, to support, to guide, to legislate where

we have to, although that is not our first resort, and at the end of the day to work alongside our fellow citizens so that we can come through this challenge together, and we will do so.

No aspect of our lives will be left untouched and we will take all the necessary measures to control and limit the transmission of the virus. However, in the end, it is collective action that will make the difference. We have added to that collective action today. It has not been easy, we have had differences of opinion, but we have done it together in the end. I hope that, when we come to a vote on the bill in a few moments, we will vote together unanimously and indicate to the people of Scotland that their Parliament is leading and intends to lead and deliver for them, no matter what the difficulties are.

I move,

That the Parliament agrees that the Coronavirus (Scotland) Bill be passed.

19:38

Murdo Fraser (Mid Scotland and Fife) (Con): I will begin by making a few brief comments about some aspects of the bill process. Colleagues made the point during the stage 2 consideration that it is important during stage 2 of emergency legislation that we lodge amendments that do not pursue a particular political or policy agenda when no proper opportunity exists for scrutiny, consultation and engagement with stakeholders. That is important for any bill but particularly so for emergency legislation, wherein we deal with amendments and try to understand their legal import in a matter of minutes. We need to reflect on that.

We looked at significant policy issues in the course of the day. This morning—which feels like a long time ago now—we faced the proposal to remove trial by jury, which caused a great deal of concern not just in this chamber but across wider Scottish society. I am pleased with the Scottish Government's approach, which is to look at the issue again and promise to bring it back in a new bill. I hope that the Government does some serious work around the issue and that we do not find ourselves back in the chamber in three weeks, facing the same proposal, with the Government saying, "We've looked at the alternatives and we don't think they work."

It is clear that there is a great deal of disquiet across the chamber regarding the proposal to remove jury trials, notwithstanding what the Lord President has said. We want the Government to do some serious work in looking at the alternatives, such as using premises in which appropriate spacing is possible, using videolinks

and perhaps testing jurors for the virus before they assemble.

The Cabinet Secretary for Justice (Humza Yousaf): I thank Murdo Fraser for his comments. He will accept that serious work has been done in relation to alternatives and that our decision was not taken lightly. We will work constructively, but we might get to a position where we have to choose between going down the route that was suggested today or halting solemn proceedings altogether until public health guidelines allow jury trials to take place. In the latter case, we will all have to have our eyes wide open to the implications and effects of a potential backlog.

Murdo Fraser: The cabinet secretary's intervention is very helpful, but it is clear where many members are with regard to ending jury trials. We will continue the debate in a few weeks.

During the passage of the bill, we have talked about how there will be points that we have missed, and there is talk of introducing another bill. We have already put forward some ideas that might go into a subsequent bill. My colleague Graham Simpson has made some suggestions around property rentals, recognising that properties that are currently designated as self-catering lets but that will not be taken up as such at any point in the near future might be available for use in the private rented sector. Changes to some legislation would be required to allow that to happen, and I encourage the Government to look at that possibility.

Another minor, though important, point that has been raised is that current licensing laws prohibit the purchase of alcohol in supermarkets before 10 am. For people in vulnerable groups or national health service workers who have been given allocated time to do their shopping before 9 in the morning, that means that they cannot purchase alcohol. That might not seem an important point to many people, but for the affected individuals it is an unreasonable restriction. I therefore encourage the Government to look at that.

We are granting new powers to ministers and seeing more powers being granted to the police, so it is very important that those powers are exercised in a proportionate manner. There has been concern about some police forces down south taking actions that are disproportionate. We believe in policing by consent, which requires the police to act in an appropriate and proportionate manner. So far, we have not heard any such concerns about Police Scotland, but we need to keep an eye on that. We look forward to engaging with the other parties on how we properly scrutinise the Government.

I thank the bill team for all the work that it has done, and I thank the cabinet secretary for his

engagement and the open way in which he has approached the bill. We are in exceptional times. I never again want to be in a situation in which we have to deal with legislation that responds to a crisis of this nature. It is having a huge impact on people's lives, on their health and on the health service. We are also already seeing a huge impact on the economy, and who knows what all the consequences of the crisis will be?

Everybody should stay at home, stay safe and save lives.

19:43

Alex Rowley (Mid Scotland and Fife) (Lab): I acknowledge the approach that the Government has taken to the bill. Last week, we debated the legislative consent motion, and I am pleased that the Scottish Government has built into this bill far greater accountability than was contained in the bill that went through Westminster. That is important.

In this bill, there is provision for a six-month review to enable this Parliament to decide whether to extend the time limit. There are also two-monthly reporting duties in relation to the use of the bill's powers, and we are now moving towards a system—possibly a system such as the one that Anas Sarwar suggested—that will hold the Government to account. We can therefore be satisfied with the position, and Labour will support the bill.

In my opening speech, I said that we had had 10 years of austerity in this country and that we need to be realistic about the impact that such austerity has had on front-line public services. Those very public services are now expected to be on the front line, supporting the people and communities who need support at this time of great crisis.

We should all be thinking about front-line workers in health and social care—everyone who is working in a hospital or providing care in their community. They need personal protective equipment, they need social distancing measures and they need access to testing.

We should also remember the refuse collectors and front-line workers who do emergency work in housing, for example. There are workers on the front line right across the public sector and local government, and organisation is going on to make sure that people who are trapped in their houses get food and support.

Never in my lifetime have we needed front-line public services more than we need them right now. Parliamentarians should send those people a clear message: we are with them and we support

them, and we will do whatever is necessary to get support and resources to them.

19:46

John Finnie (Highlands and Islands) (Green): I thank the many people who have got us to this point, not least the Government staff and everyone who provided a briefing.

A briefing from the Scottish Human Rights Commission came in very early—indeed, it came in blind, in advance of the introduction of the bill. The commission said:

“The State has positive obligations under Article 2 of the European Convention on Human Rights ... to take reasonable steps to minimise the risk to life posed by the current outbreak.”

The amended bill, which the Scottish Greens will support at decision time, is proportionate. In his opening speech, the Cabinet Secretary for the Constitution, Europe and External Affairs said that the bill is designed “solely” to address the current issue. He talked about the necessity of the bill and about the positive collaborative working that has gone on, which I hope will continue, with the single aim of saving lives.

Much has been made of the need to monitor the extensive suite of powers that are being made available. It is important that we have detailed discussions on the matter.

The Scottish Green Party focused on one element: housing. I am grateful to the Minister for Local Government, Housing and Planning, Kevin Stewart, for his positive engagement in that regard. My colleagues Andy Wightman and Ross Greer were active in addressing concerns that I know were shared across the Parliament. The minister himself said that it is essential to keep people in their homes. That is absolutely the case in ordinary times; in these stark times the argument is more compelling than ever.

I associate myself with Alex Rowley's remarks about the ordinary people—as we might refer to them—who are the bedrock of our communities. The people who drive our buses, clean our hospitals and work in our shops are fundamental, and I hope that there will be greater appreciation of them in future.

The bill contains a number of significant justice measures, some of which have not even been touched on in today's debates. The alteration to fiscal fines is a very positive measure, which I hope will continue. The move to divert people from prosecution, keep them out of the system and offer alternatives is positive.

There are changes to the approach to cases in which someone appears from custody, which are very minor in one respect. There are also the

national custody hubs that the Scottish police are putting in place. I hope that the new approach does not become the de facto situation. People need to be detained and to appear in their own areas. I am sure that we will be alert to that.

There are extensions to time limits—with phraseology about intending to prevent that in so far as is possible. There are a lot of positives in that regard, particularly in relation to a justice system that is depleted of judges, prosecution agents and defence agents. The policy memorandum talks about an anomalous situation that the measures will address.

Members talked about the release of prisoners. I have had many exchanges with the Cabinet Secretary for Justice on the matter and I have expressed my frustration with the risk aversion in the process. I see that the cabinet secretary is shaking his head; I know that he agrees that benefits can come from such an approach—he has shared that with me.

Of course everything is subject to risk assessment. The key element, which was mentioned in the debate, is that the measure would not apply to someone who posed an immediate risk of harm to an identified person.

That is—of course—crucial in domestic violence cases, and it is crucial that there is an awareness of controlling and coercive behaviour and how that might manifest in these circumstances. There was a suite of things covering corporate parents who have responsibility, and child assessment orders and child protection orders. The Scottish Green Party will support the bill. We believe that these are reasonable steps to deal with the crisis that confronts us.

19:50

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by offering my thanks to Mike Russell, the bill team, and all the officials who have made this possible, including for their patience—this is not my natural sphere of operation.

I also associate myself with the remarks of everyone who mentioned the people who are doing their bit today on the front line, whether in critical care work on wards, in our pharmacies, or even in the hubs. My wife, Gill, will be teaching at one of the childcare hubs tomorrow.

Today has been really important. It has shown that Parliaments still matter, which is a really important message to send out to the people who we all represent in our communities—even at a time of crisis, we have a functioning legislature that still knows how to exercise that function. It is at times of great national peril that democracy is at its most threatened. That is often seen in other

countries where Governments overreach in terms of civil contingencies and the powers that they pull back towards themselves, so that, under the guise of protecting their nations, they begin down the path towards tyranny. We see some of that in countries such as Hungary. I am very glad that this Parliament has today asserted its supremacy, and that the Government has worked closely with Parliament to recognise and build that consensus.

If someone had told me three weeks ago that we would now be living in a Scotland where members of the public would have to account to the police for their movements, I would have been appalled. However, today, I accept it without question. The coronavirus pandemic has completely altered the rules by which we play and it has changed our sense of reality. That is typified in the fact that we are cheering on police officers upending a barbecue in Essex or shouting at a pedestrian on Perth high street for violating quarantine restrictions—so changed is our reality.

As we heard from Murdo Fraser, policing by consent is one of the principles of our free society. Police follow rules that are determined by democratically elected parliamentarians, and that has not changed. The powers of lockdown are clearly limited to the duration of this emergency, and I know from discussion with my friends in the force that they are powers that police officers are keenly looking forward to handing back.

Policing by consent is part of our social contract. Today, we have protected another part of our social contract—trial by jury. I am very grateful for the movement that the Government made on that today, and I very much look forward to joining it, and members of other parties and the judiciary, in working towards workable solutions. I say to Mike Russell that I am still wedded to my cinema idea.

The sense of national urgency is why we meet today, and I applaud the Government for the spirit of consensus that it has sought to build, not least around jury trials, but also around the other amendments that it moved on today, such as my amendment, which was accepted unanimously. It makes it clear that we still want witnesses to give evidence in real time and that written statements are no substitute for the ability to cross-examine witnesses in order to get to the truth—the heart of the matter—in cases that come before our courts.

I still think that the freedom of information provisions in the bill will cast a long shadow. The even division on Ross Greer's amendment—the equal split between 82 members—will sound a hollow ring in our democracy. I very much hope that subsequent opportunities to legislate on an emergency basis as this crisis develops will see that remedied. For now, however, I am happy to offer the bill the full-throated support of the Liberal Democrats.

19:54

Michael Russell: I want to be very brief. I had an opportunity to speak at the beginning of the debate, so I will make just a few points. I take the point about working across parties. In a sense, we have all learned from that. I have, in the past—many years ago—worked very well with Alex Rowley. I have also, on occasion, worked with Patrick Harvie, and I have worked with a variety of Liberal Democrats. However, it is an entirely new experience for me to have close engagement with Murdo Fraser. I am not sure that it is something that I ever aspired to, and it is not something that I particularly wish to continue forever. However, in an emergency, you have to take exceptional action. So, I look forward to working with Murdo Fraser and others to make sure that we get this right. There is a serious point in that. We have learning to do on the exchange of information and other bills will come along with the necessary work and scrutiny. I look forward to doing that. I even look forward to close engagement with Murdo Fraser.

We are the public tip of a very large iceberg. Alex Rowley made an important point about all the people who are working in Scotland, of course to maintain essential services in the national health service, but also those who are working in shops and trying to keep essential services going, those who are trying to make sure that those who have to go to work are supported by public transport and in other ways, and those who are working in Parliament.

I want to pay tribute to three groups of people. The first is the parliamentary staff, led by David McGill. It has been an extraordinary experience for them as it has for everybody else to do this today, and I am grateful to every single one of them. *[Applause.]* They did a remarkably good job of coping with more than 50 stage 2 amendments in the time they did.

Secondly, I pay tribute to all the staff who work for MSPs in our local offices or here. They have also taken a tremendous burden upon themselves recently, particularly with the enormous increase in the number of inquiries that we are receiving. I thank every single one of them. *[Applause.]*

Finally, I pay tribute to our officials in the civil service who have worked so hard on the bill and who are working to support the effort of the Government at every level in every department. The extraordinary bill team took a bill from nowhere eight days ago, to what I hope we will pass shortly. It has done an exceptional job and it carried on today by supporting individual members from across the chamber who lodged amendments. There are civil servants and officials in every part of the Scottish Government and every part of the public service who are doing this

day in, day out. We owe them a great deal and we will not forget them. *[Applause.]*

As I drive to Argyll tonight, I know that I will pass roadside signs that have three messages on them, and I want to repeat those messages now. Stay at home. Protect the NHS. Save lives. That is what we are doing today and we will have to go on doing it for a period to come. Stay at home. Protect the NHS. Save lives.

The Presiding Officer: That concludes our debate on the bill.

The question is, that motion S5M-21371, in the name of Michael Russell, on the Coronavirus (Scotland) Bill at stage 3, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 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)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (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)
 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, 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)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is, For 80, Against 0, Abstentions 0. The motion is agreed to unanimously and the Coronavirus (Scotland) Bill is passed. [*Applause.*]

Motion agreed to,

That the Parliament agrees that the Coronavirus (Scotland) Bill be passed.

Business Motion

19:58

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-21364, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees to the following programme of business—

Tuesday 21 April 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Debate

followed by First Minister's Questions

followed by Topical Questions (if selected)

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 22 April 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Stage 3 Proceedings: Consumer Scotland Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 28 April 2020

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by First Minister's Questions

followed by Topical Questions (if selected)

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 29 April 2020

2.00 pm Parliamentary Bureau Motions

2.00 pm Stage 3 Proceedings: Disclosure (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[*Graeme Dey.*]

Motion agreed to.

Parliamentary Bureau Motions

19:58

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-21368, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Non-executive Directors of the Scottish National Investment Bank p.l.c. as Specified Authorities) Order 2020 [draft] be approved.—[*Graeme Dey.*]

The Presiding Officer: The next item is consideration of five Parliamentary Bureau motions. I ask Graeme Dey to move motions S5M-21372 to S5M-21375 and S5M-21380, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Single Use Carrier Bags Charge (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2020 (SSI 2020/105) be approved.

That the Parliament agrees that the Health Protection (Coronavirus Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) be approved.

That the Parliament agrees that the Children and Young People (Scotland) Act 2014 (Modification No.2) Amendment Order 2020 [draft] be approved

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106) be approved.—[*Graeme Dey.*]

Decision Time

19:59

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-21368, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Non-executive Directors of the Scottish National Investment Bank p.l.c. as Specified Authorities) Order 2020 [draft] be approved.

The Presiding Officer: I propose to ask a single question on the five Parliamentary Bureau motions, if no member objects. The question is, that motions S5M-21372 to S5M-21375 and S5M-21380 be agreed to.

Motions agreed to,

That the Parliament agrees that the Single Use Carrier Bags Charge (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2020 (SSI 2020/105) be approved.

That the Parliament agrees that the Health Protection (Coronavirus Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) be approved.

That the Parliament agrees that the Children and Young People (Scotland) Act 2014 (Modification No.2) Amendment Order 2020 [draft] be approved

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106) be approved.

The Presiding Officer: I am conscious of members' forbearance throughout this long day but, before we conclude, I want to say a few words about the importance of maintaining our democracy in the face of the public health crisis.

I assure members and, indeed, the wider public that the Parliament is exploring, with colleagues from all parties, every avenue to determine how members in the chamber and committees can continue to undertake their crucial scrutiny role at this unprecedented time. The Parliamentary Bureau and the Scottish Parliamentary Corporate Body have been meeting online and the Conveners Group has been discussing issues remotely, and they will continue to do so over the recess to look at the most effective options for the chamber and committees.

The Minister for Parliamentary Business and Veterans assured the bureau earlier, and I am sure that many members will have heard the Cabinet Secretary for the Constitution, Europe and External Affairs, Mr Russell, indicate at the end of

the stage 2 amendment period for the emergency bill, that the Government is looking again at how members' written questions can be answered as promptly as possible over this period and at further steps that ministers might take to adapt to the current circumstances. I trust that the Government will use all the methods that are available to inform the Parliament of key decisions and activities to full effect during this time, including writing to committees and Government-initiated questions.

I know that we all recognise the need for the Parliament to continue to be able to hold the Government to account. I also draw members' attention to the service that the Scottish Parliament information centre provides. It provides an authoritative, accurate and up-to-date source of information on all matters to do with coronavirus. I am very grateful to colleagues for their assistance.

I do not want to cast a pall over members, but I have powers of recall, should they be required. We are keeping the situation under daily review, and I hope that I can assure you that we will be prepared to respond however the situation resolves.

On that note, I close the meeting. We will meet again on Tuesday 21 April.

Meeting closed at 20:01.

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