



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Tuesday 22 December 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 22 December 2020

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
COVID-19	5
<i>Statement—[First Minister].</i>	
The First Minister (Nicola Sturgeon)	5
JUNIOR MINISTER	30
<i>Motion moved—[First Minister]—and agreed to.</i>	
The First Minister (Nicola Sturgeon)	30
BUSINESS MOTION	33
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) BILL: STAGE 3	34
UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) BILL	136
<i>Motion moved—[Michael Russell].</i>	
The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell)	136
Dean Lockhart (Mid Scotland and Fife) (Con)	138
Anas Sarwar (Glasgow) (Lab)	139
Mark Ruskell (Mid Scotland and Fife) (Green)	141
Liam McArthur (Orkney Islands) (LD)	143
Claudia Beamish (South Scotland) (Lab)	144
Alex Rowley (Mid Scotland and Fife) (Lab)	145
Liz Smith (Mid Scotland and Fife) (Con)	147
Michael Russell	149
REDRESS FOR SURVIVORS (HISTORICAL CHILD ABUSE IN CARE) (SCOTLAND) BILL: FINANCIAL RESOLUTION ...	153
<i>Motion moved—[Kate Forbes].</i>	
PARLIAMENTARY BUREAU MOTION	154
<i>Motion moved—[Graeme Dey].</i>	
DECISION TIME	155
UNIVERSAL CREDIT £20 INCREASE	158
<i>Motion debated—[Keith Brown].</i>	
Keith Brown (Clackmannanshire and Dunblane) (SNP)	158
Jeremy Balfour (Lothian) (Con)	160
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	163
Mark Griffin (Central Scotland) (Lab)	164
The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville)	166

Scottish Parliament

Tuesday 22 December 2020

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

Time for Reflection

The Deputy Presiding Officer (Lewis Macdonald): I remind members of the social distancing procedures that are in place in the chamber and across the campus and ask you to take care to observe those measures over the course of this afternoon's business, including when entering and exiting the chamber.

Our time for reflection leader is the Very Rev Dr Susan M Brown, chaplain to Her Majesty the Queen in Scotland and minister of Dornoch cathedral, Church of Scotland.

The Very Rev Dr Susan M Brown (Chaplain to Her Majesty the Queen in Scotland and Minister of Dornoch Cathedral, Church of Scotland): Thank you. The top Christmas cracker jokes for 2020 have been revealed. I will avoid the political ones, but how about:

"Why are Santa's reindeer allowed to travel on Christmas eve? They have herd immunity."

Presumably, after elf-isolation.

"Why could Mary and Joseph not make their work conference call? There was no zoom at the inn."

"Why did Mary and Joseph fail to make it to Bethlehem in the first place? All virgin flights were cancelled."

"Which Christmas film was 30 years ahead of its time? 'Home Alone'".

None of those jokes would have made any sense a year ago. How times change.

Until 1958, Christmas day in Scotland was a day just like any other. It is only in the past 60 years that it has grown into something bigger. That timeframe, strangely enough, coincides with the decline in church attendance. I just throw that out there.

This year, there will be no office parties or end-of-term dances. There will be no physical carol services or large family gatherings, and too many will be home, feeling very alone. Does that mean that Christmas has been cancelled?

I do not need to tell you that 2020 has been a tough year, but it has also been a year that has offered us the chance to reassess who and what we are about as individuals, as communities, as a nation and as a world, and where and how we want things to go from here.

A pared-back Christmas offers the same opportunity to stop and think about who and what matters, especially when the real Christmas story is allowed to take centre stage. That story has no groaning tables or stacks of presents. Instead, it revolves around a young couple, not yet old enough to vote, being invited by the Almighty to play a hugely significant role in events designed to turn the whole world upside down.

Through decisions made by those in power, the couple are forced to leave their home and family to be registered in another place. As refugees, they find themselves displaced and homeless, and having to welcome a newborn child into the world in the direst of circumstances. So young. So poor. So swept aside by society. And yet this couple are also so sure that this is not how things need to be.

We need to catch their visionary virus and find the courage to trust, as Mary and Joseph did, that the changes that the world needs to see will come about when the youngest and poorest are placed front and centre.

Following God's example is a challenge for us all.

Peace be with you, this Christmas and always.

Business Motion

14:04

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is consideration of business motion S5M-23776, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out changes to this week's business.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business on—

(a) Tuesday 22 December 2020—

after

followed by Ministerial Statement: COVID-19

insert

followed by Appointment of Junior Scottish Minister

after

followed by Stage 3 Proceedings: UK Withdrawal from the European Union (Continuity) (Scotland) Bill

insert

followed by Financial Resolution: Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill

delete

5.00 pm Decision Time

and insert

7.30 pm Decision Time

(b) Wednesday 23 December 2020—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills;
Health and Sport;
Communities and Local Government

and insert

followed by Portfolio Questions: Education and Skills;
Health and Sport;
Communities and Local Government

after

followed by Stage 3 Proceedings: Scottish General Election (Coronavirus) Bill

insert

followed by Appointments to Environmental Standards Scotland

delete

6.05 pm Decision Time

and insert

4.20 pm Decision Time—[*Graeme Dey*]

Motion agreed to.

Covid-19

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a statement by the First Minister, Nicola Sturgeon, on Covid-19. The First Minister will take questions after her statement, so there should be no interventions or interruptions.

14:04

The First Minister (Nicola Sturgeon): Today's statement is a bit different from those that I have made in recent weeks, mainly because the most important decisions for the period ahead were set out on Saturday. I will, of course, reiterate those decisions and the reasons for them in the course of this statement. I will also share with the chamber the latest information that we have on the new strain of Covid that is causing us such concern, and I will reflect on the on-going impact of the closure of the United Kingdom-France border to accompanied freight.

However, I will start, as usual, with a brief summary of the latest Covid statistics. The total number of positive cases reported yesterday was 1,316. That represents 7.5 per cent of all tests carried out, and the total number of cases now stands at 114,366. There are currently 1,045 people in hospital, which is a decrease of 33 from yesterday, and 60 people are in intensive care, which is one more than yesterday.

I also regret to report that, in the past 24 hours, a further 43 deaths have been registered of patients who first tested positive over the previous 28 days. The total number of deaths under that measurement is now 4,326. Those figures continue to be a sharp reminder of the grief, heartbreak and overall toll that the virus is causing. Once again, my deepest thoughts and condolences go to all those who have lost a loved one.

Today's statistics, like those that we have been reporting over recent weeks, underline a couple of points. First, Covid is still circulating in Scotland at a higher level than we would wish. However, and I appreciate that this may be less obvious, the case data from recent weeks also shows that the levels system has until now been effective. In late October, Scotland was recording more than 160 new cases of Covid per 100,000 people on average every week. Two weeks ago, that had fallen to around 100 and it is now around 116 per 100,000. That level of incidence is significantly lower than the level in other parts of the UK; for example, it is around half that of England and around a fifth of the current case incidence in Wales.

However, after a sustained period of decline, our case numbers are now more volatile again and have risen by around 15 per cent in the past couple of weeks. The number of people with Covid who are in hospital and the number in intensive care have also risen slightly again, after a period of quite marked decline.

In any circumstances those trends would be a cause for concern and merit close analysis, but they would probably not on their own justify the actions that I announced on Saturday. What has changed our thinking and approach significantly is the information that we have received over the past eight days or so about the presence and impact of a new variant of Covid. It is important to stress again that there is no evidence at this stage that the new variant causes more severe illness than previously circulating strains, nor is there any evidence so far that it will undermine the effectiveness of vaccines or treatments.

However, the new variant seems to be much more transmissible—perhaps up to 70 per cent more transmissible—which means that it can spread far more quickly and easily. As a result, there is now a significant degree of confidence among experts that it increases the R number and that the scale of increase could be 0.4. Given that the R number in Scotland is already hovering around 1, that is obviously a very real concern. Analysis was published yesterday by the Office for National Statistics of the results of the weekly ONS Covid infection survey, which uses polymerase chain reaction testing on a random sample of people in Scotland, looking for a proxy marker known as the S-gene dropout.

There is continuing technical work under way on the use of the S-gene dropout as a marker for the new strain and it is not absolutely definitive that every case with that marker will be the new variant. However, the analysis suggests that, in the week beginning 9 December, around 14 per cent of positive cases in Scotland already had the S-gene dropout, which compares to just 5 per cent at the end of November. It is not unreasonable to assume that the proportion may be higher by now; Public Health Scotland is carrying out further analysis.

Fourteen per cent is, of course, still a significantly lower level than the level in England, where it is thought that the new variant already accounts for 36 per cent of cases, and that may be even higher in London and the south-east. The very rapid spread in London and the south-east serves as a warning of what we could face here if we do not take firm action to suppress the virus.

We have a real concern that, without significant counter-measures, we could be facing another period of exponential growth as we enter the new year. That would mean many more people

catching Covid and, even without the new strain causing more severe illness, that would result in many more people needing hospital and intensive care treatment, which would put an enormous strain on the national health service and lead to much more loss of life. To be blunt, that is what we have to act now to stop. In an ideal world, it would be good to wait a few weeks until preliminary analysis becomes more concrete and confidence intervals narrow. However, if the concerns that we have now prove to be well founded, by then it would be too late—we have learned that we must act firmly in the face of the virus. That is why we announced significant additional measures on Saturday. I know how tough those are, but we believe that they are essential to avoid an extremely serious deterioration in the situation as we move into the new year.

Let me recap now on what those measures are. First, Orkney, Shetland, the Western Isles and the other relatively remote islands that have had restrictions relaxed in recent weeks will move to level 3 from 1 minute past midnight on boxing day. At that point, the rest of Scotland will move to level 4 for a period of 3 weeks. There will be a review after 2 weeks. That means, for example, that hospitality will require to close, with the exception of takeaway services, and so too will non-essential retail.

There are three further points that it is important for me to make today about level 4 restrictions. First, given the severity of the situation that we face and the need to limit interactions as much as possible, we intend to define essential retail more narrowly than we have done recently. In short, that means that homeware stores and garden centres will be classed as non-essential and will therefore require to close, with the exception of click and collect. Secondly, in level 3 and level 4, the law currently prohibits non-essential travel outside your local authority area. However, for those who are living in level 4 areas—which from Saturday will be the vast majority of us—our strong advice is to stay as local as possible and at home as much as possible. We will be considering in the days ahead whether we need to place that advice in law.

Thirdly and more generally, as more evidence of the impact of the new strain becomes available, we will consider whether there is a need to strengthen level 4 restrictions any further. Again, I need to be blunt with the Parliament and the public: the current level 4 restrictions are not as stringent as the March lockdown and until now that has been a good thing. However, it seems that we may be facing a virus that spreads much faster now than it did in March, so we need to consider whether the current level 4 restrictions will be sufficient to suppress it in the weeks ahead.

That will be analysis that the Government undertakes urgently as our understanding of the new strain of the virus develops, and I will keep the Parliament updated as necessary, including over the recess period if that is necessary. The second decision that we took on Saturday was to maintain the current ban on travel to and from Scotland and the rest of the UK. Again, that was a decision that we did not take lightly. However, as we seek to suppress the new strain in Scotland, we must also guard against importing more of it from areas where it is already circulating more widely. The travel ban will remain in place throughout the festive period, including, unfortunately, on Christmas day, and as the chief constable has set out, the police will be enhancing their enforcement of it.

Regrettably, we also tightened other restrictions for the Christmas period. It is now possible to meet in a bubble of up to eight people from three households on Christmas day only and in Scotland only, rather than over a five-day period across the UK. However, our strong advice remains not to meet indoors at all if possible. When it comes to indoor celebrations this year, by far the safest option is to stay in your own house with your own household. If you plan to see people from other households on Christmas day, please try to stay outdoors if you can, but if you are indoors, please keep the numbers as low and the duration as short as possible, keep a safe distance as far as possible, wash your hands and surfaces regularly and keep windows open.

I cannot tell you how sorry I am to be standing here saying these things, and there is no part of me that is oblivious to the impact of it. I do not just understand that impact; I feel it, as everyone else does. However, it is necessary to keep ourselves and our loved ones safe at this extremely difficult and challenging time. I want to thank everyone from the very bottom of my heart for making these sacrifices.

The final, but extremely significant, decision that I announced on Saturday relates to schools. Keeping schools open has been a priority for the Scottish Government since August and it remains a priority, as far as is possible. However, the recent developments—and all aspects of them—mean that we need to take a precautionary approach and give ourselves some time to assess the situation. As a result, we have taken the difficult decision to delay the start of the new school term. It was a difficult decision for us, but even more so for the young people and parents affected.

Schools had been due to reopen from 5 January onwards. Now, they will reopen from 5 January for children of key workers and for particularly vulnerable children only. Local authorities

identified key workers at an earlier stage in the pandemic and updated guidance was published last night. For all other pupils, the school term will start on 11 January. However, the first week of term, at least, will take place online. At this stage, our intention is that schools will get back to normal from 18 January. Of course, we will require to keep that under review.

I know that all the measures are harsh and are very difficult for people and businesses. For so many businesses, the announcements represent a horrible end to a terrible year. Financial support will remain available for businesses affected and the Cabinet Secretary for Finance is urgently assessing what more the Scottish Government can do, in particular for the sectors that are most acutely affected.

I also know that the developments of the past few days, while worrying for everyone, will cause particular anxiety for those who were shielding. The chief medical officer has written to everyone on the shielding list who will enter level 4 on Saturday, setting out the advice that applies to them. That advice has also been sent by SMS text message and is available on the Government website. The level 4 advice is restrictive, but it still encourages those who were shielding to find a balance that is right for them. Among other things, the letter will advise people on the shielding list that, if they cannot work from home, they should speak to their employer, who must put precautions in place to keep them safe. However, the letter also serves as a fit note, which can be used to obtain statutory sick pay if someone cannot safely go to work. The letter also provides details of how to get help, for example if someone has difficulties accessing food or groceries in this period. I say to those on the shielding list: please do not hesitate to ask for support if you need it.

I know that many people may question whether the measures are strictly necessary, especially given Scotland's relatively low level of prevalence of the virus compared to other parts of the UK. My firm judgment is that they are absolutely necessary. They are not simply a response to our current situation but are necessary precautionary measures to avoid a significant deterioration in our situation over the next few weeks, caused by the new strain of the virus. In short, the measures are essential to protect our national health service and save lives. I do not expect a single person to be happy about them, but I ask everyone to try to understand that those decisions would not have been taken if we did not consider them to be essential.

Before I close today, I want to address the impact of the decisions made by many other countries to close their borders to the UK in response to the new strain of the virus. By far the

most serious impact derives from the closure of the UK-French border to accompanied freight. I took part in a COBRA meeting on that issue yesterday and also chaired a meeting of our own resilience committee. I was hoping that there would be another COBRA meeting later today, but that had not yet been confirmed when I came to the chamber to speak—I still hope that that meeting will take place.

The situation is serious, urgent and, for our food exporters, rapidly deteriorating. The UK Government needs to reach agreement with France, without delay, to get freight moving again. There is no time to lose.

I want to stress at the outset that we have no concerns about medicine supplies at this stage. That issue was covered in detail in the COBRA meeting and at the Scottish Government resilience committee meeting yesterday. We also have no immediate concerns about food supplies. Supermarkets are well stocked, so there is no need for anyone to buy more than planned in the run-up to Christmas. Of course, if the situation is not resolved in the next day or so, we may start to see pressure on some fresh produce after Christmas. However, that is not a concern right now and I hope that it is an issue that will not arise at all.

However, what is of real and immediate concern is the impact on our food exporters, especially those in the Scottish seafood sector. This is the peak time of year for seafood exports, and the Christmas export trade is now almost certainly lost. That is devastating for our world-class seafood businesses, which need—and will get—our support. We are liaising with the sector on the need for immediate financial support, and I raised the issue of compensation at the COBRA meeting yesterday.

What the sector needs most of all is for the UK Government and France to agree a protocol to get freight moving again without delay. If that does not happen almost immediately, the sector stands to lose its new year export trade, too. I very much hope that a protocol will be agreed between the UK and France today—indeed, I hope that we might even get movement during this statement—but that is not yet certain. What is even less certain is how long it will take to put any agreement into operation.

The Scottish Government is pressing, and will continue to press, the UK Government to give the matter the utmost priority, and we stand ready to help in any way we can. Given that any solution is likely to include mass testing of freight drivers, that willingness to help includes a willingness, if the terms of the agreement allow, to provide testing facilities for our sector here in Scotland. I assure the sector, Parliament and the public generally

that my ministers and I will remain fully and actively engaged on those matters until they are resolved.

Let me conclude. We are now, of course, just three days away from Christmas, and I am acutely aware that today's update has not had a festive feel to it at all. We have known that our path out of the pandemic would not always be smooth and straightforward, and that it would bring dark days and challenging periods. I know that Saturday felt like a very dark and difficult day for all of us, and I know that it is not possible for me to take away the heavy burden that we all feel just with some hopeful words.

Nevertheless, I want to end on a hopeful note, because—hard though it is to feel it just now—there is hope on the horizon, and we must try not to lose sight of it. First, it is possible that we have found out about the new variant of Covid at an early enough stage to take effective preventative action. By moving quickly, we might be able to minimise its worst effects. All of us have a role to play in that. I know that it sometimes seems as though we are powerless in the face of the virus, but we are absolutely not. None of us can guarantee that we will not get or transmit the virus, but we can all make choices that will make that less likely.

That remains true of the new variant. It seems to transmit more easily, but it can still be stopped in its tracks by the FACTS advice that we have emphasised so many times before: wear face coverings; avoid crowded places; clean your hands and surfaces; keep a 2m distance from people from other households; and self-isolate and get tested immediately if you have symptoms. All those things still work in reducing the transmission of the new strain of the virus. The new variant has made them more important than ever; they are how we keep one another safe. I ask everyone, wherever they are, to assume that the virus—especially the new strain of it—is with them, and to act in a way that will minimise the chances of spread.

That is especially important because—this is the real reason for hope—tens of thousands of people in Scotland have already been vaccinated against Covid. The updated figures will be published tomorrow. Of course, those who have been vaccinated include many of the people who were most at risk of dying from the virus.

As we do the difficult things in the weeks ahead to suppress the virus all over again, this time we are buying time for the vaccination programme to pick up pace. Though it might feel in the next few weeks that things are getting worse—I know that, in terms of health, jobs and living standards, that will be a reality for many—the fact is that things will also be getting better. The vaccines will be

making sure of that, and they promise a route back to greater normality for all of us.

In the past nine months or so, we have come through a lot together, and I know that the realisation that we have tough times still to come is hard to bear. It is hard emotionally, it is hard practically and, for so many, it is very hard financially. The Scottish Government will continue to do all that we can to offer help and support.

However, brighter days will come. Yesterday, in fact, was the shortest and darkest day of the year. From now on, the days will get longer and lighter. Spring is on its way. Let us try to hold on to that.

For the moment, let us remember that the best gift that we can give this Christmas to those we love is to keep them safe, so please follow the rules, remember FACTS and look out for one another. At Christmas, just as we have done throughout the year, let us treat one another with kindness, compassion and love. I fully appreciate that this might not be the happiest of Christmases for everyone, but I take this opportunity to wish everyone a peaceful and healthy Christmas.

The Deputy Presiding Officer: The First Minister will now take questions on the issues raised in her statement. I intend to allow around 45 minutes for questions, after which we will move on to the next item of business. It would be helpful if members who wish to ask a question could press their request-to-speak buttons now.

Ruth Davidson (Edinburgh Central) (Con): This week's news has undeniably been a setback when we thought that a corner had been turned in the fight against this virus. The promise of a vaccine and the chance to see loved ones again over Christmas—even for only a brief time—gave people real hope of respite.

It seems doubly cruel to have plans snatched away from people, even if they understand why. Most people do understand. They understand the need to make sacrifices to suppress this new strain, but in return they are demanding as much clarity from this Government as is conceivably possible.

The national tier 4 lockdown, scheduled for boxing day, will have come as an even greater shock to the people in tiers 1 and 2 who had no idea that they would face the most severe restrictions seen since March. They are asking whether the tier system has now been abandoned for good or whether we can expect a return to more localised restrictions and, if so, when?

Parents everywhere who are now scrambling to cancel Christmas plans and find ways to balance work and childcare well into the new year need clarity on exactly what is expected of them now that the return to schools and nurseries has been

suspended until 18 January. Not only does that impact on their family life; it affects their ability to work and pay the bills.

People accept that there is much about this new strain of the virus that we do not yet know. However, they are growing weary of seeing supposedly time-limited firebreaks stretch into months. They will be rightly concerned to have heard the First Minister say that the 18 January return date is under review. Can the First Minister give parents at home an idea of how likely it is that children will return to classrooms from 18 January? Do they need to start preparing now for a long haul of blended learning at home?

The First Minister: I will do what I have tried to do every day during the past 10 months, and that is give people as much clarity as I possibly can. I will do that every day over the Christmas and new year period if that is what is necessary and if there are updates that I can reasonably give people.

I have also tried to be frank. We are dealing with a virus that we have always known to be unpredictable, but only in the past few days have we discovered how unpredictable it can be. We do not yet understand everything about this new strain.

Literally as we speak, we have scientists trying to understand to what extent it is more transmissible than other strains and who it might be more likely to transmit to, and to understand—and hopefully be able to confirm beyond any doubt—that it does not cause more severe illness or undermine vaccines or treatments. During the days to come—literally days—we will learn more about that. We also have to give ourselves assurance during the next period that the restrictions and measures that we have in place are sufficient to suppress it.

It took a really strict lockdown earlier in the year to get the R number back below 1—it got to about 0.6. We now face a situation where it is at around 1 again, although it is lower in Scotland than in some other parts of the UK, and a virus strain is transmitting more quickly that might add 0.4 to the R number. That shows the scale of the challenge that we have. We have to give ourselves time to know that we are taking the right actions to suppress it. We will learn more and I will share as much as we know with the public as openly as possible.

In response to the other two specific points, I know how devastating it would have been last Saturday for everybody to hear that we were going to level 4 across most of the country this Saturday. That would have been particularly devastating for those areas that are currently in the lower levels. However, it is important for me to be clear that the action that we are taking is not in response to

current rates of prevalence: this is preventative action because we see a train coming rapidly down the track at us and we are trying to get out of its way. That is why the whole of mainland Scotland has to go to level 4; it is to prevent what we think will be a rapidly deteriorating situation.

If it is at all possible, we will get schools back open again on 18 January. That has been and continues to be a priority for all the reasons that we understand and that I think we all agree on. If that means the rest of us living under more severe restrictions, we will not shy away from saying so. However, we have to give ourselves the time to understand this virus a little bit more.

Scientists are now exploring whether that strain of the virus is transmitting more easily to young people. There is no consensus or definitive conclusion on that yet, but it is one thing that the scientific community is currently exploring.

We will do everything we can to get the whole country back to normal as quickly as possible, but it is important that, in this next period, we all do all the things that can help to bring that about.

I will keep the country updated, as far as possible, throughout the Christmas period.

Richard Leonard (Central Scotland) (Lab): It is clear that the Government's strategic framework, launched less than two months ago, was abandoned at the weekend. The decision to move every part of mainland Scotland to level 4 from boxing day and for an indefinite period means the closure of all hospitality, pubs and restaurants, non-essential retail, public buildings, gyms, indoor tourism attractions, museums and galleries. That is a drastic move. Three weeks does not sound like three weeks this time; it sounds considerably longer.

The First Minister has told us that this is a proportionate public health response, given the virulence of the new strain of the virus. Will she also make a proportionate response in other ways? Will she step up Government support for businesses, workers and families across Scotland that have been directly affected by that Government decision? Will the Government step up levels of support for mental health and wellbeing services?

If the new strain of the virus is 70 per cent more transmissible than the original one, will the Government urgently increase the number of tests carried out in Scotland by 70 per cent daily? Will it improve the capacity, utilisation and performance of test and protect by 70 per cent? Will the First Minister commit, as soon as is practically possible, to a 70 per cent acceleration in the roll-out of the vaccination programme?

The First Minister: I am, like many people, overtired at the moment, but words almost fail me in responding to that.

I am sorry: I should have given part of this answer to Ruth Davidson. We have not abandoned the strategic framework. We will try to get back to applying different levels to different parts of the country—depending on the prevalence of the virus—as quickly as we can.

We have not abandoned our strategic approach, but we have not stood there, clinging to that approach, when a train is coming down the track to run us over. We have decided to respond to the evidence that we have a new strain of the virus that none of us saw coming or predicted. This is happening in all other parts of the UK and in other countries. Ireland has just decided on stringent new measures even though it does not yet have any identified cases of this strain.

We have decided to respond in a preventative and precautionary way in order to make sure that, by the end of January, we do not have an overwhelmed health service and that we have not run out of hospital and intensive care unit beds, but that we have managed instead to ward this off and to suppress the virus again.

I am so sorry that we have to do this, but I would be even sorrier, and people would have every right to be angry with me, if I did not take this action or if I let the country deal with the impact of what is coming down the track at us. I will continue to take difficult but necessary decisions to keep us as safe as I can.

We will continue to look at how we can step up support. I said in my statement that the finance secretary is already looking urgently at business support to see what more we can do. That will be true across a range of responsibilities.

It is when I reach Richard Leonard's final two points that words begin to fail me. We have plenty of testing capacity and we are building it up. These are not simple equations in which the fact that a virus is 70 per cent more transmissible means that we need 70 per cent more test capacity. The reason why I can give some of the detail that I give every day is because we are testing so many people. We will continue to make sure that we have the capacity to do so. We are also rolling out lateral flow testing, although we must assure ourselves that lateral flow testing is sensitive enough to the new strain.

We will roll out the vaccine just as quickly as supplies allow us to do so. Nobody would love it more than I would to be able to magic vaccine supplies out of nowhere. I cannot do that, unfortunately. We are working hard to make sure that we act as soon as supplies come. We have the Pfizer vaccine supplies that we expected this

year, and tens of thousands of people have already had their first dose. We are hoping that other vaccines will get approval in the UK shortly, and as soon as those supplies become available, we will get those vaccines to people and get those doses of vaccines into as many arms as we can. We are dependent on the vaccine developers, the companies and all the supply chain allowing us to do that. I really would hope that Richard Leonard would understand that.

Patrick Harvie (Glasgow) (Green): Of course, I share the dismay that we all feel at the increasingly dangerous situation. It seems clear that, if the new strain is established and growing in Scotland, much of the country must be prepared to deal with a heightened threat over the months ahead, not just the weeks ahead.

As the First Minister said, it remains an open question whether the new strain could be more infectious in children and young people. The Greens have consistently backed measures to improve safety in schools, and we welcome the announcement of the delay to the new term. We all want to keep schools open, but not at all costs.

Does the First Minister recognise that many teachers and school staff already feel that their safety has not been prioritised during the pandemic and that, at the very least, their call for widespread routine testing should be accepted? How does the First Minister respond to the recent comments by the Educational Institute of Scotland that moving back to level 4 should result in the Government considering

“moves toward blended or remote learning”

and that

“Schools cannot stay open at any cost; the safety of pupils and staff has to be the priority”?

Can the First Minister update the Parliament on the action that is being taken to protect vulnerable teachers when schools finally return?

The First Minister: Those are all important issues. First, I accept that many teachers feel that their safety is not being prioritised. I do not accept that that is true from the Government's perspective, but, if teachers feel that, I recognise and accept that we continue to have work to do to assure and reassure them, and we will continue to do that.

For the past few weeks, we have been developing plans for more mass testing in schools in the new year. We are trying to do that sensibly and on a sustainable basis. Some of the plans that have been set out in other parts of the UK, as we have seen from the reactions of teachers in recent days, perhaps do not give that sense of deliverability and sustainability, but that is very clearly a part of our thinking.

As I said in my response to Richard Leonard—and it is worth repeating—at the moment, one question that we are seeking to have answered is whether lateral flow testing devices are effective against the new strain of the virus. I hope that that will be clarified in a positive way very soon.

The safety of pupils and everybody who works in our schools is a priority, and we have taken public health advice at every step of the way. Although I recognise the concerns, I think the fact that we have managed to keep schools open while keeping the prevalence of the virus at a lower level than in many other areas is a success. However, the new development means that we have to be precautionary until we learn more about the virus—not least its transmissibility among young people. We will be precautionary and we will take great care over the decisions that we make.

On blended learning, I think that it is in the interests of young people to be back in school full time as quickly as possible. However, you will have heard everything that I just said about precaution and safety. The fact of the matter is that blended learning has always been an option on a school-by-school basis if it is required, and that will continue to be the case. We will not compromise or gamble with the safety of teachers and young people, but I think that everybody recognises that it is in the interest of young people to be in school full time if that is at all possible. That is what we want to get back to as quickly as the virus allows.

Willie Rennie (North East Fife) (LD): We appreciate the reasons for the decisions at the weekend. When the science speaks so starkly, plans need to change. Will the First Minister be reviewing the range of indicators as we learn more about the new strain of the virus?

At least 135,000 operations were cancelled during lockdown earlier this year, and we know that, for safety reasons, hospitals have limited the number of elective surgeries since then. However, I am concerned about reports that ever greater numbers of operations have been cancelled, that some hospitals have cancelled all non-urgent procedures and that more NHS boards are considering following suit. What more can the First Minister tell me about that? Does she expect that more NHS boards will cancel all non-urgent operations in the near future?

The First Minister: We were already reviewing the indicators—I think that I set that out in my statement last week—and we will continue that process over the Christmas period. Obviously, we will come back to Parliament with the outcome of that. We were taking the opportunity to review not just the indicators but also the content of each level. As I have said today, the new development makes it all the more urgent that we look at the

content of level 4 restrictions and whether the current restrictions are sufficient.

On health board capacity and decisions on elective treatment, we want as much elective treatment to continue and to get as much of that back to normal as possible. That is a priority, and we discussed the issue at the Cabinet meeting earlier today. However, that depends on our ability to suppress the virus. To put it bluntly, the more patients require hospital and intensive care treatment for Covid, the more staff will be required to support that. Of course, the greater the levels of infection, the more hospital and NHS staff generally are likely to be off sick—like the rest of the population, they are more likely to be taking time off sick—and the less able the NHS will be to do normal business.

We are supporting the NHS to get the balance right as far as possible. I cannot guarantee that no NHS board or hospital will postpone elective treatment, but we are trying to support the NHS through this as much as possible, to reduce this year's backlog and to prevent its rising any further.

I make a plea to everyone. All of us can help the NHS right now. During the early part of the pandemic, we all acted in a way that protected the NHS. The NHS needs us to do that again. It needs us all, in our personal behaviour, to do everything that we can to suppress the virus. That is what we can all do to keep our NHS safe.

The Deputy Presiding Officer: I am keen to get in every member who wants to ask a question if I possibly can, and I would appreciate the assistance of all concerned to achieve that.

Bruce Crawford (Stirling) (SNP): At this crucial time, when we are dealing with a deadly and unseen killer virus, with what importance does the Scottish Government view the relationship between the European Centre for Disease Prevention and Control and the expert medical and scientific community in the United Kingdom? Is it not foolhardy in the extreme to sever that important relationship because of Brexit at this crucial time, when, as a country, we are dealing with a deeply serious public health emergency? For that reason alone, an extension to the Brexit transition period would make common sense.

The First Minister: In my view, it is vital that the UK maintains its current access to the European Centre for Disease Prevention and Control, which is an important network of cross-border health expertise. It is also a source of valuable data—there is probably not a day goes by when I do not look at the data on its website, because it is extremely important. However, the centre is important for many more reasons than that.

It is a fact that a no-deal Brexit will jeopardise that access, which is highly concerning as we

continue to fight the Covid pandemic. The Scottish Government is working with the UK Government to maintain access and to ensure that practical arrangements are in place as a stopgap in the event of no deal.

The consequences of ending the Brexit transition period during a pandemic were predictable and predicted. Those concurrent risks, which add up to a perfect storm, are starting to become real before our very eyes. That was evident in yesterday's COBRA meeting as we were dealing with all the implications of the closure of the border that are happening now, with Brexit and stockpiling plans being activated, which is a situation that we may face again in just a few days' time.

I really hope that, although the UK Government yesterday rejected the call for an extension, it will think again and act responsibly. Businesses and citizens need, preferably, a deal now—everybody does. More important, they need a period in which we will not have any self-inflicted disruption, given that we have so much inevitable and unavoidable disruption to deal with.

Jamie Greene (West Scotland) (Con): I have read many of the letters about access to learning hubs that are today being sent to parents. It is clear from those that the definition of a key worker is vague and varies from one council area to another, which will undoubtedly result in a postcode lottery in childcare, come January. The letters also state that both parents must be key workers if their children are to qualify for access to the hubs, which would put many of our front-line workers in an impossible situation. Why is there no clear country-wide guidance over access to hubs? What is the First Minister's message to families who face the unenviable choice of being either out of pocket or out of a job?

The First Minister: The guidance is as it is because local authorities requested flexibility to put in place their own local arrangements. I appeal to them to continue to liaise closely with parents to ensure that their arrangements are as they need to be. This is an incredibly difficult time for everybody, but particularly for parents who are, again, trying to juggle the demands of work and childcare. Even in level 4, if there are no other options, there is access to childminding and informal childcare arrangements. However, we encourage local authorities to ensure that they are as expansive as possible in their definition of a key worker.

The most important aim for us all—led, of course, by the actions that the Government is taking—is to get the virus, and especially the new strain, under control and suppressed as much and as far as we can so that the next period, which will involve the most stringent restrictions, which will

impact particularly on schools and childcare, will be as short as is feasible.

Annabelle Ewing (Cowdenbeath) (SNP): People in my Cowdenbeath constituency, across Fife and across Scotland will want as much clarity as possible about the weeks that lie ahead. Will the First Minister therefore confirm the date on which a review will take place of the three-week level 4 regime that will apply to the whole of mainland Scotland from boxing day? Will she confirm the criteria based on which the review will be conducted, and when the upshot of the review will be communicated to the public?

The First Minister: We will carry out a review two weeks after commencement of the restrictions on boxing day, and I will set out its outcome in the Parliament on that day. Forgive me if I get the date wrong; I think that that will be on 12 January. We will be as clear as we can be about the reasons for the decisions that we take in the review, and we will try to keep the level 4 restrictions to as short a period as possible.

I want to give people as much clarity as possible. However, although I understand the desire for clarity—it is a normal human desire, which I share and on which I want to deliver—I do not think that people want me just to say things that they want to hear right now but which might have to be reversed later. We have to try to set out the situation as clearly as possible, and to explain the implications and the difficulties as we go along. That is what I will try to do, especially over the coming period, when people will be worried about the situation that will pertain at the start of the year.

Alex Rowley (Mid Scotland and Fife) (Lab): The First Minister has said that scientists are investigating claims that the new variant of the virus spreads more easily among children. They have said that it could account for a significant proportion of the increase in transmission in the south of England. Given that, what steps will the Scottish Government take to examine such evidence?

What action will the Government take to ensure that there is effective teaching and learning through blended methods if further delays to the return to school are necessary? What steps will the Government take to provide greater support for those who are in most need and at greatest risk while our schools are closed?

The First Minister: Rightly, the operative word in the early part of Alex Rowley's question was "could". Among experts, there is not yet definitive consensus on whether the new strain of the virus is more likely to infect children, but that is under active exploration. The chief medical officer updated the Cabinet on that subject today, and he

made it very clear that we cannot be definitive about it right now. Just this morning, I have read scientific opinion—some is pretty certain that that is the case and some that it is not. We therefore need to wait and see what consensus will emerge. We have contingency arrangements in place for blended learning.

One of the reasons why we have taken a precautionary approach to the start of the new term is the uncertainty about the new strain. We will have arrangements for blended learning for as long as it is necessary—although we hope that that will be as short a time as possible. We have already taken steps to help people in more deprived communities with online access, and in other ways. We will continue to do that, particularly if we are facing a lengthier period—although I hope that we will not—when children are not in school full time.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): The First Minister stated that the incidence of Covid in Scotland is half what it is in England, and that the cross-border travel ban will be in place on Christmas day. Given that the chief constable has ruled out road blocks and check points—I appreciate that those are operational decisions for him to make—is the First Minister satisfied that the law can be enforced, and has she been advised on what policing is taking place on the English side of the border?

The First Minister: I will just be clear on one point, because I am aware that how I express this might give rise to a misleading impression. It is not the case that the travel ban between Scotland and the rest of the UK is in place only on Christmas day; it is in place for the foreseeable future, including on Christmas day. The travel restrictions are being lifted on Christmas day in Scotland—although we are encouraging people not to travel to meet indoors, if at all possible—but that does not apply to travel between Scotland and the rest of the UK.

It is, of course, an operational matter for the chief constable to decide how and to what extent to enforce the law. Obviously, I have discussed that with the chief constable, who joined me yesterday for the daily update. He has decided to double patrols and has set out clearly the approach that the police will take. I have confidence in the ability of the police to enforce the law where necessary, just as they have with regulations throughout the pandemic. It is not for me to comment on policing on the English side of the border, but I am sure that the police there are also cognisant of the arrangements.

My last point—it is a point that I made yesterday and will continue to make—is that people should abide by the restrictions not because they are

likely to get stopped by the police if they do not, but because the restrictions are there to keep us all safe. I think that when we put on a seat belt when we get in a car these days, not many of us do so only in case we are caught not wearing a seat belt. We do it because we know that it could save our lives. People should see the travel restrictions in the same way. They are a tough aspect of what we are being asked to do right now, but they are necessary in order to stop, as far as we can, any more of the new strain of the virus coming into Scotland, just as all the difficult things to suppress it are necessary.

Donald Cameron (Highlands and Islands) (Con): The First Minister might be aware of reports that the University hospital Wishaw has closed a number of wards to new admissions following a spike in Covid-19 admissions. Can the First Minister provide the Parliament with an update on the general capacity in our hospitals, given that standard admissions being suspended puts more pressure on the NHS because of the already significant backlog in operations and appointments?

The First Minister: I will ask the Cabinet Secretary for Health and Sport to write to the member with an update on hospital capacity and what pressures there are on that capacity before we get into the Christmas period, and to copy that update to all members.

It is, of course, for individual health boards to manage capacity pressures. We know that NHS Lanarkshire, like NHS Greater Glasgow and Clyde and, more recently, NHS Grampian, is experiencing significant pressure from Covid generally. That has been the case for NHS Borders in recent days, as well. Overall, if we look at the numbers that I have given today for people in hospital and in intensive care, they are significantly below overall capacity. They are also below the peak levels that we saw earlier in the year. There are some parts of the UK where both those things—certainly in relation to hospital capacity and, in some cases, ICU capacity—have already exceeded that peak.

We are not in a position to be complacent; we are working with the NHS to manage the situation. However, I come back to the central point that the more we do to stop the new strain of the virus taking hold, the better able we will be to ensure not only that our NHS can cope with Covid patients but that, as it is doing that, it can continue to treat people with non-Covid conditions.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Can the First Minister elaborate on the discussions that her Government has had with the UK Government regarding temporary closure of our major ports and transport links? Will the First Minister call on the UK Government to take some

responsibility and work to reach agreement with France on the protocol that she mentioned earlier, which will get freight moving again, in order to protect Scotland's valuable seafood sector? The situation is becoming critical.

The First Minister: I took part in a COBRA meeting yesterday at which those issues were discussed. I was concerned yesterday, and remain concerned today, that the timescale for the agreement of a protocol with France and, perhaps more especially, implementation of that agreement might be longer than our seafood sector has, to be frank.

We will continue to press the UK Government to take all necessary steps, but more important is that we will ensure that we are offering help and support. There might, since we have been in the chamber, have been developments that I am not aware of. If the solution involves mass testing of drivers—as it almost certainly will—we do not know whether it will be polymerase chain reaction testing or lateral flow testing. Once we know that, we can consider what arrangements we can put in place to test drivers in Scotland before they start their journeys. We will do everything that we can to help, and we will continue to liaise with the seafood sector. It is in everybody's interests that the issue be resolved as quickly as possible.

Jackie Baillie (Dumbarton) (Lab): Hospitality and tourism businesses in my constituency and across Scotland face huge bills in January, including for payment for self-assessment, deferred VAT or national insurance and pension contributions for staff who are currently on furlough. Further, those businesses will have no income over the next three weeks, which is normally their busiest period. They are saying that they need greater support from the Scottish and UK Governments, and that they need it now. Will the First Minister adopt a targeted approach and increase the help that is being provided?

The First Minister: As I said in my statement and as I think I have said since then in response to questions, the Cabinet Secretary for Finance is urgently looking at what more we can do. Significant financial support is already available; I encourage all affected businesses to apply for it. The details are available on local government websites and, I believe, on the Scottish Government's website. We recognise that businesses will need more help, given the implications of what we are now dealing with, and are likely to be dealing with into the new year. The finance secretary will report back on that once she has completed the assessment.

Joan McAlpine (South Scotland) (SNP): The First Minister knows that Gretna is the wedding capital of Scotland. It is also in a lower-prevalence area. I have been contacted by a number of

constituents in Gretna and east Annandale who are concerned that wedding guests are travelling from higher-prevalence parts of the UK, such as the south of England, despite the cross-border travel ban, because weddings and small receptions are permitted in Dumfries and Galloway, which is in level 1. Can the First Minister explain how moving to level 4 across Scotland will protect my constituents in the Gretna area? Given that many local jobs are involved in the wedding industry, how will it and its supply chain be supported under level 4 restrictions?

The First Minister: This is a really tough time for the wedding industry across the country, and that is undoubtedly particularly true in Gretna. We have recently allocated funding for the sector and its supply chain, and we will seek to ensure that those who have had little or—as in some cases—no support since March are targeted for that support.

I deeply regret the impact on cross-border trade and on particular sectors and businesses, but it is unavoidable, because stopping travel within Scotland and from Scotland to other parts of the UK is a key part of trying not to spread the new strain any further. We know that it already exists in Scotland, and we have to suppress it here, but we think that it is still at lower levels; therefore, it is important to stop importing any more of it. That is true for the entirety of Scotland, but, obviously, it has particular resonance in the border parts of Scotland and England. We do not want the restrictions to be in place for any longer than necessary, but they are necessary right now, which is why I encourage everybody to strictly abide by them.

Jamie Halcro Johnston (Highlands and Islands) (Con): The increased restrictions that the First Minister announced on Saturday are causing a great deal of concern for Scotland's tourism businesses, many of which were already worried, even with the latest support for the sector that the finance secretary announced a couple of weeks ago. When will the first payments from that support be in the hands of those businesses? Will the impact of the increased restrictions be reflected in the package and in any future additional packages of support for our beleaguered tourism industry?

The First Minister: The restrictions that, regrettably, we announced, reflect restrictions that, unfortunately, are in place in all parts of the UK and, indeed, in many other parts of the world. We must be clear about the fact that, although the impact on business is understood and is severe and heartbreaking, we would make that impact worse if we did not act appropriately to suppress the virus. Obviously, that places responsibilities on us to ensure that businesses are appropriately

supported. I have already said that the Cabinet Secretary for Finance is looking again at additional support for business. She has recently announced additional funding for tourism, in particular, and the processes are under way to get that money flowing to businesses as quickly as possible.

The support that will be required for the tourism sector is likely not only to be greater than for any other sector in our economy but for the longer term. The sector has been deeply affected, which is why the tourism task force looked at not just immediate measures but medium and long-term support. The tourism minister and the Cabinet are fully engaged in ensuring that we respond appropriately.

Kenneth Gibson (Cunninghame North) (SNP): Given that no ferries will run on Christmas day, will islanders and their loved ones on the mainland be allowed to visit one another from Christmas eve to boxing day? Only a very small minority of people will travel, so the risk must be tiny. It is surely unfair that that minority of islanders and their families will be denied the same opportunity as everyone else is getting to spend Christmas day together. A number of my island constituents, as well as a number of my mainland constituents, have expressed their dismay in the event that they are unable to do so.

The First Minister: I know that it is unfair; the virus is unfair to everybody. That is the point—it is not fair. We are having to take decisions that are extremely difficult for people. We cannot make exemptions to the rules, because any small exemptions that we made—other than really necessary ones for people who need to care for people—would all add up to greater risk of the virus spreading.

As I said yesterday, on Saturday night, when I got home after making these horrible announcements, I spent quite a lot of time reading emails that people had sent me. Most of them were from people who understood the necessity of the measures, but they set out—often in heartbreaking terms—the impact on them and their families. I cannot take away that impact for everybody, though I dearly wish that I could. However, I want people to know that I understand it and that we will do everything that we can—within the bounds of what we need to do to keep the virus suppressed—to mitigate the impact of it. None of this is fair on anybody right now.

Pauline McNeill (Glasgow) (Lab): Can the First Minister share the modelling for the vaccine roll-out? I am aware from questions and answers yesterday that the clinical director, Jason Leitch, has said that we plan to vaccinate more than 4 million Scots, but can the First Minister share any information on where we might expect to be in

January, February and March? Is the Government aiming for a date in June, for example?

I fully appreciate that I am asking for modelling when we are talking simply about plans. Could the First Minister at any point share with us information on where we might expect to be?

The First Minister: I am not sure that that is a question about modelling; it is about how we match the supply of the vaccine to those groups that we need to vaccinate. I believe that information that set out those timelines was circulated to members last week or the week before. The Cabinet Secretary for Health and Sport will make a statement tomorrow in which she will provide up-to-date information.

In broad terms, our objective—assuming that we get the supplies that we are expecting in the timescale in which we expect to get them—is that, in line with the priority list that has been published by the Joint Committee on Vaccination and Immunisation, everybody aged 50 and above will have been vaccinated by the spring of next year, although that is obviously still subject to uncertainty because of the inherent uncertainties around supply.

We hope that, after that, as we move into the summer, we will be in a position to move on to the rest of the population, because the vaccination programme is intended to reach everybody in the adult population. However, we are dependent on the supplies coming through. We will keep Parliament updated as we get greater certainty and clarity around that and as the information becomes more concrete.

Clare Adamson (Motherwell and Wishaw) (SNP): What discussions has the Scottish Government had with the United Kingdom Government on the security of medicine supplies in the event of a no-deal Brexit? Many families will be concerned by the scenes in Kent at the moment. Does the First Minister agree that the most pragmatic approach—and the safest approach for everyone—would be for the UK Government to seek a Brexit transition extension so that we could avoid some of the problems that we are seeing?

The First Minister: We discussed the issue of medicines supply at length both in COBRA yesterday and at the Scottish Government resilience committee, and I think that the health secretary is indicating to me that she will have further four-nations discussions on the issue later this week. As I said in my statement, we have no immediate concerns about medicines or medical supplies, and we have no immediate concerns about supplies of the Covid vaccines.

Obviously, we require to keep all of that under very close review. The discussions that we had

yesterday were, to some extent, inevitable. The new strain of the virus has led other countries to respond, and the issues around the border are part of dealing with that particular crisis. I think that we all understand the necessity of that. What is, I think, less easy for us to understand—and certainly for us to accept—is that we are having to discuss these things in the context of something that is completely self-inflicted.

Therefore, I hope that we see measures—whatever they require to be—being taken to avoid any disruption caused by Brexit over the next two-week period. Frankly, the country has got enough on its plate to deal with right now. We are dealing with Covid and with a new strain, and we are trying to get a vaccination programme rolled out. We are going into winter, and over the next few weeks we may be dealing with severe weather as well. We do not need the disruption that Brexit will bring, and I really hope that the UK Government will do whatever it takes to avoid that.

Annie Wells (Glasgow) (Con): The Equality and Human Rights Commission said recently that it had found clear evidence that, during the pandemic, the rights of Scotland's care home residents and staff have been ignored by Scottish Government ministers. It said that the need to uphold residents' rights to be treated equally, with dignity and with respect has not been taken into account. Meanwhile, care home staff, despite their best efforts, have been ill-equipped to provide vital support and care to residents, many of whom have been nearing the end of life. The Scottish Conservatives agree with the Equality and Human Rights Commission that there must be a public inquiry into the matter. What progress has been made on establishing such an inquiry?

The First Minister: We have already committed to a public inquiry, and the health secretary is progressing the plans for that. No public inquiry on any issue can simply be set up overnight. There are matters that take time to get right, including the appointment of the judge who will oversee it, the remit and all the other preparatory actions.

As, I think, the chief executive of Scottish Care said not that long ago, those are all really important matters, but nothing matters more right now than dealing with the daily reality of the pandemic. That matters for vulnerable people in our care homes, it matters for the relatives and it matters to the whole country, and that is what I am going to keep my focus and my Government's focus on, 100 per cent of the time, right now.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I previously asked for a review of the level 4 restrictions in the hope of seeing greater flexibility for gyms and health and fitness facilities, given their positive mental health impacts. As the First Minister has suggested that a

further toughening of the level 4 restrictions may be required—and I absolutely understand why—that flexibility is clearly unlikely to be introduced over the next few weeks. However, as we emerge from the latest challenge—and we will do so—will she consider future flexibilities at level 4, even though that is understandably not the current direction of travel?

The First Minister: Yes, of course we will. I absolutely understand the importance of physical exercise and activity not only to people's physical health but to their mental health. Although the focus in tackling the pandemic is on protecting people's physical health, we may well live with the mental health impacts for longer. Nobody is in any way oblivious to the real importance of having gyms open and encouraging and supporting people to take care of their physical health so that they can support their mental health.

Unfortunately, I suspect that, over the immediate period, we may have to look at tightening the level 4 restrictions rather than easing them. However, hopefully, as we go further into next year, the opposite can be true, and making sure that people have access to physical activity will be at or very near the top of the list of priorities.

The Deputy Presiding Officer: The final question will be from John Scott. I ask him to be brief.

John Scott (Ayr) (Con): Given the concerns about bed capacity, particularly in intensive care, in Ayrshire and across Scotland and about the lack of available staff for the Louisa Jordan units in the worst-case scenarios, what reassurance can the First Minister give that ICU beds will be available to the people of Ayrshire and Scotland? Can she provide details of how the Louisa Jordan hospital will be staffed if it is needed?

The First Minister: We will continue to give details of that. We have in place very robust plans for escalation in intensive care. Right now, there is, of course, pressure on intensive care, but we are not near running out of intensive care beds. We still have plans that would allow us to increase ICU capacity.

That is true across Scotland as a whole for ICU capacity and hospital beds. Individual health boards will face pressures at given times. In recent weeks, Lanarkshire has faced probably the most acute pressure in that sense. Of course, mutual aid arrangements between health boards will kick in as well.

Thus far, we have not required to use the Louisa Jordan hospital for Covid-related matters. At this stage, we still do not consider that we will require to use it, but we will keep that under review. Should the position change, we will set out the

operational plans for that. The Louisa Jordan hospital has, of course, been seeing patients—thousands of patients, actually—to help to reduce the backlog.

If I or the health secretary stood here and said that we do not have concerns about hospital capacity, that would not be true. Part of what is driving the very tough action that we are taking is the need to protect our hospital capacity for Covid patients and non-Covid patients. Right now, the health service is operating within that capacity, and we will continue to support it to do so.

The Deputy Presiding Officer: That concludes questions on the statement. We will move on to the next item of business in a moment.

I remind members that social distancing measures are in place in the chamber and across the Holyrood campus, and I ask members to please observe them during the course of this afternoon's business, including when entering and exiting the chamber.

Junior Minister

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a debate on motion S5M-23762, in the name of Nicola Sturgeon, on the appointment of a junior Scottish minister. Members should note that the question on the motion will be put immediately after the debate.

15:11

The First Minister (Nicola Sturgeon): I seek the Parliament's approval for the appointment of Angela Constance as a Scottish junior minister. I begin by reiterating the point that I made last week at First Minister's question time: that the drug deaths figures that were published last week are completely unacceptable. Behind each and every one of those statistics lies a real human story: one of tragedy, lost opportunity and grieving families.

The appointment of a dedicated minister for drug policy, who will report directly to me, signals the Government's renewed determination to take on the challenge and tackle the level of drug-related deaths in our society. Angela's task is to ensure that we not only prevent people from dying from drugs but help those with drug addiction to live better and healthier lives. She is well aware that taking on the role is an enormous responsibility, but she brings to it significant personal and professional experience. In a previous life as a prison social worker and more recently, of course, as cabinet secretary responsible for tackling poverty, inequality and homelessness, Angela has dealt first hand with many of the issues that are often closely linked to problem drug use.

Angela Constance also has a track record of taking on tough issues. In a previous ministerial role, she took on the very specific—and, at that time, urgent—task of tackling rising youth unemployment in the face of a severe recession. After she listened to the broad range of views on how to solve the crisis, the measures that she put in place helped to drive youth unemployment in Scotland to one of the lowest levels in the European Union. That was a significant achievement and one of the reasons why I believe that she is, at this point, the right person for the job.

The challenges that Angela faces in the role are different from those ones, but I know that she has not wasted a moment before getting down to business. She is already engaging with members of the drug deaths task force; she and I had a lengthy discussion yesterday about the challenges and priorities; and I understand that she is

arranging to speak to Opposition spokespeople as soon as possible.

Alongside Angela Constance's appointment, I am making other changes to the Scottish Government's ministerial team. I have appointed Mairi Gougeon as Minister for Public Health and Sport to replace Joe FitzPatrick.

I take this opportunity to thank Joe FitzPatrick for his service. He himself recognised that it was time for fresh leadership on the drugs challenge. Joe brought a decency and determination to the Government that I am grateful for.

As part of her responsibilities, Mairi Gougeon will take the lead on the delivery of Covid-19 testing across Scotland, with Jeane Freeman leading on the roll-out of the vaccine across the country. Given that she will have responsibility for improving the country's health, it of course helps that Mairi is herself very physically active and regularly puts us all to shame with her dedication to keeping fit. I would like to say that my 10km time is faster than hers, but I am keeping mine confidential.

Ben Macpherson will take on the role of Minister for Rural Affairs and the Natural Environment at a critical time in the fight against climate change and as we take new steps to protect our diverse and wonderful natural environment.

Jenny Gilruth will take on responsibility for migration in addition to her role as Minister for Europe and International Development, and Ivan McKee will work with the Cabinet Secretary for Finance to support business through the pandemic and take forward work to ensure that our procurement policies are backing Scottish business. That follows up his recent work on building the personal protective equipment supply chain. He will also support the Cabinet Secretary for Finance in finalising the budget, which is due to be published in January.

As we come towards the end of what has been a tough year for the whole country and as we look towards what will be an unusual Christmas, it is clear that the country is being buffeted by a number of different headwinds. Neither I nor my ministerial team will be taking much of a break over the next couple of weeks; we will be working closely together to prepare Scotland for what will be a busy and challenging 2021. Today's appointments ensure that the Government remains fit and ready for the challenges ahead.

I move,

That the Parliament agrees that Angela Constance be appointed as a junior Scottish Minister.

Motion agreed to.

The Deputy Presiding Officer: I briefly suspend the meeting until we move on to the next item of business.

15:16

Meeting suspended.

15:20

*On resuming—***Business Motion**

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-23774, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a stage 3 timetable.

Motion moved,

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

Groups 1 to 4: 1 hour 15 minutes

Groups 5 to 6: 2 hours 10 minutes

Groups 7 to 10: 3 hours 10 minutes.—[*Graeme Dey*]*Motion agreed to.*

UK Withdrawal from the European Union (Continuity) (Scotland) Bill: Stage 3

15:20

The Presiding Officer (Ken Macintosh): We turn to stage 3 proceedings on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. In dealing with the amendments, members should have with them the bill as amended at stage 2, the marshalled list and the groupings of amendments. I remind members that, as usual, for the first division of the afternoon the division bell will sound and proceedings will be suspended for five minutes. The period of voting for each division after that will be one minute. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Section 1—Power to make provision corresponding to EU law

The Presiding Officer: Group 1 is on the power to make provision corresponding to European Union law. Amendment 4, in the name of Michelle Ballantyne, is grouped with amendments 5, 6 and 8.

Michelle Ballantyne (South Scotland) (Ind): I want to set out the reasoning for lodging my amendments. I will try to keep my remarks on each group short and to the point, because I am conscious that this will be a long day.

My amendments throughout stage 3 speak to the fact that, fundamentally, it is for the Parliament to legislate. I welcome the changes that have been made at stage 2, particularly with regard to limiting the duration, which the keeping pace power should continue, but I remain concerned that the process of leaving the EU should not open the door to bypassing parliamentary procedure.

When the Parliament decides to delegate powers, there should be clear, good reasons for doing so, and it is important that the limits of that delegation are clearly defined. In doing so, we reinforce the principle that delegated powers should never be used as a substitute for policy development. The question that we have to ask is whether the powers in section 1 of the bill are appropriate or whether they should be limited by being available only to ensure that existing standards in retained EU law keep pace with evolving standards.

While it might be reasonable to accept that keeping pace with EU law might not always be practical through the creation of primary legislation, there is no doubt that there is a

difference between refining retained EU law to keep pace and keeping pace with new policy developments in future EU law where there is currently no equivalent in retained EU law. Amendment 4 therefore seeks to ensure that the principle that delegated powers should never be used as a substitute for policy development is followed.

The Cabinet Secretary for the Constitution, Europe and External Affairs's recommendation, in his response to the Delegated Powers and Law Reform Committee—I believe that it went to the Finance and Constitution Committee as well—that the wording in section 1(2)(f)(ii) be altered, suggests that the amendment is unnecessary and unhelpful, because the Government wishes to have greater flexibility to deal with unforeseen circumstances. However, the current wording, “appropriate to retain”, confers wider powers, as the definition of appropriate does not limit policy making by delegation. I will listen with interest to the cabinet secretary's position on why it is appropriate—no pun intended—to deal with unforeseen circumstances that lead to new policy by enabling it to be dealt with by delegation rather than in the bill.

Amendments 5 and 6 relate to sub-delegated powers. The current wording in section 1, which would enable the Scottish Government to delegate powers to a public authority or the authority's nominee to make regulations or provide funding, does not meet the test of the principle of delegated powers, as it neither limits the delegated authority nor defines it; rather, it opens the back door to creating new policy, enabling the incorporation of future EU laws into our domestic laws through delegated powers. The lack of clarity on the necessity to enable sub-delegation is a significant issue.

In relation to amendment 8, I am of the view that those powers are not an appropriate vehicle to make new regulations.

I move amendment 4.

Dean Lockhart (Mid Scotland and Fife) (Con):

We will support Michelle Ballantyne's amendments in the group. As we have just heard, amendments 4, 5 and 6 are based on recommendations of the Delegated Powers and Law Reform Committee. Amendment 8 would preclude the keeping pace powers being used to

“make provision implementing significant new policy developments in EU law.”

The amendment overlaps with my amendments 47 to 51, but is not inconsistent with them; they address the same underlying concerns about the inappropriate use of secondary legislation to implement significant new policy developments. To that end, we will support amendment 8.

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):

I thank all those who have worked with the Government to try to improve the bill since its introduction. The bill today is significantly better than when it was introduced. I do not find it difficult to say that—that is the purpose of parliamentary scrutiny. I am glad, for example, that we have been able to look at the issue of purpose, which we will come to later on, and issues of delegation, which Alex Rowley raised in the early part of stage 2, and we have considered issues that have been raised on reporting and consultation, which Liam McArthur raised.

By dint of discussion, looking at drafts and working together, we have amendments on which we can agree. Regrettably, Michelle Ballantyne has never raised with me the issues that she mentioned in her contribution, so I am slightly surprised that she has a new-found and certainly intense interest in the functioning of delegated powers. I will not accept her amendments and I will give my reasons for that in a moment.

I pay tribute to Dean Lockhart, who discussed some possible amendments with me, although other amendments then appeared, which is entirely his right. Some of his amendments are carry-overs from stage 2. There could be a debate about that because those amendments were significantly rejected at stage 2, and we have to ask ourselves why that was. Perhaps that would save us time.

Amendment 4 seeks to remove the current wording in section 1(2)(f)(ii) and replace it with wording similar to that in section 1(2)(a). I acknowledge that the functions or restrictions that may be conferred or imposed under section 1(2)(f) would have to make sense in the Scottish context, but there is an awkwardness in the wording of amendment 4 and the implications of the amendment are unclear from the perspective of a positive power to confer functions or impose restrictions, whereas the wording in section 1(2)(a) makes sense where it is, as it is being applied to something omitted from regulations. The cut-and-paste job has not worked. It is less clear that it makes sense when applied to a positive power. I am concerned that the proposed drafting of amendment 4 could cause considerable difficulties by adding awkward and unnecessary complications.

The wording “appropriate to retain” that is currently in section 1(2)(f)(ii) offers flexibility to deal with unforeseen circumstances, and given the continued unforeseen circumstances that we find ourselves in as a result of Brexit, which is supported by Michelle Ballantyne, maintaining that flexibility is important and sensible.

It is completely unclear whether amendments 5 and 6 are intended to work together or as alternatives. I am therefore unclear on exactly what Michelle Ballantyne hopes to achieve by lodging them. Whether taken together or separately, the effects of amendments 5 and 6 would, as is the case with amendment 4, be to remove the flexibility needed to deal with uncertainty. The uncertain nature of Brexit and what might yet come leads to section 1(3) in its current form being necessary and expedient as it will allow the Government, with the support of members—many of the changes that we will agree to in the bill require the support of other parties—to ensure that where the power is used, it is workable at an operational level. That is the essence of sub-delegation—making sure that whatever happens the legislation that arises is workable at an operational level.

In the absence of such a provision, the Government would become involved in complex workarounds and arrangements, or it would even have to resort to primary legislation, but that would be wholly disproportionate. That would not otherwise have been the case if section 1(3) was available to us in the form currently provided.

15:30

Let me give a hypothetical example. It might be more appropriate for that power to be exercised independently of political control when a body or regulator would be required to make a substantial number of technical corrections to standards. However, without section 1(3) in its current form, the section 1(1) power simply could not be used.

In another example, in agreeing to either or both of those amendments, the Parliament is deciding that the power to give a Scottish public authority the power to provide funding to others where that might be appropriate without passing primary legislation cannot be used.

I do not believe that stage 3 is the time to introduce that type of uncertainty over the scope of the power or of workable legislation. To be clear, the Government will support the amendments in Liam McArthur's name that are to be taken in group 5. I am aware that members of the Delegated Powers and Law Reform Committee did not have the benefit of considering the changes that those amendments will bring about when writing its report. However, if they are agreed to, when they are considered alongside the bill's existing provisions, members of the Delegated Powers and Law Reform Committee should be assured that any regulations that are made under that power will be subject to thorough scrutiny. Scrutiny was at the heart of the discussions that I had with other members. Therefore, I must urge members not to support

amendments 4, 5 or 6, as they undermine the flexibility that is inherent in the essential purpose of the bill.

Amendment 8 in Michelle Ballantyne's name seeks to restrict the scope of the power under section 1(1), so it cannot be used to make provisions implementing significant new policy developments. That is contrary to the recommendations that were made by the Delegated Powers and Law Reform Committee, of which Michelle Ballantyne is a member. Dean Lockhart said that the amendments promoted the decisions because the committee said in its report that it recognises

"that it would be difficult in law to exclude significant new proposals from the scope of the keeping pace power".

The difficulty of specifying what is meant by "significant" in that context was debated at stage 2, as people will have different views as to what is significant. Therefore, such a proposal would inevitably lead to uncertainty and likely challenge.

Members across the chamber have worked together, as I have said, to produce a package of amendments which, when considered as a whole, ensure a robust role for the Parliament in scrutinising the Government's proposals for lodging regulations. Those will be debated further throughout the stage 3 debate, but what is important in the context of group 1 is that those amendments ensure the continued workability of the central power in the bill. Amendment 8 is unacceptable to the Government for those reasons and we cannot support it.

The Presiding Officer: I call Michelle Ballantyne to wind up on group 1 and to press or withdraw amendment 4.

Michelle Ballantyne: Mike Russell is correct that I did not have any meetings with him about those amendments, but they were all back and forth from the Delegated Powers and Law Reform Committee's report and he has responded to those, so they are not new. He has seen that committee's thoughts on those amendments. We had not had time to hear the Government's position on them, and I felt that it was important to lodge them as amendments at stage 3.

The cabinet secretary's response was about new policy, not about retained EU policy. It is completely wrong to commit the Parliament's hands to taking on policies without it being able to properly scrutinise and control them. The cabinet secretary is saying that there will be scrutiny but, ultimately, the Scottish Government, whichever party might be elected to it, will have the power to implement new EU policy in Scottish policy. I do not believe that that is the correct way to go.

I will press amendments 4, 5, 6 and 8. Members in the chamber should think carefully about the consequences that might come down the line in terms of being able to take on board policy that the Parliament has not devised and does not control.

The Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: We will suspend for five minutes so that I can summon members to the chamber and allow members who are joining us remotely to access the voting app.

15:34

Meeting suspended.

15:43

On resuming—

The Presiding Officer: We move to the vote on amendment 4, in the name of Michelle Ballantyne. This will be a one-minute division.

The vote is now closed. If any member believes that they were not able to vote, please let me know by making a point of order.

For

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

Against

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

Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)

Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

15:45

The Presiding Officer: The result of the division is: For 26, Against 89, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Michelle Ballantyne].

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

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. If any member had difficulty voting please let me know.

For

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

Against

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

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)

Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 26, Against 90, Abstentions 0.

Amendment 5 disagreed to.

Amendment 6 moved—[Michelle Ballantyne].

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

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine)
 (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 25, Against 90, Abstentions 0.

Amendment 6 disagreed to.

After section 1

The Presiding Officer: We move to group 2, on the section 1(1) power and the purpose of maintaining and advancing standards. Amendment 7, in the name of Angela Constance, is grouped with amendments 22, 23 and 30.

Tom Arthur will move the amendments in place of Angela Constance.

Tom Arthur (Renfrewshire South) (SNP): I am grateful for the opportunity to speak to amendments 7, 22, 23 and 30 in the name of Angela Constance. I take the opportunity to congratulate her on her appointment to Government and to wish her the best in her new role.

The amendments follow on from stage 2 amendments 6 and 10, also in the name of Angela Constance, which were debated but not moved. Those earlier amendments were intended to provide greater clarity in the bill about what the section 1(1) power is for, when it would be used and how it had been used. Ms Constance expressed the view that those amendments would provide ministers with a direction as to the use of the power, and that they would improve transparency and accountability.

However, Ms Constance also made clear that sufficient flexibility must be maintained to deal with future uncertainties. It is clear from the deliberations at stage 2 that there is a strong view that putting a purpose in the bill would provide more certainty, predictability and clarity for businesses, public agencies and others.

That is what amendment 7 now does. It gives ministers the direction and steer that was felt to be missing from the bill as introduced. If agreed, amendment 7 will require ministers to, among other things, have due regard to how the use of the section 1(1) power would

“contribute towards maintaining and advancing standards in relation to environmental protection, animal health and welfare, plant health, equality, non-discrimination and human rights and social protection.”

Amendment 7 also retains a necessary element of flexibility. It does not impinge on the generality of the power, which was known to be a concern for the Government at stage 2, and it ensures that ministers are not prevented from using the section 1(1) power in other ways.

Amendments 22 and 23 will ensure that, when they report on the use of the power, ministers must set out how it has contributed, is contributing and will contribute to maintaining and advancing standards in those areas. That was the intention of amendment 10 at stage 2. Amendments 22 and 23 will now ensure that reporting covers both the previous uses of the power and any expected future uses.

Amendment 30 is a technical amendment to ensure that a report on future uses of the power is not required once the power itself has expired.

I thank Angela Constance and members from across the chamber who came together to ensure that amendments 7, 22, 23 and 30 are flexible enough to be workable while still improving the bill and providing for greater clarity and transparency. I urge members to support all these amendments.

I move amendment 7.

Liam McArthur (Orkney Islands) (LD): I join Tom Arthur in congratulating Angela Constance on her reappointment as a minister and wishing her well in that important role. I also thank her for the work that she has done in collaboration with me, Patrick Harvie, Alex Rowley and others to lodge the amendments. She lodged similar amendments at stage 2, recognising that, although the bill had been improved by that stage to expand the underlying principles, there was still a gap regarding the overall purpose.

As Tom Arthur said, providing that degree of clarity and certainty reflects what the Parliament has heard from a variety of stakeholders. The amendments lodged by Angela Constance address those concerns very effectively. I thank her for her work on that and I thank the Government for working collaboratively with members across parties to make this important improvement to the bill. Scottish Liberal Democrats will be happy to support these amendments.

Patrick Harvie (Glasgow) (Green): I will briefly make some comments similar to Liam McArthur's. At stage 2, a great many members, including Angela Constance—who I also congratulate on her reappointment to Government—had similar concerns. However, I think that we came forward with a wee bit of a scattergun approach to the different changes that we wanted to see, with Angela Constance's amendments on purpose, Liam McArthur's on scrutiny and accountability, and some of my amendments.

In the absence of agreement on those wider issues of purpose and scrutiny, I would still say that the amendments that I proposed at stage 2 were necessary, as they provided for shorter reporting periods and a few other changes. As it was not clear at stage 2 that we would get any consensus on those wider issues, I am pleased that we agreed to those amendments in my name. However, I am happy to have them reversed now at stage 3—in a later group—given that we have achieved consensus. I thank Liam McArthur, Alex Rowley, the minister and Angela Constance, who lodged the amendments in this group.

Having that consensus develop throughout the bill has been an important process. I am pleased that we have managed to shape the bill into a better one than it was when it was introduced. That being the case, I will not oppose the Government's amendments that reverse my stage 2 amendments when we reach them. I will happily support the amendments in group 2, as well as the later ones on scrutiny.

Dean Lockhart: I also congratulate Angela Constance on her very recent appointment.

Amendment 7 refers to a number of important areas in which keeping pace powers may be used. In his supporting remarks, Tom Arthur referred to the policy intention of maintaining the highest standards in Scotland. We totally agree with that. In fact, Scotland and the rest of the UK already have some of the highest standards in the world in these areas, and we agree that that should continue to be the case.

However, the standards have to be appropriate for Scotland. Simply copying and pasting future EU laws is not the best way of doing that. That was made clear by NFU Scotland, when it said in its briefing paper that that would reduce the capacity of Scottish ministers to introduce policies that are genuinely fitting to Scotland's unique environmental and agricultural context.

The Law Society of Scotland's briefing also made it clear that these are future EU laws, in relation to which we have no influence or input, and they would be adopted without any scrutiny from the Parliament or consultation with key stakeholders.

That is the point: clarity of purpose is not the same as parliamentary scrutiny. The Finance and Constitution Committee heard substantial evidence that those powers would turn the Scottish Parliament into a passive rule-taker.

For those reasons, we will not be able to support amendment 7. However, if it passes, we will support the consequential amendments 22, 23 and 30, which introduce additional reporting requirements in these areas.

The Presiding Officer: Alex Rowley wishes to contribute before the minister comes in.

Alex Rowley (Mid Scotland and Fife) (Lab): Thank you. I concur with what has been said, although I do not agree with Dean Lockhart. By working together, we have achieved a better bill. The cabinet secretary has been willing to ensure that there is proper scrutiny for the Parliament with amendment 7 and the other amendments. Through cross-party working with the Government, we will have secured a better bill at the end of the day.

Michael Russell: I would not want Mr Lockhart's remarks to imply that the bill does not have wide support among stakeholders. It does. Any bill will have criticisms of small parts of it; those are things that a Government should listen to, and many of those have been addressed in the process that has been referred to and that we have gone through. However, the bill has very widespread support, and indeed the only support that it does not have is from the Conservative Party and one independent member, who is sitting in the gallery. The bill has the support of the Parliament, as I hope we will prove later today.

It has support because it relates to the issue of the high European standards that we have and how we manage to continue to observe those. I would be very happy if we were in there making rules, and in the ideal situation, we will be in there making rules. However, when we are being dragged out of Europe against our will, which the chamber has—*[Interruption.]*—A member says "Yawn, yawn." The reality of the situation is that we are being dragged out against our will. There are no ifs or buts. If anybody today thinks that that is a good idea, they should go and look at the queues of lorries in Kent.

I would have thought that even the most hardened Conservative might blush a little at the chaos that is already taking place.

16:00

The bill, proportionately and carefully, with the agreement of the Parliament—*[Interruption.]* All the Conservatives can do is scream and shout, because they certainly cannot deliver a functioning country. We clearly do not have that at the moment. *[Interruption.]* No, I will not give way—we hear too much from Brexiteers. They have created chaos and I am not prepared to listen to them for a moment longer.

Let us now focus on what the amendments in group 2 do. Extraordinarily, the Tories are even going to vote against those amendments. That is astonishing. They are going to vote against amendment 7, which was agreed among the

parties to improve the bill in the light of concerns about scrutiny.

Amendment 7 allows ministers to take account of new circumstances and to propose what is in the best interests of the people of Scotland, but it gives the Parliament, quite clearly, a whip hand in making sure that that is done properly and proportionately.

Amendment 7 provides a clear steer on the use of the power—ministers “must have due regard” to the purpose stated in the amendment. It will be open to ministers to use the power in other ways to benefit Scotland, just as it will be open to ministers to use powers other than in section 1(1) to contribute to the purpose.

Mark Ruskell (Mid Scotland and Fife) (Green): Will the cabinet secretary give way?

Michael Russell: Of course.

Members: Oh!

Michael Russell: Well, you know.

Mark Ruskell: I was enjoying the flow of the cabinet secretary’s speech, so I thank him for giving way. Will environmental standards Scotland have a role in advising on the use of the section 1 power for environmental purposes?

Michael Russell: There will be no constraints on organisations of any sort in that regard. Indeed, when the Cabinet Secretary for Environment, Climate Change and Land Reform addresses the role of ESS later in the process, I am sure that she will provide information and reassurance to the member. However, I would never dare to trespass on her area of responsibility. I am not going to start doing that now, so, I will allow her to respond to that point.

To return to my area of responsibility, amendment 7 covers matters that members feel strongly about; members do not feel so strongly about other matters. The amendment does not preclude anyone or any organisation from having a say.

Amendments 22 and 23, which provide that we must also report on how we are meeting the purpose in section 1(1), will strengthen the bill.

I am sorry but, having tried to please Mr Ruskell, I now going to have to disappoint him. If the Parliament supports these amendments, amendment 19, in the name of Mark Ruskell, which we will come to later when we debate group 5, will not be necessary, given that the aim of that amendment will have been met.

I am obliged to Angela Constance for the time that she has afforded to getting this right over the past few weeks. I am very pleased that she is returning to Government. I have some experience

of working with her and I know how talented she is. I am quite certain that the work that she has done on the bill will also be lasting testimony to the work that she has done when not in Government.

I ask the Parliament to support amendments 7, 22, 23 and 30. I ask the Conservatives to think of the will of the people of Scotland, not of their own selfish party interests.

The Presiding Officer: I call Tom Arthur to wind up, and to press or withdraw amendment 7.

Tom Arthur: I want to briefly thank Angela Constance again, as well as Liam McArthur, Alex Rowley, Patrick Harvie and the cabinet secretary for their constructive approach to the amendments.

It is disappointing but not surprising that the Conservatives are unable to support amendment 7, but I welcome the caveated commitment to supporting the consequential amendments, should amendment 7 be agreed to.

I will therefore press amendment 7.

The Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Ind)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)

Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 90, Against 26, Abstentions 0.

Amendment 7 agreed to.

Section 2—Limitations on the section 1(1) power

Amendment 8 moved—[Michelle Ballantyne].

The Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

If any member has an issue with the voting system they should please let me know through a point of order. I advise Aileen Campbell that her vote was registered.

For

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

Against

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

Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)

Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 26, Against 87, Abstentions 0.

Amendment 8 disagreed to.

Section 3—Duration of the section 1(1) power

The Presiding Officer: We turn to group 3, which is on the duration and commencement of the section 1(1) power. Amendment 45, in the name of Dean Lockhart, is grouped with amendments 46 and 42.

Dean Lockhart: Amendments 45 and 46, in my name, seek to restrict the duration of the section 1 keeping pace powers and are similar to amendments that were agreed to during the debate on the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill a couple of years ago.

As currently drafted, the bill allows the keeping pace powers to be extended for a period of 10 years, that is, potentially not only beyond the next parliamentary session but beyond the next two, depending on when those powers were first exercised. Requiring such powers to last for a decade is yet another example of executive overreach in the bill.

In the future—certainly less than a decade from now—the Scottish Parliament should be able to reassess the legislation and consider whether it is still required and appropriate. It should be able to decide whether a more appropriate piece of successor legislation should be introduced. That is why Scottish Conservatives have suggested a maximum period of six years for the duration of the powers, to be divided into an initial period of three years, with a maximum extension of an additional three years.

I understand the rationale behind Michelle Ballantyne's amendment 42, but imposing an arbitrary date for the use of the powers would not work in practice. Scottish Conservatives will therefore not support amendment 42.

I move amendment 45.

The Presiding Officer: Thank you, Mr Lockhart. Michelle Ballantyne will speak to amendment 42 and the other amendments in the group.

Michelle Ballantyne: My intention was to limit the powers that the bill provides to the next two parliamentary terms. However, I do not intend to move amendment 42.

The Presiding Officer: Thank you, Ms Ballantyne. I call the cabinet secretary, Michael Russell.

Michael Russell: Amendments 45 and 46, in Dean Lockhart's name, seek to alter the duration of the section 1(1) power, reducing the period during which the power to align would be available. Similar amendments were rejected at stage 2. The attempt to lower the initial duration of the power from six years to three and the overall potential duration from 10 years to six disregards agreements reached at stage 2. I feel that there was a broad consensus that, having listened to concerns about the bill's initial sunset period, a sensible compromise was reached, through amendments lodged in my name. Section 3, as amended, will afford the incoming 2026 Parliament the opportunity, in its first year, to decide whether the power to align remains necessary. It will also ensure that the power is available throughout the 2021 session of Parliament. It will therefore provide a measure of stability, which is what is sought by introducing the power. I was pleased to see that in the stage 2 report, the Delegated Powers and Law Reform Committee welcomed those changes. The Government therefore cannot and will not support Dean Lockhart's amendments 45 and 46 and I urge members to vote against them.

I am glad that Michelle Ballantyne will not move amendment 42, which is neither necessary nor practicable. It would remove flexibility and it takes no account of parliamentary dissolution, the pre-election period or the on-going disruption caused by the pandemic. If it is not moved, it need not bother us.

The Presiding Officer: I call Dean Lockhart to wind up and to press or withdraw amendment 45.

Dean Lockhart: During stage 2, at the Finance and Constitution Committee, the cabinet secretary made the point that these are exceptional powers, required in exceptional circumstances. In that context, it is not appropriate for these powers to last for a decade, so I will press amendment 45.

The Presiding Officer: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a one-minute division. Members may alert me if they believe that there are any issues.

I can tell Aileen Campbell, Jackie Baillie and Kate Forbes that their votes were registered, but Fulton MacGregor may wish to make a point of order.

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

The Presiding Officer: Thank you, Mr MacGregor. I will make sure that your vote is added to the voting register.

16:15

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): On a point of order, Presiding Officer. I am having technical difficulties today. On amendment 45, I would have voted no.

The Presiding Officer: Thank you, Ms Somerville. I will make sure that that is registered on the voting register.

Donald Cameron (Highlands and Islands) (Con): On a point of order, Presiding Officer. I had problems with connections. I would have voted yes.

The Presiding Officer: Thank you, Mr Cameron. Your vote will be added as a yes on the voting register.

I confirm to Clare Adamson that her vote was registered.

For

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

Tomkins, Adam (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

Against

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

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

The Presiding Officer: The result of the division is: For 26, Against 89, Abstentions 0.

Amendment 45 disagreed to.

Amendment 46 moved—[Dean Lockhart].

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

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. I ask members to let me know through a point of order if they have any voting issues.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. I had connection problems. I would have voted no.

The Presiding Officer: Thank you, Mr Findlay. I will make sure that that is added to the voting register.

For

Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Ind)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Peter (North East Scotland) (Con)
Davidson, Ruth (Edinburgh Central) (Con)
Golden, Maurice (West Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harris, Alison (Central Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)

Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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

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

The Presiding Officer: The result of the division is: For 26, Against 89, Abstentions 0.

Amendment 46 disagreed to.

After section 3

The Presiding Officer: Group 4 is on the scrutiny of regulations under section 1(1). Amendment 47, in the name of Dean Lockhart, is grouped with amendments 48, 9, 49 to 51 and 10.

Dean Lockhart: My amendments in the group seek to address the central and fundamental concern about the bill, which is that it seeks to transfer to the Scottish ministers unprecedented powers to legislate by way of secondary legislation. The Finance and Constitution Committee referred to those powers as substantial Henry VIII powers, and it heard evidence that the breadth of the provisions in the bill is not justified.

When it comes to parliamentary and stakeholder scrutiny of the powers, the Law Society of Scotland rightly pointed out that the bill

“only offers a choice between affirmative and negative resolution procedures”,

neither of which is appropriate for the implementation of significant new policies or significant changes in Scots law, with the negative procedure being the default position.

My amendments 47 to 51 seek to introduce additional parliamentary and stakeholder scrutiny of the keeping pace powers in very limited circumstances, when a relevant committee of the Parliament considers that appropriate. Amendment 47 seeks to introduce a sifting mechanism that would apply only when the Scottish ministers proposed an instrument that

“reflects a significant change in EU law or policy ... would constitute a significant change to Scots law, or ... would constitute a significant change in the policy of the Scottish Ministers”.

In those very limited circumstances, the relevant committee of the Parliament would have the right to propose that a higher level of scrutiny be applied to the proposed changes, including the use of the affirmative or super-affirmative procedure, or to decide that such significant changes should not be made by regulation.

Amendment 48 sets out the additional scrutiny that would be required in the event that the committee decided that the super-affirmative procedure should apply, and it includes requirements whereby the Scottish ministers would have to publish impact assessments and undertake stakeholder consultation, all of which the Parliament could and should reasonably expect when a significant change of policy or a significant change in Scots law is being proposed.

Amendments 49, 50 and 51 are complementary in nature and reflect concerns that the Law Society of Scotland has raised since the bill's introduction. In its submission, the Law Society said that

“the normal rule must be that”

the exercise of the keeping pace power

“is subject to affirmative procedure ... except in minor cases”.

That is not the case in the bill as it is currently drafted. We have reflected the Law Society's concerns by seeking to apply the affirmative procedure not in all cases but in very limited circumstances in which instruments are proposed by the Scottish ministers that would require a significant change in EU law or policy, a significant change to Scots law or a significant change in the policy of the Scottish ministers.

The Parliament recently held a very important debate on the scrutiny of the powers that it will have in a post-Brexit environment. The overwhelming feedback from parliamentary committees was that more scrutiny powers will be required. If the amendments in my name are not accepted, it will be possible for significant changes of policy and significant changes to Scots law to be introduced by the Scottish ministers without any meaningful parliamentary or stakeholder scrutiny.

We will support Michelle Ballantyne's amendments 9 and 10 in this group. Although they overlap with my amendments, they cover similar concerns about a lack of scrutiny.

I move amendment 47.

Michelle Ballantyne: Mr Lockhart has covered very well the issues that my amendments try to cover. It is wrong to think that everybody out there who is doing business and living their lives is watching every move that is made in this Parliament. Scottish statutory instruments are passed on a daily basis when the Parliament sits, and sometimes even members do not really know what they are voting for. If we are to pass a bill that retains EU law, it is absolutely imperative that we have safeguards that enable people to understand what is being passed by the Parliament. Changes should not slip through without businesses and people who will be affected by them being aware that they are happening.

Therefore, my amendment 10 seeks to require the Government to lay before Parliament an explanation of what is to happen. It also provides for consultation rights, so that people who would be affected by the laws in question would have a chance to feed in and say how they would be affected, as well as what we as a Parliament should be concerned about and should be thinking about. I think that that is only reasonable, and it is an appropriate level of scrutiny.

In my amendment 9, I have not been too officious in relation to the number of days. I have allowed some flexibility with the 40 days. Where it fits in—it is tied to amendment 10—is that it would require the super-affirmative procedure to be used when a new policy was being introduced and there was no current equivalent in EU retained law. I think that that is really important from a scrutiny point of view. We will not be doing right by the people of Scotland or businesses in Scotland if we do not ensure that that happens.

Patrick Harvie: Some of the amendments in the group relate to concerns that were widely shared and that I reflected on at stages 1 and 2, particularly in relation to a possible sifting mechanism. However, it was in the context of a bill that was fundamentally weaker than the one that we are going to pass that I made those arguments. We now have agreement on how to reflect the purpose of the bill and the powers in it, as well as a much stronger framework for the publication and approval by the Parliament of a policy statement and stronger reporting requirements. That context having changed, I no longer see the need for the amendments in the group, so I will not support them.

Liz Smith (Mid Scotland and Fife) (Con): On amendment 47, which was lodged by my colleague Dean Lockhart, I think that it is important to emphasise the exchanges at the Finance and Constitution Committee on 26 August, when Professor Aileen McHarg of the University of Dundee and Professor Michael Keating of the University of Aberdeen both expressed their concerns that, between the original bill and the current bill, the default position changed from use of the affirmative procedure to use of the negative procedure.

I raised that issue with Graeme Dey during parliamentary questions on 16 September, and, although he acknowledged the concerns, he said that he felt that the Scottish Government had

“an appropriate, proportionate, workable and effective solution.”—[*Official Report*, 16 September 2020; c 14.]

However, he could not substantiate that opinion when it came to explaining why the default position had changed from use of the affirmative procedure to use of the negative procedure. In relation to ensuring that there is effective parliamentary scrutiny in situations of EU policy changes or legal changes, that matter continues to concern me, and I think that it should concern all members as we consider the current group of amendments.

Michael Russell: I will address that point from Liz Smith head-on at the start of my remarks on the group. The Finance and Constitution Committee made those remarks in the light of its stage 1 consideration of the bill. At stage 2, there were further discussions about what the appropriate powers would be. As a result of that, there were extensive negotiations with the parties that were concerned about the matter and had lodged stage 2 amendments, in order that we should get the right solution. That is what the parties that were involved believe that we have, as Patrick Harvie made clear.

To quote a stage 1 criticism of a bill that has changed at stages 2 and 3 does not appear to me to be entirely relevant. What is relevant here—I want to call a spade a spade—is that the Tories do not wish to have the bill. We know that from the passing of the first continuity bill, when they changed the law at Westminster to prevent the will of this Parliament being fulfilled. Now they do not want the second bill, but they are being a little bit more subtle in going against it. There have been partial quotes from past discussions on the bill and partial quotes from people who have given evidence, and all of that comes together to present the Tories as the champions of scrutiny in this Parliament.

Unfortunately, I have to make it plain that that is not the case. The reality of the situation is that,

when there were problems with the bill—as there were—the Government accepted them and discussions took place to try to deal with them.

Dean Lockhart: I highlight again the direct quote from the Law Society of Scotland, which said that

“the normal rule must be that”

the exercise of the power

“is subject to affirmative procedure ... except in minor cases”.

The legislation that the cabinet secretary is bringing forward does exactly the opposite. Does he not recognise the concern that the Law Society of Scotland expressed?

Michael Russell: The member is misrepresenting the case. The power is not going to be used in a vast number of hugely significant cases, and, when there are significant cases, the bill now addresses those very clearly. Indeed, the arch critic of the approach in the chamber was Mike Rumbles, and I am pleased to say that we have lodged an amendment that he regards as acceptable, which will guard against the problems that the member has raised.

Everybody is content with the bill except the Conservatives. Why would that be? It would be either because the Conservatives are and always have been stalwart champions of Scottish democracy or because they have become, to a man and woman—even to a man and a departed woman such as Michelle Ballantyne, who is up in the gallery—staunch Brexiteers. Staunch Brexiteers do not like the reality of trying to remain close to Europe.

I notice that Ruth Davidson is scowling at me about that. Ruth Davidson is a person who wished to be in the single market and the customs union—

The Presiding Officer: Mr Russell, I think that we will stick to the bill and the amendments rather than anything else.

16:30

Michael Russell: Of course, Presiding Officer. Let me attend to the bill, as long as members are not scowling at me any longer.

Each amendment in the group is unnecessary, unwieldy and unhelpful. Dean Lockhart's amendments provide for a sifting mechanism and a super-affirmative procedure that are no less cumbersome and onerous than those that were proposed in the similar stage 2 amendments.

Although amendment 47 contains some technical deficiencies, it is because of the unacceptable burden on the use of the power that

members should object to it. There appear to be no exceptions to the arduous procedure that is provided for, which is a mechanism that the DPLRC considers it would be “disproportionate to apply”. There is the reality of a recommendation.

The super-affirmative process that is to be provided for by amendment 48 takes no heed of the debate at stage 2. Given the significant amendments in Liam McArthur’s name in the next group, which the Government intends to support, the weighty burden represented by amendments 47 and 48 simply cannot be supported.

Michelle Ballantyne’s amendments 9 and 10 open the door not only to uncertainty but to speculative legal challenge, as do Dean Lockhart’s amendments 49 to 51. It is surprising that, at stage 3, we are still having to debate the unsatisfactory use of terms such as “significant” in these types of amendments, which will quite clearly mean different things to different people, as is acknowledged—[*Interruption.*] No. That is acknowledged by the DPLRC in its stage 2 report, which was published on 11 December.

As I said, a group of members from across the chamber came together to work constructively and collaboratively on amendments that encompass the purpose, consultation, policy statement and reporting. They have done the hard work on the bill, and they have changed it, following the objections that were made at stage 1, into a bill that they wish to support.

I ask members to reject the burdensome, technically deficient and, frankly, wrecking amendments in the group and instead support the later amendments in the names of Angela Constance and Liam McArthur, as well as the amendments in my name, which provide for some necessary tidying up as a result.

Dean Lockhart: The cabinet secretary’s main line of argument against the amendments in this group is that the additional reporting requirement and the requirements to set out a policy statement will be sufficient to allow Parliament and stakeholders to scrutinise the use of the powers. I fundamentally disagree, as do the Law Society of Scotland, NFU Scotland and other stakeholders.

Reporting requirements do not give Parliament or stakeholders any real powers of scrutiny when significant changes such as the ones that I described are being introduced. Reporting requirements mean only that the Parliament has a passive role in receiving updates from the Scottish ministers instead of being able to demand proper levels of scrutiny, impact assessments and stakeholder feedback. As a result of the legislation, stakeholders will have no opportunity to provide meaningful input into significant new

laws and policies that are being introduced by the Scottish ministers.

For those reasons, I will press my amendments 47 to 51.

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

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. I ask members to alert me if they have had any difficulties in voting.

Kenneth Gibson (Cunninghame North) (SNP): I would have voted no, but I was unable to access the platform.

The Presiding Officer: Mr Gibson would have voted no. I will make sure that that is added to the voting roll.

Mike Rumbles (North East Scotland) (LD): My phone would not let me vote. I would have voted against.

The Presiding Officer: You would have voted no. I will make sure that your vote is added to the voting roll.

I can tell Aileen Campbell that her vote was registered.

For

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

Against

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

Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)

Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 90, Abstentions 0.

Amendment 47 disagreed to.

Amendment 48 moved—[Dean Lockhart].

The Presiding Officer: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 89, Abstentions 0.

Amendment 48 disagreed to.

Section 4—Scrutiny of regulations under section 1(1)

Amendment 9 moved—[Michelle Ballantyne].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Please let me know if you had any difficulties in voting.

The Minister for Trade, Innovation and Public Finance (Ivan McKee): On a point of order, Presiding Officer. My voting app did not connect.

The Presiding Officer: Thank you, Mr McKee. I did not recognise you under the light there. Mr McKee would have voted no. That vote will be added to the voting register.

The Minister for Rural Affairs and the Natural Environment (Ben Macpherson): On a point of order, Presiding Officer. Likewise, it did not come up on the app for me to vote. I would have voted no.

The Presiding Officer: Mr Macpherson's vote will be added to the register. Mr Macpherson would have voted no.

George Adam (Paisley) (SNP): On a point of order, Presiding Officer. I continually had an error message. I would have voted no.

The Presiding Officer: Your vote will be added to the register. You would have voted no.

Alex Neil (Airdrie and Shotts) (SNP): On a point of order, Presiding Officer. My app would not allow me to vote either. I would have voted no.

The Presiding Officer: Your vote will be added to the register. You would have voted no.

Shirley-Anne Somerville and Margaret Mitchell, your votes were registered. There is no need to make a point of order.

For

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

Against

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

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

The Presiding Officer: The result of the division is: For 27, Against 91, Abstentions 0.

Amendment 9 disagreed to.

Amendment 49 moved—[Dean Lockhart].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. If any member had any difficulty, I ask them to please let me know.

16:45

Miles Briggs (Lothian) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: I will make sure that your vote is added. You would have voted yes.

The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop): On a point of order, Presiding Officer. I would have voted no if I could have voted.

The Presiding Officer: Your vote will now be added to the register. You voted no, Ms Hyslop.

Bill Bowman (North East Scotland) (Con): On a point of order, Presiding Officer. I would have voted yes.

The Presiding Officer: You would have voted yes and that will be added to the register.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 91, Abstentions 0.

Amendment 49 disagreed to.

Amendment 50 moved—[Dean Lockhart].

The Presiding Officer: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. It will be a one-minute division.

The vote is now closed. If any members had any difficulty in exercising their vote, I ask them to please let me know.

Fiona Hyslop: On a point of order, Presiding Officer. I would have voted no if I had access to the app.

The Presiding Officer: I will make sure that your vote is added. You voted no.

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): On a point of order, Presiding Officer. My screen has not cleared, so I am not sure whether my vote is recorded.

The Presiding Officer: Your vote is recorded, you can be reassured.

The Minister for Local Government, Housing and Planning (Kevin Stewart): On a point of order, Presiding Officer. Like Ms Cunningham, my screen has not cleared on this occasion. I would have voted no.

The Presiding Officer: In this case, I assure you that your vote has been recorded, Mr Stewart.

Oliver Mundell (Dumfriesshire) (Con): On a point of order, Presiding Officer. My screen has refreshed and it says that I have not voted—I would have voted yes.

The Presiding Officer: Your vote will be added. You voted yes.

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): On a point of order, Presiding Officer. I have a message saying that there has been a problem with the digital voting connection. I would have voted no.

The Presiding Officer: I assure you that your vote registered.

The Minister for Drugs Policy (Angela Constance): On a point of order, Presiding

Officer. I had the same problem as Mr Wheelhouse, as a message came up about my digital voting connection. I would have voted no.

The Presiding Officer: I assure Ms Constance that her vote was counted. I can also tell Jamie Hepburn that his vote was registered.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 26, Against 91, Abstentions 0.

Amendment 50 disagreed to.

Amendment 51 moved—[Dean Lockhart].

The Presiding Officer: The question is, that amendment 51 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. If any member thinks that they were not able to cast their vote, please let me know. Give it a second, and then let me know.

Gil Paterson (Clydebank and Milngavie) (SNP): On a point of order, Presiding Officer. The screen on my phone did not renew, but I would have voted no.

The Presiding Officer: Your vote will be added to the register.

Fiona Hyslop: On a point of order, Presiding Officer. I would have voted no.

The Presiding Officer: Your vote will also be added to the register. Fiona Hyslop and Gil Paterson both voted no. I can assure Mr Briggs that he voted.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)

Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 91, Abstentions 0.

Amendment 51 disagreed to.

After section 4

Amendment 10 moved—[Michelle Ballantyne].

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

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. I ask members to let me know if they had any difficulty in voting.

Alex Rowley: On a point of order, Presiding Officer. I was not able to vote using the app, but I would have voted no.

The Presiding Officer: That vote will be added to the register.

Gil Paterson: On a point of order, Presiding Officer. I am not entirely sure that I was able to vote. My screen had frozen, so I went back to basics and refreshed, but I do not know whether I made it in time. I would have voted no.

The Presiding Officer: I have been told that your vote was registered, Mr Paterson. I can also assure you that your vote was registered, Mr Hepburn.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Ind)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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

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

The Presiding Officer: The result of the division is: For 28, Against 90, Abstentions 0.

Amendment 10 disagreed to.

Section 4A—Policy statement on the section 1(1) power

The Presiding Officer: Group 5 is on the policy statement and reports on the section 1(1) power. Amendment 12, in the name of Liam McArthur, is grouped with amendments 13, 52, 15 to 21, 24 to 29, 31, 32, and 53.

Liam McArthur: There are many amendments in the group, so I apologise if it takes a bit of time to walk through them.

The purpose of my amendments is to increase transparency in use of section 1(1) powers and to strengthen the role of the Scottish Parliament in that process. That reflects an amendment that I lodged at stage 2 and a concern that was highlighted by various members about powers that the bill will vest in ministers to keep pace with EU legislation and standards.

There is strong cross-party agreement that such significant powers need to be accompanied by robust mechanisms for ensuring that they are used responsibly and that ministers are properly accountable for their decisions. That cross-party recognition of the need for a better balance to be struck is important. I am very grateful to Angela Constance, Patrick Harvie and Alex Rowley, as well as the cabinet secretary, for working with me

following stage 2 to develop a way to address those concerns.

To that end, the amendments in my name in the group offer a suite of changes that would strengthen the requirements for Scottish ministers to openly and publicly account for how they use the powers, and would provide a greater role for the Scottish Parliament in that process.

Section 4A of the bill requires Scottish ministers to publish a statement of their policy on the factors that are to be taken into account when considering whether to use the power to align. Amendments 12 and 13 would add to the required content of that policy statement so that ministers would also have to set out the approach that they intend to take and the process that they will follow in deciding whether to use the power to align. That would mean that ministers would have to set out their approach to important matters such as consultation of stakeholders, and that the policy statement would therefore act as the transparent guiding framework within which ministers would use the power.

Amendment 18 would give the Parliament a significant role in development of that policy statement. First, it would require that ministers lay the statement in draft form for at least 28 days, and that they

“have regard to any representations”

made about that draft during that period. Secondly, ministers must thereafter lay a copy of the statement for approval by the Parliament, accompanied by an explanation of how ministers

“have had regard to any representations”.

It allows that within 28 days of its being laid, the Parliament can resolve that the statement not be approved. If that were to be the case, the Government would be prevented from publishing the statement and would instead have to lay a revised version for approval.

17:00

Although the expectation is, of course, that ministers will use the power in accordance with the terms of the policy statement, I recognise that there might be circumstances—I hope, very rarely—in which it is judged necessary to use the power either before a policy statement is approved and published, or in some way that is not in accordance with the policy statement. My amendments do not seek to prevent the Government from acting in such a way, but amendment 21 would require it to account for its actions by making a statement explaining why it considers there to be good reasons for doing so.

Amendment 15 would require that when the Government has felt it necessary to act other than

in accordance with the policy statement, it must review the policy statement. That point was made by Patrick Harvie.

Similarly, amendment 32 is concerned with the Parliament’s ability to have its say on how the Government plans to align with EU law. It would require that the Government’s report setting out its intended uses of the power be laid before the Parliament in draft form before it is finalised, and that the report be laid in draft form within two months of the end of the previous reporting period.

Amendment 31 is consequential and would delete the earlier timing requirement. That would give the Parliament an opportunity to express its views on the intentions, and it would provide an important extra layer of scrutiny and oversight. The amendment would require ministers to have regard to those views before finalising the report and, furthermore, to set out how they have done so when they finalise the report.

Amendment 32 also deals with the circumstances in which the Parliament might feel that primary legislation is a more appropriate vehicle than regulations. That issue has been of particular interest to a number of MSPs, particularly my colleague Mike Rumbles, who has been working with the cabinet secretary to introduce further safeguards in that respect. That is very welcome.

My amendments represent a genuinely collaborative effort—cross-party and between the Parliament and the Government—for which I am very grateful. I believe that they would put in place a workable solution that would provide transparency and accountability, and would provide public confidence in the process of ensuring that Scotland continues to keep pace with the highest environmental standards and protections.

I move amendment 12.

Michelle Ballantyne: In the light of the amendments that Liam McArthur has lodged and his explanation of them, I intend not to move amendments 52 and 17, because they overlap with head (1) of amendment 18.

However, I will move amendment 16, because it would strengthen the way in which the statement was laid. The amendment would require slightly stronger approval of the statement when it comes to the Parliament.

I have lodged amendment 20 because it is important that we understand the implications of regulations that are introduced, particularly the social benefits that might result and the costs that might be incurred as a result of having to implement them. I would like the Government to explain what alternative approaches that have

been considered that could deliver the same or more ambitious outcomes for the people of Scotland. It is not necessarily the EU that can define the best ways to do things; Scotland can do that for itself.

Amendment 26, which I will move, would require that the report identify the parliamentary procedure that ministers expect to apply.

Mark Ruskell: I welcome Liam McArthur's work on the matter and the strong cross-party agreement behind his amendments.

I will briefly explain why I have lodged amendment 19. It is disappointing that the European principle of animal sentience has not been included in the bill. At stage 2, I moved amendments to part 2 of the bill seeking to retain that principle, but they were defeated, with the Government returning to the argument that animal welfare laws from more than 100 years ago are somehow still sufficient.

One year ago, Roseanna Cunningham told the Environment, Climate Change and Land Reform Committee that the Scottish Animal Welfare Commission was considering the principle further. However, as yet there has been no conclusion to that work and no report from it. There is a lack of clarity as to whether Liam McArthur's amendments would actually deliver that detailed consideration by a specific date.

Amendment 19 is a belt-and-braces amendment: it acknowledges that the Government wants more time to consider definitions of animal sentience, but would also require it to consult and report to the Parliament within one year.

The Presiding Officer: I call the cabinet secretary, Mr Russell, to speak to amendment 24 and the other amendments in group 5.

Michael Russell: This is the lengthiest group that applies to the part of the bill for which I am responsible, and covers the policy statement, reporting and explanatory statements.

With respect to the amendments on the policy statement, I am grateful to Liam McArthur for the constructive way in which he has approached developing his amendments, and am happy to support them. Strong will from the Parliament will be needed, because the policy statement will be the key document that will guide and define how ministers approach use of the power.

Taken together, Liam McArthur's amendments will do the following. First, they will require that the policy statement contains detail of the approach that ministers intend to follow in deciding whether to use the power. That will enable the Government—as part of the policy statement—to set out the approach that it intends to take to consultation.

Secondly, the amendments set out the process that must be undertaken to consult the Parliament on, and seek its approval for, the draft policy statement. If the Parliament is unhappy with what the Government says on consultation, or anything else, it could resolve not to approve the policy statement.

Thirdly, the amendments will require ministers to make an explanatory statement accompanying regulations that are made in advance of the policy statement being agreed, and which are not in accordance with the policy statement. That statement will explain why that is considered necessary and would bring the issue to the Parliament's attention for appropriate scrutiny, but would not prevent the Government from acting, when necessary.

Liam McArthur's amendments will achieve more clearly and in a more rounded and balanced way what Michelle Ballantyne's amendments 52, 16 and 17 seek to do. Amendment 52 would require ministers to publish an additional statement, but there is no express provision allowing that additional statement to be revised.

Amendment 17 would require ministers to lay draft statements, but amendment 18 achieves that in a clearer and more comprehensive way.

Amendment 16 seeks to make it clear that ministers cannot use the power to align until statements have been approved. There are some severe technical deficiencies with the amendment. It is unclear, for example, how it will relate to section 4A(3), which provides that

"It is not necessary for a policy statement to have been published ... before the power under section 1(1) may be used."

However, more fundamentally, unlike Liam McArthur's amendment 21, amendment 16 fails to recognise that a situation might arise in which it is in Scotland's best interests to use the power. Michelle Ballantyne has said that she intends to press the amendment; I think that it represents the worst of all worlds.

I turn to reporting. Section 7 requires ministers to report on use of the power. Voting on amendments at stage 2 produced a rather confused set of provisions. Amendments 24, 25, 27, 28 and 29, which are in my name, will in essence tidy up the bill and address those anomalies.

Amendment 24 will remove an overlapping duty on ministers to report on intended uses of the power.

Amendment 25 will remove some unnecessary wording.

Amendment 27 will omit the duty on ministers to lay a first report setting out intended use of the power within two months of that power taking effect. That will avoid clashes with the Scottish Parliament elections.

Amendment 28 will tidy up the definition of “first reporting period”.

Amendment 29 will alter the reporting requirements so that they are in a yearly rhythm, which is in step with the European Commission’s annual work programme.

I am happy to support Liam McArthur’s amendment 32 and consequential amendment 31. Amendment 32 will strengthen the Parliament’s role in relation to how the Government intends to use the power to align with EU law, and makes specific provision in relation to circumstances in which people might feel that primary legislation is more appropriate.

Mike Rumbles and others have expressed their views on that point. Indeed, Mike Rumbles had objections to the first continuity bill as well as specific objections on the point in this bill. I thank him for the discussion that we have had, and am happy to confirm to him that amendment 32 addresses his concerns, as he has acknowledged. It will allow the Parliament the opportunity to set out a clear view that certain matters should not be the subject of secondary legislation, and will force the Government to have regard to those views and respond specifically to them. It will not—because it would not be appropriate to do so—force any Government to create primary legislation. However, it will remain open to the Parliament to annul or not to approve secondary legislation if it does not agree with it, and to create its own primary legislation when it feels that that is right.

There has always been a role for primary legislation in the bill—particularly in areas of major innovation in which I would not expect the Government to create secondary legislation. I am very happy to confirm that through my support for amendment 32. I hope that the Parliament will agree.

As I come to an end, I want to thank Patrick Harvie, Liam McArthur, Alex Rowley, Angela Constance and Mike Rumbles, in particular, for engaging in a pragmatic way to take the issues forward.

I cannot support amendment 53 in the name of Dean Lockhart. It would introduce—as many of his amendments would—an unhelpful procedure that would tie the Government up in endless rounds of reporting, and would essentially stymie effective use of the power. Amendment 53 is unnecessary, because Angela Constance’s amendments 22 and 23 will require ministers to report on how past and future uses of the power contribute to achieving

the purpose that is set out in amendment 7. Ministers will have to report on any uses of the power that have been under active consideration but have not been implemented.

Liam McArthur’s amendments 15 and 21 will require that if ministers bring forward legislation that is not in accordance with the policy statement, they must not only make a statement explaining why they have done so but must review the policy statement itself. That, too, makes amendment 53 unnecessary.

Amendment 26, in the name of Michelle Ballantyne, would require ministers to report on which parliamentary procedures should apply. It would, in some cases, be premature for the Government to indicate which procedure would be most appropriate, because a particular measure might be at an early stage of development. The report will be an anticipatory report: for that reason it would not be appropriate to require that that information be included in the report.

Michelle Ballantyne’s amendment 20 duplicates something that the bill already requires, which is that when ministers use the power, they must make a statement explaining the instrument, saying why there are good reasons for it, saying what the law was previously and explaining the effect on retained EU law. They must also make statements on the effect of the instrument on equality legislation, human rights, employment and health and safety. Ministers must explain the financial implications of the instrument and must say whether there has been a consultation.

There is vast crossover between the terms of amendment 20 and what we have already agreed in our consideration of whether alternative approaches could deliver equivalent outcomes. That is exactly the sort of issue that will be addressed in the Scottish ministers’ policy statement, which will, if Liam McArthur’s amendment 18 is agreed to, have to be approved by the Parliament.

Amendment 19, in the name of Mark Ruskell, deals with animal sentience. Some people hold to a misunderstanding that all species of animals are sentient beings. That seems to have led to some confusion as to what it means to implement the sentience principle.

Whether a particular animal is sentient is a matter of scientific fact and evidence, not of principle. It is widely accepted that vertebrates such as mammals, fish, reptiles and birds are sentient, but that that is not true for the majority of invertebrates. The sentience principle is an obligation to have regard to the welfare needs of sentient animals when we develop policy and legislation. Amendment 19 is not necessary for us to do that.

As I said when I supported Angela Constance's amendment 7, that amendment will require the Government to have due regard to the purpose, which is—among other things—to

“contribute towards maintaining and advancing standards”

of animal health and welfare when the power is used to align with EU law.

Angela Constance's amendments 22 and 23 will require ministers to report, in each reporting period, on how use of section 1(1) has contributed or continues to contribute, or is expected to contribute, to achieving the purpose that is provided for by amendment 7. The amendment does not impinge on the generality of the power, whereas amendment 19 would. Amendment 19 attempts to imply that this one matter is more important than all the others in relation to which the power to align can be used.

Nonetheless, I appreciate amendment 19 and say to Mark Ruskell that the Scottish Government will consider, and report on, how section the 1(1) power can be used to maintain and advance welfare standards for sentient animals. Therefore, considering what amendments 7, 22 and 23 will achieve, and the fact that the Scottish Animal Welfare Commission has a remit to report annually on how the welfare of sentient animals has been addressed, I urge the member not to press amendment 19.

I ask members to support the amendments in my name and I commend Liam McArthur's amendments. I am grateful to the members who have worked hard to come together in supporting the amendments and I ask Mark Ruskell, Michelle Ballantyne and Dean Lockhart not to move the amendments in their names.

Dean Lockhart: Amendment 53 would introduce a reporting requirement in limited circumstances where the Scottish ministers decided not to exercise the keeping pace powers. The amendment goes beyond the others in this group and would give the relevant parliamentary committee the power to request a report by the Scottish ministers on the non-use of those powers, but only if the committee considered that a significant change in EU law or policy had not been followed. The reasoning behind the amendment is that it would provide the Parliament and stakeholders with a better understanding of where and why Scots law is aligned—or not aligned, as the case may be—with future EU law.

With regard to the other amendments in the group, we will support Liam McArthur's amendments and Michelle Ballantyne's amendments 16, 20 and 26, but not amendment 17. We are unable to support the cabinet secretary's amendments in the group as, in large

part, they seek to reduce the reporting requirements that were agreed at stage 2.

17:15

Mike Rumbles: I support anything that allows Scotland to trade more easily with our neighbours, and that includes this bill. However, I was genuinely concerned that the bill as drafted, and before any amendment at stage 3, allowed the Government to use regulations for keeping pace powers when, for major change, it should use primary legislation. As we all know, regulations cannot be amended, so that would make it difficult in the Scottish Parliament to do anything else. I lodged amendments at stage 2 to prevent that from happening, but I did not press them. I was particularly taken by Alex Rowley's comment at stage 2 that he thought that I had gone a bit too far; I recognised that.

I want to give credit where credit is due, and I give that credit to Mike Russell, the cabinet secretary. He has worked really well with everybody, including me, to reach a consensus on the very important issue of the power of the Parliament vis-à-vis the power of the executive. Over the years, it has been my experience that executives or Governments of any party tend to want to use regulations quite extensively, when other arrangements might be more appropriate.

The cabinet secretary engaged with me and other colleagues. As a result, subsection (6) of the new section that amendment 32, in Liam McArthur's name, would insert, really tackles the issue. It ensures that if the Parliament feels that changes should be made by primary legislation, it can say so formally to the Scottish Government, and the Scottish Government must respond to that statement. Mike Russell is quite right that no Parliament can force a Government to introduce primary legislation on something. However, if the Parliament spoke and said that the Government should do that, I would be very surprised if any Government turned around and said to the Parliament that it would not and would instead proceed with laying regulations.

The provision in amendment 32 is a pragmatic and very good compromise. It achieves the objectives, and I have not seen a better example of everybody working together to do that. I want to compliment the cabinet secretary on his willingness to reach agreement across the board.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I very much support the sentiments behind Mark Ruskell's amendment 19. He will accept my view on the principle of animal sentience.

The cabinet secretary has pre-empted, as he is definitely entitled to do, much of what I wanted to

say, which will make this a shorter contribution. The difficulty with Mark Ruskell's amendment is that this is not the place for it. In the proposed new section, "Purpose of maintaining and advancing standards", which Ms Constance's amendment 7, would insert, there are five different sectors to be dealt with—"environmental protection", "animal health and welfare", "plant health", "equality" and "social protection"—all of which must be reported on, but Mr Ruskell is seeking a special report on animal sentience, which I do not think is appropriate in this bill, although it might be appropriate elsewhere.

Amendment 7 would also require ministers to "have due regard to the purpose"—

that is, animal welfare, which is significant. Also, amendments 22 and 23 require ministers to report.

Mr Ruskell's approach would require a stand-alone consultation—although he does not say who is to be consulted or how it is to be gone about—on animal sentience alone. I do not think that that is appropriate.

Finally, as the cabinet secretary mentioned, the Scottish Animal Welfare Commission has a role to play. It is early days for the commission—it was established only in September 2019. I have looked at its minutes. Its previous meeting was in December 2020, and I see that it has joined the European Forum for Animal Welfare Councils. One of the commission's objectives is to consider the welfare of sentient animals. I think that we should give it time to breathe and report. Its duty is, of course, to look at how devolved policy is meeting the welfare of such animals. I note that Mr Ruskell said that amendment 19 is "belt and braces". I do not think that we need that.

The Presiding Officer: I call Liam McArthur to wind up, and to press or withdraw amendment 12.

Liam McArthur: I am always willing to take Christine Grahame's advice on the wearing of belts and braces.

I thank all those who have contributed to the debate on this group. First of all, I offer an apology to Michelle Ballantyne, Dean Lockhart and Mark Ruskell for not addressing their amendments in my opening remarks—I hope that they will appreciate that I had quite a bit of ground to cover.

I welcome Michelle Ballantyne's comments when she talked about not moving a number of her amendments. However, we cannot support those that she has indicated that she will move, for many of the reasons that the cabinet secretary has outlined, not least because they duplicate the amendments in my name or are unnecessary because of my amendments, which I hope will be agreed to.

On Mark Ruskell's amendment 19, I very much find myself in the same place as Christine Grahame—that is, I am sympathetic to the principle underlying it. However, for the reasons set out by the cabinet secretary and echoed by Christine Grahame, we cannot support it.

I am grateful to a number of members, particularly Patrick Harvie, Angela Constance and Alex Rowley, for their help and support in progressing the amendments, but I am especially grateful to the cabinet secretary for the way in which he has engaged with me. As he said, the amendments are about improving transparency and accountability and underpinning the Parliament's legitimate scrutiny and oversight functions in relation to the significant powers that the bill will invest in ministers. That is right and proper.

It has been a genuinely collaborative, cross-party effort between the Parliament and the Government. It is a signal of the festive season of goodwill to all men and women that we find Mike Russell and Mike Rumbles in unison on the bill. There is no finer way to end my contribution than that.

I press amendment 12.

Amendment 12 agreed to.

Amendment 13 moved—[Liam McArthur]—and agreed to.

Amendment 52 not moved.

Amendment 15 moved—[Liam McArthur]—and agreed to.

Amendment 16 moved—[Michelle Ballantyne.]

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

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. Please let me know if you have had any issues or difficulties with the vote.

I advise Gail Ross that her vote has been recorded.

Jeremy Balfour (Lothian) (Con): On a point of order, Presiding Officer. I had difficulty in voting, and I would have voted yes.

The Presiding Officer: Thank you, Mr Balfour. I will ensure that your vote is added to the roll.

For

Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Ind)
Bowman, Bill (North East Scotland) (Con)
Briggs, Miles (Lothian) (Con)

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

Against

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

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

The Presiding Officer: The result of the division is: For 27, Against 90, Abstentions 0.

Amendment 16 disagreed to.

Amendment 17 not moved.

After section 4A

Amendment 18 moved—[Liam McArthur]—and agreed to.

Amendment 19 not moved.

Section 6—Explanatory statements: good reasons, equalities etc

Amendment 20 moved—[Michelle Ballantyne].

The Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 91, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 moved—[Liam McArthur]—and agreed to.

Section 7—Reports relating to the exercise of the section 1(1) power

Amendments 22 and 23 moved—[Tom Arthur]—and agreed to.

Amendment 24 moved—[Michael Russell].

The Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

17:30

The Presiding Officer: There will be a division. Please let me know if you have any difficulties in voting.

Ben Macpherson: On a point of order, Presiding Officer. The app does not seem to have registered my vote; I would have voted yes.

The Presiding Officer: Your vote was registered, thank you, Mr Macpherson.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer—

The Presiding Officer: I am being assured that you voted, Mr Brown, and I can confirm to both Clare Adamson and Aileen Campbell that their votes were registered as well.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 91, Against 27, Abstentions 0.

Amendment 24 agreed to.

Amendment 25 moved—[Michael Russell].

The Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Please let me know if you have any difficulties in voting.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. The vote is not coming through on my screen. I would have voted no.

The Presiding Officer: Thank you, Mr Burnett. Your name will be added to the voting roll.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. I was unable to vote, but I would have voted yes.

The Presiding Officer: Thank you, Ms Baillie. I will make sure that your name is added to the voting roll.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)

Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

The Presiding Officer: The result of the division is: For 90, Against 26, Abstentions 0.

Amendment 25 agreed to.

Amendment 26 moved—[Michelle Ballantyne].

The Presiding Officer: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a one-minute division.

The vote is now closed. I ask members to alert me if they had any issues with voting.

For

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Ind)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)

Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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

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

The Presiding Officer: The result of the division is: For 30, Against 87, Abstentions 0.

Amendment 26 disagreed to.

The Presiding Officer: Before we go any further, I am sorry to note that we are running slightly behind time. I am minded to accept, under rule 9.8.5A, a motion without notice that the next time limit be extended by up to 30 minutes. I call the Minister for Parliamentary Business and Veterans to move such a motion.

The Minister for Parliamentary Business and Veterans (Graeme Dey): I do so with regret, Presiding Officer.

Motion moved,

That, under rule 9.8.5A, the time limit for Group 6 be extended by up to 30 minutes.—[*Graeme Dey*]

Motion agreed to.

Amendment 27 moved—[Michael Russell].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Members should let me know if they had any difficulties.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)

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

Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

The Presiding Officer: The result of the division is: For 87, Against 31, Abstentions 0.

Amendment 27 agreed to.

Amendment 28 moved—[Michael Russell].

The Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Members should let me know if they had any difficulties.

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. I had an error

message on my voting platform. I would have voted against amendment 28.

The Presiding Officer: Thank you, Mr Whittle. Your vote will be added to the voting roll.

Liz Smith: On a point of order, Presiding Officer. I had the same issue, and I would have voted against amendment 28.

The Presiding Officer: That, too, will be added to the voting roll.

Maurice Corry (West Scotland) (Con): On a point of order, Presiding Officer. I am sorry, but my vote has not come up. I voted against amendment 28.

The Presiding Officer: Your vote against amendment 28 will also be added to the voting roll.

For

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

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

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Ind)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 91, Against 28, Abstentions 0.

Amendment 28 agreed to.

Amendment 29 moved—[Michael Russell].

The Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Members should let me know if they had any difficulties.

17:45

Keith Brown: On a point of order, Presiding Officer. I voted yes, but I have not had a confirmation.

The Presiding Officer: I can confirm that your vote was registered, Mr Brown.

Clare Haughey (Rutherglen) (SNP): On a point of order, Presiding Officer. My screen is showing an error message. I voted yes.

The Presiding Officer: I assure you that your vote was registered, Ms Haughey.

I also assure Edward Mountain, Maree Todd, Clare Adamson and Colin Beattie that their votes were registered.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)

Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

The Presiding Officer: The result of the division is: For 90, Against 28, Abstentions 0.

Amendment 29 agreed to.

Amendment 30 moved—[Tom Arthur]—and agreed to.

Amendment 31 moved—[Liam McArthur]—and agreed to.

After section 7

Amendment 32 moved—[Liam McArthur]—and agreed to.

Amendment 53 moved—[Dean Lockhart].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed. Members should please let me know if they had any difficulties.

Liam McArthur: On a point of order, Presiding Officer. I am getting an error message and I would have voted no.

The Presiding Officer: Thank you. I will make sure that your vote is registered.

Bob Doris has a point of order.

While we are waiting for Mr Doris, I can tell Alex Cole-Hamilton that his vote was registered.

Bob Doris, there is no need for you to raise a point of order, as your vote was registered.

For

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

Against

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

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

The Presiding Officer: The result of the division is: For 28, Against 90, Abstentions 0.

Amendment 53 disagreed to.

Section 10—Ministers' duties to have regard to the guiding principles

The Presiding Officer: Group 6 is on duties in relation to guiding principles on the environment. Amendment 33, in the name of cabinet secretary Roseanna Cunningham, is grouped with amendments 34 and 36.

Roseanna Cunningham: Throughout the passage of the bill, there has been a lot of debate about the framing of the duties in sections 10 and 11, in respect of the guiding principles on the environment. The duties on ministers and public authorities seek to ensure a continued role for domestic environmental principles informed by EU environmental principles in the development of law and policy in Scotland.

In its stage 1 report, the Environment, Climate Change and Land Reform Committee called for a strengthening of the formulation of the duties. At stage 2, Opposition amendments to change the form of the duties to “act in accordance with” did not gain support. Members recognised that it would be disproportionate with respect to the other duties on ministers and public authorities. Finlay Carson did not press his amendments in relation to the formulation of the duties in order to allow further consideration.

The guiding principles on the environment are important considerations in decision making, but we need to ensure that duties on ministers and public authorities in respect of the principles are proportionate in their effect. The duties need to work well with the wide range of statutory duties and other relevant factors that ministers and public authorities might have to consider in any decision-making process.

The Government’s amendments will change the formulation of each duty to “have due regard to” the guiding principles on the environment. That will strengthen the duties in a way that maintains a proportionate balance with other duties and factors in decisions. Accordingly, I invite members to agree to amendments 33, 34 and 36.

I move amendment 33.

Finlay Carson (Galloway and West Dumfries) (Con): Amendments 33, 34 and 36 mirror my amendments 1065 and 1066, which I lodged but subsequently withdrew at stage 2. My amendments were lodged to address the “have regard to” question.

The ECCLR Committee’s stage 1 report recommended that

“the Scottish Government brings forward amendments at Stage 2 to strengthen the wording in relation to the duty to have regard to the principles. The Committee highlights the suggestions made to it which includes a duty to ‘have due regard to’ or to ‘act in accordance with’.”

The strength of the duty to apply the principles is an issue that should and could have been dealt with at stage 2. The committee recommended that, and it was disappointing that the Government chose not to respond positively at that time, given that the same recommendation was made in relation to the UK Environment Bill by the Westminster committees that conducted pre-

legislative scrutiny. The UK Government responded to that by agreeing the “have due regard to” approach.

Those recommendations were, of course, based on the concerns of stakeholders who have experienced Government exercising similar duties. The concern was probably best summarised by the Law Society of Scotland, which commented:

“You could ‘have regard to’ something but attach little or no weight to it. The phrase is, by its nature, limited in scope.”—[*Official Report, Environment, Climate Change and Land Reform Committee*, 18 August 2020; c 32.]

Therefore, I welcome amendments 33, 34 and 36, in the name of Roseanna Cunningham. If they are agreed to, they will strengthen the duty on the Scottish ministers and public authorities to “have due regard to” the five environmental principles in the course of carrying out their functions. Strengthening the duty in that way represents an improvement on the current wording of the bill, and it would ensure that the principles are properly considered.

Clause 18 of the UK Government’s Environment Bill, which introduces the same four principles in relation to the responsibilities of secretaries of state, uses the term “have due regard to”. I am sure that there will be cross-party support in recognising that the Scottish legislation should at least match that for England.

Mark Ruskell: I welcome the shift from the cabinet secretary, which addresses the cross-party concerns in the committee and reflects the evidence that we heard from a number of eminent professors of environmental law. The change of wording, from “have regard to” to “have due regard to”, is subtle but significant. At the very least, it means that we will not fall behind the UK Government in environmental alignment. I would far rather have seen the phrase “act in accordance with” in the bill, because that would have baked the European principles into policy making. However, the Greens will back the cabinet secretary’s amendments.

The Presiding Officer: Does the cabinet secretary wish to add any comments? I see that she does not.

Amendment 33 agreed to.

Amendment 34 moved—[Roseanna Cunningham]—and agreed to.

The Presiding Officer: Group 7 is on guiding principles and environmental standards Scotland: scope of exceptions for financial matters. Amendment 35, in the name of Mark Ruskell, is grouped with amendment 38.

Mark Ruskell: I regret that the finance and budget exclusion in relation to the principles was not overturned at stage 2. However, to be clear, I

have lodged at stage 3 a much narrower amendment that is intended to clarify that fiscal policy and long-term budget strategy must draw on the environmental principles. That is consistent with the way that the European Union and the European Commission approach their budgets and their long-term fiscal policy and programmes.

Years after the Christie commission reported in Scotland, we have yet to fully embed preventative spend and preventative thinking into policy. The precautionary and polluter-pays principles in the bill are strong drivers to support that preventative approach. Currently, we see that levers such as the landfill tax are not taking those environmental principles fully into account. The landfill tax is largely blind to the growth of waste incinerators across Scotland at the moment, despite the evidence from Zero Waste Scotland that there is little difference between incineration and landfill in terms of their climate impact. It is clear that polluters are not paying and that that particular policy is not paying due regard to the environmental principles.

Fiscal policy must be at the heart of a green new deal for Scotland that can tackle the climate and nature emergencies while delivering a post-Covid economic recovery. We can start that by being clear and explicit in the bill that the environmental principles will be there at every step to guide decisions over the long-term fiscal policy.

I move amendment 35.

Roseanna Cunningham: Amendment 35 attempts to clarify the scope of the exclusion of finance and budget matters from the scope of the duties with respect to the guiding principles on the environment. As I have explained in correspondence with the committee, that exclusion is intended to refer to purely finance and budgetary processes.

The provisions in section 10(3) of the bill reflect the exclusions that already exist in the Environmental Assessment (Scotland) Act 2005 and the European environmental assessment directive. Many significant environmental policies will have some financial consequences and components, and those are not exempt from the requirements of the 2005 act.

Scottish Government and European Commission guidance makes it clear that that exclusion is to be interpreted narrowly to ensure that strategic environmental assessment is undertaken in a meaningful and proportionate manner and at the right level of decision making. Our provisions will achieve an equivalent scope for the application of the principles duties. Policies will not be excluded from consideration under the duties on the basis that they have some financial consequences and components. Moreover, the

duty to have due regard to the guiding principles would apply to the development of environmental policies such as the plastic bag charge that seek to influence behaviour through price signals. If amendment 35 is agreed to, it will not clarify the meaning of the exclusion of finance and budgets; in fact, it will do the opposite—it will create confusion.

18:00

The appropriate place for explanation of the exclusion is the guidance, which will be published by the Scottish ministers under section 13, following consultation and a parliamentary procedure as set out in section 14. Those subject to the duties in sections 10 and 11 will be required to have regard to that guidance when exercising those duties.

Amendment 38 attempts to clarify the scope of the exclusion of finance and budget matters from the definition of environmental law for the purpose of defining the scope of environmental standards Scotland. However, the amendment does not make sense and, again, would only create confusion. Environmental law is defined in the bill as legislative provisions “concerned with environmental protection” and not concerned with an excluded matter. The relation of that definition to an amendment that refers to economic strategy and fiscal policy is very unclear.

What is clear is that, in considering the effectiveness of environmental law and how it is implemented or applied, environmental standards Scotland will be able to consider relevant matters of resourcing. Amendment 38 is confusing and does not make sense, but would create uncertainty about the meaning of environmental law in section 39. Environmental law is a key concept in the bill. The definition of environmental law defines the scope of ESS’s functions and, in turn, its remit. It is therefore important that the definition of environment law is clear. I urge members to reject amendments 35 and 38.

Mark Ruskell: I listened carefully to the cabinet secretary and there were some useful clarifications, particularly in relation to the production of guidance under section 13, and the relationship to existing law and strategic environmental assessment. We will watch carefully the delivery of that guidance and make sure that those principles are being applied, maybe not to financial budgets but certainly to fiscal policy. On that basis, I seek to withdraw amendment 35 and will not move amendment 38.

Amendment 35, by agreement, withdrawn.

Section 11—Other authorities' duty to have regard to the guiding principles

Amendment 36 moved—[Roseanna Cunningham]—and agreed to.

Section 23—Restrictions on preparing an improvement report

The Presiding Officer: Group 8 is on environmental standards Scotland: functions and resources. Amendment 1, in the name of Claudia Beamish, is grouped with amendments 2, 37, 39, 40 and 43.

Claudia Beamish (South Scotland) (Lab): Amendments 1 and 2 are designed to keep Scotland in line with the EU and protect the right of any individual to raise a complaint against a public body decision or the misapplication of, or failure to apply, environmental law. I thank Angus MacDonald for lodging identical amendments at stage 2 and enabling a full debate on the topic.

Information at stages 1 and 2 elucidated how, at an EU level, the exercise of that right has led to precedent-setting cases, with significant implications for robust environmental protection. The very purpose of the environmental part of the bill is to ensure that we remain aligned with EU standards, and the Government's cherry picking in that regard is questionable.

I am aware of the Government's concerns that, if agreed to, the effect of amendment 1 might lead to an overload of casework and an additional layer of appeal. ESS will already be able to consider information on individual cases, which suggests that the level of casework will already be there. However, I understand that that would be managed by a triage system under its strategy.

The provision of enforcement powers is also crucial in enabling the occasional case to be fully investigated and action taken. A legal barrier to that is very concerning. As Scottish Environment LINK put it, with regard to ESS, such a legal barrier will

"tie its hands behind its back".

Judicial review should not be the only option available to people, as it is well known to be costly and time consuming. That is not the low-level access to justice that we should be aiming for.

Failure to agree to my amendments will put Scotland not only out of step with the EU but behind UK arrangements, as the office of environmental protection will not have been put under the same limitations. Scottish citizens should not have fewer rights than their EU or English counterparts.

I highlight that the Scottish Environment LINK petition in support of the amendments has

received more than 6,000 signatures, and I urge the Scottish Government to reconsider and give its support today.

I also add my support to amendments 39 and 40, on removing the exclusion of climate change from ESS's remit. In my view, it is somewhat poor form from the Scottish Government to lodge a member's amendments without agreement, especially after discussion. However, I welcome amendments 39 and 40—I support their intention. Similar amendments were lodged at stage 2 by Mark Ruskell and were withdrawn.

I also support Mark Ruskell's amendment 43, which would ensure sufficient funds for ESS.

I move amendment 1.

Roseanna Cunningham: I am disappointed to see amendments 1 and 2 in the name of Claudia Beamish before us today. As she indicated, the amendments are identical to amendments that Angus MacDonald lodged at stage 2. He withdrew them and no other member sought to move them at that stage, following substantial discussion.

I am confident that the model of environmental governance that is contained in the bill will be robust and effective. As I have made clear throughout the bill process, arrangements have been designed that fit with existing institutions and regulatory processes in Scotland, and promote environmental improvement through finding agreed solutions to improve the implementation of environmental law. Enforcement powers are needed to underpin such a system, but I would be disappointed if those were used at all frequently.

Claudia Beamish's amendments would fundamentally alter the nature of the powers given to environmental standards Scotland to issue compliance notices and prepare improvement reports, and they risk creating confusion about regulatory processes. The uncertainty and the disruption to due process that that would create are not acceptable. We already have comprehensive statutory review and appeals regimes in place in Scotland, which allow individuals and Parliament to hold public bodies to account. We must seek to preserve the integrity of those regimes.

The amendments would create significant uncertainty about the coherence of regulatory and planning decisions and would put pressure on ESS to embark on a series of adversarial challenges to individual decisions. That would not be in the interests of regulators, local authorities, regulated firms and individuals or, ultimately, the environment. Instead of a collaborative approach to finding improvements to the implementation of environmental law, ESS would be at loggerheads with regulators and business from day 1.

Ms Beamish overstates the involvement of the European Commission in reviewing individual cases. Although the European Commission has, on occasion, chosen to investigate individual matters or decisions, its primary focus has been, and remains, very much on decisions and matters of a strategic nature.

More generally, people overestimate the number of cases that the Commission has already brought. Published official Commission data refers to the UK as a whole and shows that, in 2019, there were 30 new infringement cases, 11 of which related to the environment. However, the majority of the infringement cases relate to failures to transpose directives on time. Only one of those 11 new cases relating to the environment was on a matter of concern about compliance with environmental law, rather than an issue of late transposition in some part of the UK.

We recognise the important role that ESS will carry out to fill the gap in governance left by the Commission. ESS must be focused on the most important environmental issues that Scotland faces. Individuals and organisations will be able to submit information and concerns regarding individual decisions to ESS and it will be able to use that information to investigate any underlying regulatory practice issues that may be causing a failure of compliance or a lack of effectiveness in the law or its implementation. However, any enforcement action that ESS decides to take, through issuing a compliance notice or preparing an improvement report, would relate to the underlying regulatory practice and not the individual regulatory decision.

It is also worth noting that, in addition to ESS-specific compliance notice and improvement report powers in sections 22 and 27 of the bill, section 34 gives ESS the power to bring forward proceedings for judicial review in relation to a public authority's conduct, or to intervene in proceedings between other parties in order to make submissions on the issues that arise.

Those powers are expected to be used only rarely in the most significant cases. Before ESS may make an application for judicial review, it must be satisfied that the conduct constitutes a serious failure to comply with environmental law and that it is necessary to make the application to prevent or mitigate serious environmental harm. However, section 34 does not exclude the exercise of those powers where the issues that arise involve individual regulatory decisions.

At stage 3 of the bill process, we cannot introduce the potential for compliance notices and improvement reports—ESS's core enforcement tools—to be issued in respect of individual regulatory decisions, when the bill was not designed on the basis that ESS would have such

a remit. The provisions on compliance notices and improvement reports are not designed to accommodate the inclusion of individual cases.

I will come on to amendment 3 in the name of Liz Smith, which I will be happy to support. Amendment 3 seeks to include provisions on reviewing the effectiveness of the governance arrangements that will be put in place by the bill, including in relation to access to environmental justice. The review mechanisms that are proposed by Liz Smith's amendment 3 provide the Parliament with the opportunity to consider again whether the arrangements are effective, and whether the exclusion of ESS compliance notice and improvement report powers in relation to individual regulatory decisions is preventing action from being taken when it should be.

As I have said, I am confident that the model of governance that will be put in place by the bill will be robust and effective and that it will promote a collaborative approach to addressing deficiencies. It is clear that some stakeholders still have doubts about the model. They will be able to voice those concerns during the review, if they still hold them once the provisions are implemented. If, following the review, the Parliament considers that a change to the model is required, that will have to be thought through and reflected more widely in the provisions. Therefore, I invite Ms Beamish not to press amendments 1 and 2; if she presses the amendments, I urge members to vote against them.

I will move rapidly to the other amendments in group 8. Amendment 37, in my name, provides clarity about the exclusion of reserved bodies from the functions of ESS. That intention is clear from the policy memorandum, and the amendment simply makes that explicit in the bill.

I reassure members that that will not create any governance gap. Clearly, UK bodies have to comply with devolved environmental regulations that are applicable to them in relation to any operations in Scotland, and that will continue to be enforced by the environmental regulators. Compliance by those bodies with any environmental provisions in reserved law will come under the oversight of the UK office for environmental protection. Accordingly, I encourage members to agree to amendment 37.

Amendments 39 and 40 in my name remove the exclusion of strategic climate change emissions policy under parts 1 to 3 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 from the scope of ESS's functions. The original intention for the exclusion was to avoid overlap, duplication and confusion with the existing role of the UK Committee on Climate Change in advising on strategic climate change mitigation policy, such as the setting of economy-

wide emissions reduction targets, and that of the Parliament in scrutinising and making decisions on those matters.

However, I have listened to the views that were expressed by committee members and others on the issue. At stage 2, an amendment was made to schedule 2 of the bill that sets out the requirements for the strategy that ESS must produce. That amendment will require ESS to consider the relationship between its functions and those of the CCC and to set out in its strategy how it will respect and avoid any overlap with the exercise of the CCC's functions.

Clearly, ESS will make its own decisions about how to fulfil that requirement, but it is my expectation that it will do so by seeking a memorandum of understanding with the CCC. I am confident that ESS will find ways to avoid duplication of effort on work on strategic climate change matters. In that context, and recognising the views expressed at stage 2 on the importance of having simple and clear arrangements in such an important policy space, I invite members to support amendments 39 and 40.

18:15

Finally, amendment 43 in the name of Mark Ruskell, sets a framework for ministers' consideration of the resources available to ESS and for ESS to report on whether it has sufficient resources. I am grateful to Mr Ruskell for accepting the offer that I made at stage 2 to develop the amendment in a form that is consistent with budgetary procedures. I invite members to support amendment 43.

Mark Ruskell: I welcome amendments 1 and 2, in the name of Claudia Beamish, which would allow ESS to take action in relation to individual cases. I understand that amendments 1 and 2 would not allow ESS to overturn individual regulatory decisions, but would provide a solid backstop to ensure that authorities follow due process. In that regard, the amendments would bring certainty to those authorities.

I also welcome amendments 39 and 40, which remove the climate change exemptions from the bill, reversing the position that the Government took against amendments lodged by me and Claudia Beamish at stage 2. It never made sense for ESS to have a role in climate adaptation, but no corresponding role in climate mitigation.

I agree with the cabinet secretary that the stage 2 amendment—lodged by Angus MacDonald—rules out any overlap in functions between ESS and the UK Committee on Climate Change. The UK CCC would never have been able to play a role as an enforcer—it is clearly an adviser, rather than an enforcer—and what we need is an

enforcement body. Alongside Parliament and that statutory adviser, we need a strong watchdog, in the form of ESS. By bringing climate change fully into the remit of ESS, we will now have that.

Finally, I turn to amendment 43, in my name. I welcome the constructive discussions that I have had with the cabinet secretary and the bill team. When the newly appointed chair of the interim body came to the Environment, Climate Change and Land Reform Committee, he said:

“if we are going to create the new body and we are serious about it, we must ensure that we are funded to carry out the task appropriately.—[*Official Report, Environment, Climate Change and Land Reform Committee*, 8 December 2020; c 16.]

The purpose of amendment 43 is to require the Scottish ministers to ensure that resources are available to ESS and that they are sufficient to enable it to deliver its functions. The amendment also requires ESS to include in its annual reports its own assessment of whether the resources that it was allocated were sufficient to enable it to deliver during the year in question.

We all want to see an independent body that puts the public interest first. A crucial part of that is financial independence. Amendment 43 will provide more of that, and I welcome the Government's support for it.

Claudia Beamish: I intend to press amendment 1. I cannot agree with the cabinet secretary that my amendments on dealing with individual cases would lead to crossover with other bodies and cause confusion. There is some reassurance in what the cabinet secretary has highlighted in relation to section 34. However, we need a robust watchdog and I believe that amendments 1 and 2 would help to ensure that we have that.

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

Members: No.

The Presiding Officer: There will be a division. Please let me know if you have any difficulties in voting.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 33, Against 86, Abstentions 0.

Amendment 1 disagreed to.

Section 28—Restrictions on issuing a compliance notice

Amendment 2 moved—[Claudia Beamish].

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

Members: No.

The Presiding Officer: There will be a division. Please let me know if you have any difficulties in voting.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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

Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 30, Against 87, Abstentions 0.

Amendment 2 disagreed to.

After section 36

The Presiding Officer: Group 9 is on the duty to consult on the effectiveness of governance arrangements. Amendment 3, in the name of Liz Smith, is the only amendment in the group.

Liz Smith: I thank the cabinet secretary and her officials for their considerable engagement since stage 2. I lodged what was amendment 1046 at stage 2 because of the gaps in governance that will almost certainly occur when the transition period ends. Likewise, the loss of access to the European Court of Justice will undoubtedly present issues, especially when environmental cases are examined for any breaches of the law. Although I fully appreciate that the newly established environmental standards Scotland and the process of judicial review will address many issues, potential gaps in governance remain.

Following the cabinet secretary's responses at stage 2, I recognised that there were timescale issues that could result in an overlap of reporting

mechanisms beyond the end of the transition period. Amendment 3 would require the Scottish ministers to produce a report and consult on three things: whether there will be effective governance once the UK exits the EU; whether the law in Scotland is effective when it comes to allowing access to justice on environmental matters; and whether an environmental court could enhance that process.

If it is agreed to, amendment 3 will mean that the Scottish Government will have to consult environmental standards Scotland, persons who are “representative of the interests” of persons who are affected by the governance arrangements that are established in part 2 of the bill, and any other persons who are deemed by ministers to be relevant. The consultation on the report must start within six months of environmental standards Scotland publishing the strategy that is required under section 18(1).

Once again, I thank the cabinet secretary and her officials for their considerable engagement on the issue.

I move amendment 3.

Mark Ruskell: The bill fills only part of an environmental governance gap that existed before Brexit but has grown ever wider since. In particular, the case for an environmental court that builds on the expertise of the Scottish Land Court is getting stronger.

There is certainly merit in a civil court that focuses on appeals, tribunals and judicial-review type of work while allowing criminal matters to remain with the Crown Office and Procurator Fiscal Service, the sheriff courts and the High Court.

I welcome amendment 3, which would keep the door open to further reform once ESS is bedded in and the implications of Brexit have become clearer during the next session of Parliament. We will support amendment 3.

Roseanna Cunningham: I thank Liz Smith for her co-operation in preparing amendment 3, which will support ongoing scrutiny of the approach to environmental protection and access to justice. The amendment adequately addresses the concerns that I raised at stage 2 regarding timescales for the work.

The timescales that are set out in amendment 3 will provide sufficient opportunity for ESS to become a fully operational and established body that will allow ministers to undertake a meaningful and informed review of the effectiveness and appropriateness of the environmental governance arrangements that are being established by the bill.

Amendment 3 will also allow stakeholders to contribute to the review with the benefit of the experience of ESS in operation. Given the importance and potential wide-ranging effects of the matters that might need to be considered, it is important to ensure that stakeholders and communities are given sufficient opportunity to participate in the consultation exercise, and for proposals and recommendations to be made that are both meaningful and evidence based. The timescales for undertaking the consultation and review processes will be outlined by Scottish ministers on their commencement, which must occur no later than six months after publication of ESS strategy.

I welcome amendment 3 and its aim of ensuring robust and meaningful scrutiny of our arrangements in relation to environmental governance and access to environmental justice—particularly as we seek to keep pace with developments in Europe.

I am happy to support amendment 3, and I encourage everybody to agree to it.

The Presiding Officer: I call Liz Smith to wind up and to press or seek to withdraw amendment 3.

Liz Smith: I have nothing to add. I am very grateful to members for their support, and will press amendment 3.

Amendment 3 agreed to.

Section 37—Meaning of “public authority”

Amendment 37 moved—[Roseanna Cunningham]—and agreed to.

Section 39—Meaning of “environmental law” and “effectiveness of environmental law”

Amendment 38 not moved.

Amendments 39 and 40 moved—[Roseanna Cunningham]—and agreed to.

After section 41

The Presiding Officer: Group 10 is on environmental policy strategy. Amendment 41, in the name of Claudia Beamish, is grouped with amendments 41A, 41B, 41C and 44.

Claudia Beamish: Amendment 41 would place Scotland’s environmental strategy on a statutory footing, in an effort to uphold the environmental standards that we have benefited from during our membership of the EU.

We all recognise that we face a nature emergency, so our environment is in urgent need of re-energised policy and a strategic and holistic vision. My thanks go to the Scottish Government

for working with me to find agreement on amendment 41's drafting.

Ministers will now have to publish a strategy that sets out objectives for environmental protection and improvement that must include the policies to deliver those objectives, and to monitor and report on progress towards meeting them.

I welcome Mark Ruskell's amendment 41A, which would add reference to a

"high level of environmental protection"

to my amendment 41's references to sustainable development, health and wellbeing, integration with other policy areas and climate change and biodiversity crises.

Members might recall that at stage 2 I lodged a similar amendment that included a short framework for delivery. Amendment 41 differs, in that ministers will instead have to report annually to Parliament on progress until the final document is laid. My hope is that that will keep up momentum and prevent the strategy from drifting out of focus.

Scottish Labour will support Mark Ruskell's amendment 41B, which will require that a date be set for the objectives to be met. I am aware of the concerns of the Scottish Government, despite a provision in the UK Government's environment bill to set targets. It is right that the amendments are separate so that the strategy can pass with UK Government support, but I state Scottish Labour's support for any steps towards nature targets.

18:30

My amendment 44 is a consequential amendment that would add the strategy to the long title of the bill.

Amendment 41C would add "due" to the "regard" that ministers must have to the strategy when they make policy or legislation, and is in line with the Government's amendment 33 and others of that ilk. It would strengthen the obligations in the nature strategy and make my amendment 41 more robust.

I move amendment 41.

The Presiding Officer: I call Mark Ruskell to speak to amendment 41A and the other amendments in the group.

Mark Ruskell: I will be happy to move amendment 41A. Along with Claudia Beamish, I welcome the emerging consensus on the need for an environmental strategy that is embedded in legislation. In a nature emergency, it is critical that we set clear objectives that can be monitored, reported on and scrutinised.

Any objectives that do not come with a clear target date fall short of being meaningful. That is why I will move amendment 41B, which would turn the objectives into targets by the simple action of setting a date for their delivery. Objectives that are not time-bound will inevitably drift. We cannot afford delays during a nature emergency. Action is needed now.

Amendment 41A would embed the important principle that is enshrined in the Treaty on the Functioning of the European Union that we must always aim for a high level of environmental protection. The amendment could also sit as a stand-alone environmental principle or as an objective in section 12, but I am content for it to amend amendment 41 and to guide the development and objectives of the strategy.

Roseanna Cunningham: A previous version of amendment 41 was lodged by Claudia Beamish at stage 2. It was not moved, after agreement to work together with a view to lodging at stage 3 an adjusted amendment, which is what we see now. Amendments 41 and 44 adequately address the concerns that I raised at stage 2 about the timescale for the preparation of the strategy and about how such a strategy would fit into the complex landscape of existing and planned frameworks and strategies.

I also welcome Mark Ruskell's amendment 41A, which will introduce the aim of using the strategy to secure a high level of environmental protection. The provision that will be introduced by amendment 41 is the right place in the bill to continue to effect that aim, which is drawn from provisions in the Treaty on the Functioning of the European Union.

Members will know that I published an ambitious vision for Scotland's environment earlier this year, as a part of our environment strategy. That publication included the key outcomes that will be required in order to achieve that vision, and it set the direction for further work on the strategy, including a strategic environmental assessment. I was keen for Scotland to have a clear environmental strategy to underpin our environmental policy after we are outside the EU and, in having one, to reinforce our commitment to maintaining and enhancing standards. *[Interruption.]*

The Presiding Officer: Members who are chatting at the back should stop.

Roseanna Cunningham: I agree that it is important to build the environment strategy into the bill.

Amendment 41C would alter the duty on the Scottish ministers with respect to the environmental policy strategy when making policy, from "have regard to" to "have due regard to". That

would be consistent with the changes that I proposed to the duty with respect to the guiding principles on the environment, which we have already debated.

I welcome amendments 41, 41A, 41C and 44 and am happy to support them. I encourage members to agree to them.

Regarding amendment 41B, in the name of Mark Ruskell, although I recognise the benefit of providing clear timescales for delivery, I do not think that the amendment will provide any tangible benefit.

The environmental policy strategy will act as framework for a wide and complex range of policies and strategies. Each strategy will have timescales that will often relate to international processes, such as the Paris accord or the convention on biodiversity.

Each policy will have its own detailed monitoring and reporting framework and associated scrutiny mechanisms, such as those that are set out in detail in the marine strategy. Each will have its own timetable, which will be suited to the particular issue at hand.

To impose one overarching timetable would be to fail to recognise the nuances of each issue, and could risk arbitrarily undermining the specific work and timetable that are required. If we were to be required to set a single timescale in the strategy, it would likely mirror our existing goal of achieving by 2045 the vision that was set out earlier this year. Accordingly, I ask Mr Ruskell not to move amendment 41B and for members not to support that amendment if it is pressed.

The Presiding Officer: I call Claudia Beamish to wind up on the group and on amendment 41.

Claudia Beamish: I am very pleased to hear the cabinet secretary's remarks. Amendment 41 is important, because it is about having a strategy for nature. We all depend on nature and are part of it. The strategy will set the tone for the future as we move forward together to make sure that we live on a planet that can sustain us all and everything else that is part of it.

The Presiding Officer: Before we move to the vote on amendment 41, I ask Mark Ruskell to wind up and to move or not move amendment 41A.

Mark Ruskell: Are you asking me to wind up?

The Presiding Officer: Yes, I ask you to wind up and to move or not move amendment 41A. We have to deal with amendments to an amendment before we can deal with the amendment.

Mark Ruskell: Thank you, Presiding Officer. I will not say too much more.

Setting a timescale for delivery of objectives is hugely important. We have seen, for example, that it took 10 years after agreeing the Marine (Scotland) Act 2010 for the Parliament to designate marine protected areas, just this year. Setting targets is very important.

It would be up to the Government to decide which dates it wanted to set. If it wanted to reflect the dates that are in the existing environment strategy or to develop new ones, either would be fine, but targets are important. They set out our ambition and they set out the timescale, which is also important.

I will not say more about the other amendments in the group. I welcome the cabinet secretary's support for them, and in particular for adoption of the critical EU objective on delivering high-level environmental protection. That has been in EU policy for years, and it has guided the direction of the Governments of member states. It is really important that it will be in the legislation.

I move amendment 41A.

Amendment 41A agreed to.

Amendment 41B moved—[Mark Ruskell].

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

Members: No.

The Presiding Officer: There will be a division.

The vote is closed. Members should please let me know if they had any difficulties in voting.

Claudia Beamish: On a point of order, Presiding Officer. My voting app failed to open, so I did not vote.

The Presiding Officer: Will you confirm whether you would have voted yes or no to amendment 41B?

Claudia Beamish: I would have voted yes.

The Presiding Officer: I will make sure that your yes vote is added to the roll.

Pauline McNeill: On a point of order, Presiding Officer. I had the same problem: the app did not open. I would have voted yes to amendment 41B.

The Presiding Officer: I will make sure that your yes vote is added to the roll, Ms McNeill.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Ballantyne, Michelle (South Scotland) (Ind)
 Beamish, Claudia (South Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)

Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 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)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 86, Abstentions 0.

Amendment 41B disagreed to.

Amendment 41C moved—[Claudia Beamish]—and agreed to.

The Presiding Officer: Does Claudia Beamish want to press amendment 41, as amended?

Claudia Beamish: I will press it, Presiding Officer.

Amendment 41, as amended, agreed to.

Section 45—Commencement

Amendment 42 not moved.

Schedule 1—Environmental Standards Scotland

Amendment 43 moved—[Mark Ruskell]—and agreed to.

Long Title

Amendment 44 moved—[Claudia Beamish]—and agreed to.

The Presiding Officer: That ends consideration of amendments.

At this stage in the proceedings, I am required under standing orders to decide whether any provision of the bill relates to a protected subject matter—that is, whether it will modify the electoral system or the franchise for Scottish parliamentary elections. In my view, no provision relates to a protected subject matter, so the bill does not require a supermajority in order to be passed at stage 3.

UK Withdrawal from the European Union (Continuity) (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-23761, in the name of Michael Russell, on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. I call Michael Russell to signify Crown consent to the bill and to open the debate.

18:44

The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell): For the purposes of rule 9.11 of the standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I am pleased to present the UK Withdrawal from the European Union (Continuity) (Scotland) Bill to the Parliament for debate at stage 3. I invite members to agree to pass the bill.

We are nine days away from the end of the transition period that started when the United Kingdom left the European Union and that has protected the UK from feeling the full force of Brexit. It was intended to allow a comprehensive deal to be reached, and it could have been extended. However, despite representations in the strongest possible terms having been made by the Scottish Government and others, no extension was sought by the UK Government.

It is still not too late to say to the UK Government, “For heaven’s sake, be sensible.” Considering what is presently happening at the channel ports, the disaster that is befalling many shellfish dealers and fishermen in Scotland—particularly those in my own constituency—it is utterly extraordinary that the UK Government is proceeding with this madness, and apparently with the support of the Tories in the Scottish Parliament. Let me repeat what the First Minister said this week: please do whatever it takes, Prime Minister, to extend the transition period to ensure that this chaos comes to an end.

It is against that backdrop of instability and chaos that we can see why the bill is vital. Part 1 will provide ministers with the power to align the law in Scotland with that in the EU when that would be in Scotland’s best interests. I am grateful to members from across the chamber who came together to work with me to find a way of ensuring

that the power has a clear purpose and is both operable and transparent and that the Parliament's scrutiny role is appropriately recognised. I pay tribute to Angela Constance, Liam McArthur, Patrick Harvie, Alex Rowley and Mike Rumbles, among others, for their constructive approach in reaching consensus on those vital matters.

Part 2 incorporates into Scots law guiding principles on the environment, to replace the fundamental environmental protections that will be lost as a result of Brexit. It establishes environmental standards Scotland, which will carry out some of the functions that were previously carried out by the European Commission. As there are only nine days to go until 1 January 2021, we shall ask the Parliament, in a motion to endorse the setting up of that body on a non-statutory basis, to bridge that gap. I know that my colleague Roseanna Cunningham has had valuable discussions with the Environment, Climate Change and Land Reform Committee and with individual members as part 2 has progressed. I commend Gillian Martin of that committee for her effective management of consideration of the bill at stage 2. I also thank the Finance and Constitution Committee for its work. I thank Liz Smith for her constructive attitude to working on the amendment on the future review of governance, and I know that Roseanna Cunningham thanks her, too. Although the Scottish Government has not been able to support all the amendments, I am grateful to those who lodged them—although, perhaps, when they see a result of 90 votes to 26, they should be able to read the runes.

I commend the bill team, led by Emma Lupinska, which I have to say has been exceptional. I speak as someone who knows a thing or two about bill teams. I think that this is my ninth or 10th bill—not just this year, although it feels as though it could be so. However, I also have to say, with regret—although it will not be met with regret by some members in the chamber—that for both Roseanna Cunningham and me it is likely, although not certain, given the unpredictable situation, to be the last piece of legislation that we will take through the Parliament. That is an important part of the job of a minister, and it is a very important part of the job of a parliamentarian. I have learned a great deal during the legislative process, and I hope that I have been able to pass some of that on from time to time.

I move,

That the Parliament agrees that the UK Withdrawal from the European Union (Continuity) (Scotland) Bill be passed.

The Deputy Presiding Officer: Thank you very much, cabinet secretary. That was very succinct. At the end of a long day, that is good.

I call Dean Lockhart to open the debate for the Scottish Conservatives.

18:49

Dean Lockhart (Mid Scotland and Fife) (Con): The bill is an exceptional piece of legislation. It gives the Scottish ministers exceptional powers to keep pace with EU legislation over a period of a decade. Let us be clear: we are talking about laws made by a supranational body of which we will no longer be a member and laws in relation to which we will have had no formal input.

The Finance and Constitution Committee heard evidence that that will result in the Scottish Parliament becoming a passive rule taker of laws that will not be appropriate for the future needs of Scotland. Understandably, that has caused widespread concern among stakeholders. Scottish Conservatives accordingly sought to lodge amendments that would require meaningful stakeholder consultation on the keeping pace powers so that the Scottish ministers could benefit from expert assessment of how any future EU laws might or might not be tailored to the needs of Scotland and receive guidance on which laws should be followed. However, as the legislation currently stands, it will be for the Scottish ministers alone to make that decision on the future needs of Scotland, without the requirement for expert stakeholder input.

The bill also raises much wider questions about the role of the Parliament in a post-Brexit environment. Just a few weeks ago, we had an important debate on that very question. A number of committees looked at the question, and the overwhelming response was that the Parliament and stakeholders should be able to scrutinise decisions on the keeping pace powers—recommendations that committees of this Parliament made very clearly to the Finance and Constitution Committee. In fact, the Delegated Powers and Law Reform Committee went so far as to recommend that primary legislation should be used when significant changes of law and policy were introduced. That was the purpose of a number of the amendments that I lodged today—to give a voice and power to committees of this Parliament. When instruments are lodged by the Scottish ministers that will introduce a significant change of law or a significant change of policy, it is only appropriate that committees have a role in deciding how those instruments should be dealt with—all with the purpose of increasing parliamentary and stakeholder scrutiny. It is a matter of regret, therefore, that the voice of the

Parliament's committees will not be reflected in the bill this evening.

There are other serious concerns about the bill, given the ability of the Scottish ministers to keep pace with some but not all future EU laws. That will result in Scottish firms having to comply with a host of potentially conflicting regulations including devolved law that keeps pace, devolved law that does not keep pace and different regulations in other parts of the UK that no longer follow EU regulations. The Finance and Constitution Committee heard evidence that that will result in Scotland becoming a "regulatory no man's land", with the inevitable consequence that the expense and complexity of doing business here will increase, as will costs for consumers. It will also cause distortion between Scotland and the rest of the UK internal market, which, as NFU Scotland has made clear on a number of occasions, is by far the biggest market for Scottish produce. All of this at a time when we all know that Scottish firms are struggling to survive under lockdown restrictions.

I will conclude, because it has been quite a long afternoon. The other fundamental flaw in the legislation is the fact that it will not achieve its stated objective of keeping Scotland aligned with EU regulations, which the cabinet secretary has said all along is the overall policy intention. The Faculty of Advocates has made it clear that

"the Scottish Government will not be able to 'keep pace' in areas of EU law which depend on reciprocal arrangements between Member States."

Commenting on the proposed legislation, EU officials have been reported as saying:

"This legislation could create a difficult position for Scotland and wouldn't be effective. Many regulations which are passed by the EU will be difficult to implement and will not apply to Scotland."

There we have it, Presiding Officer—what we have before us is bad legislation. There could have been consensus on the way forward in a post-Brexit environment. We could have had a bill that allowed ministers to make minor, technical, non-substantial adjustments to existing legislation through the use of secondary legislation. Instead, we have a bill that will turn this Parliament and stakeholders in Scotland into passive rule takers. For all those reasons, Parliament should reject the bill at decision time.

The Deputy Presiding Officer: Thank you, Mr Lockhart. Anas Sarwar will open for Labour.

18:53

Anas Sarwar (Glasgow) (Lab): I will come to the wider politics in a moment, but I want to talk about the bill first. At the outset, I should say that I might be coming in at the end for the glory on this,

but all the hard work on our side has been done by my colleagues Alex Rowley and Claudia Beamish, and I thank them both for all their efforts in getting the bill to where it has finally got to. I also thank and pay tribute to Michael Russell for his positive engagement with my colleagues and for his openness and transparency throughout. As he rightly noted, we got to a much more robust place in the end compared with where we were at the start of the process.

There are a couple of points that Parliament in the next session will need to reflect on in relation to some of its post-Brexit scrutiny. The Parliament recently had a wider debate on that in debating a Finance and Constitution Committee motion. There are issues to do with transparency, the role of committees in post-Brexit powers and how we scrutinise the keeping-pace powers. There are issues of scrutiny and transparency in relation to the role of the executive and the wider Government. We discussed all those issues in that debate, and I am sure that they will be debated even more in the next session of Parliament.

I should note that my colleague Claudia Beamish will be slightly disappointed that not all her amendments or suggestions were accepted, but I am sure that we will keep the proposals that were not accepted for another day.

I will not dwell on the wider politics for too long, because I know that members have been occupied for quite a long time today. However, I have to ask Mr Lockhart: where is the remorse? We should not be in this situation right now. I do not think that we should be in this situation at all with the mess of the Brexit process, which has caused constitutional paralysis in our country for the past four and a bit years. However, it is completely unacceptable and unforgivable for it to be happening now, at the height of a pandemic, when thousands of our fellow citizens have lost their lives and hundreds of thousands of people risk losing their livelihoods. Where is the remorse?

Dean Lockhart: Will the member take an intervention?

Anas Sarwar: I hope that Mr Lockhart is going to express that remorse now in his intervention.

Dean Lockhart: Will the member clarify the UK Labour Party leader's position? Is it not that the UK Government should continue negotiations and get the best possible deal for the UK?

Anas Sarwar: I will address that in a moment. However, it is worth reflecting on Mr Lockhart's party's position at UK level. In an election campaign, we were promised an oven-ready deal that was good to go but, instead, in the midst of a crisis with nine days left until the end of the transition period, we still do not have a deal on the table. We are two days away from Christmas, nine

days from the end of the transition period and at the height of a global pandemic, but we have no deal. That is completely unacceptable.

Mr Russell and I are at one on the issue of Brexit. It is an act of folly that will damage Scotland, England, Wales and Northern Ireland. It will damage the whole of the UK economically and it will damage our standing in Europe and the wider world. It is an act of gross self-harm that we collectively as the United Kingdom will come to regret. It will impact on all sectors of our society. We need only look at what is happening with the backlog of lorries in Kent at the moment to get a slight hint of what awaits our fellow citizens. As I said, for that to happen at any time is unforgivable, but for it to be happening now, in the midst of a pandemic, is completely unforgivable.

Mr Russell and I agree on the issue of Brexit. Whatever our differences may be on independence or other issues, let us recognise that our country has collectively gone through trauma and has taken an economic hit that is sharper than that of the banking crisis. In that context, let us collectively resolve to pull our people together, pull our country together and get us through this Covid crisis.

18:58

Mark Ruskell (Mid Scotland and Fife) (Green): The need to get the bill right has been a big weight on members' shoulders. There is a real sense of loss as we fully exit the EU, and there is a risk that hard-won protections and built-in solidarity with other European nations could disappear. That pressure has resulted in strong cross-party working across the chamber, with members uniting against the economic and environmental vandalism of the Tory party.

We can see that in the amendments that were debated earlier today, and particularly those on keeping pace. I hope that those amendments will ensure that Scotland stays on a parallel path to the progressive path in the rest of Europe. However, keeping that alignment will need a big collective effort, particularly between Government, stakeholders and the new body, environmental standards Scotland. I ask the cabinet secretary, Roseanna Cunningham, to clarify in her closing comments the role of ESS in relation to the section 1 powers on keeping pace. Will advice be sought from ESS and will it have a role in monitoring the progressive policies that are being developed in Europe and then applying those to Scotland?

I would like to thank Claudia Beamish, in particular. We have shared a lot of head space throughout stages 2 and 3, and I welcome the fact that the Government has shifted on much of the

agenda that we had in the Environment, Climate Change and Land Reform Committee.

Although there are still weaknesses in the bill, a lot of progress has been made. Originally, there was no requirement for the environmental principles to be fully integrated into policy making, but that has been fixed this afternoon. There was no commitment to deliver a high level of environmental protection, but that has now been enshrined in the environmental strategy. In addition, there was no commitment to put the environmental strategy on a statutory footing, with enforceable targets. I regret the fact that the enforceable targets are not included in the bill, but the strategy is, and that gives us the leverage to have discussions with the Government about how we can ensure that time-bound action is taken to tackle the nature emergency.

The bill will give rise to a new watchdog, environmental standards Scotland, which will provide some of the oversight and enforcement that we will lose from the European Commission in nine days' time. At stage 2, I argued that it would have been preferable for ESS to have been set up as a fully independent commission. Although that option was rejected, the new body is starting to look and feel more like a commission as a result of amendments that have been agreed to today.

In particular, I welcome the fact that the need for the new body to be financially independent has been recognised by the Government. ESS must have full confidence that, whatever action it needs to take, it will have the capacity to deliver. In the past, public bodies have arguably been hamstrung by concerns about the cost of their decisions being the subject of legal challenge. For years, Scottish Natural Heritage seemed unable to exercise its powers over deer management for fear of costly legal challenge. When ESS takes action, it will have the force of the bill behind it, which means that it will be provided with whatever resources it needs to get the job done.

There is much work for ESS to do. I hope that the current complaint to the European Commission about the use of acoustic deterrents, which are filling our seas with noise pollution, will be at the top of the list. With the Government consulting on a new air quality strategy, the importance of not just setting but meeting European standards will be critical to our lung health in a Covid-scarred population.

Some say that it is Parliament's role to hold the Government's feet to the fire on climate change, but short of burning committee reports, I cannot see how that can be done by Parliament alone. Parliament needs a strong watchdog with an enforcement role in relation to climate, and that is what it now has.

We stand on the Brexit cliff edge, but the bill will anchor the most critical tools that we need to stay aligned with a European Union that Scotland voted to remain part of and which we will one day rejoin.

The Deputy Presiding Officer: I call Liam McArthur to open for the Liberal Democrats.

19:02

Liam McArthur (Orkney Islands) (LD): I associate myself with the comments of Mark Ruskell and Anas Sarwar on their regret surrounding the bill. It is not a bill that many of us wanted to see. The damaging legacy of Brexit is now becoming a firm reality. As well as the damage that it will cause to our economy and our communities, leaving the EU means that there are legislative gaps that need to be plugged. As I said earlier during the consideration of amendments, the bill provides the Scottish ministers with significant powers to keep pace with EU law.

As someone who worked in the EU institutions for many years, I am well aware of the volume of legislation and policy that they produce. I recognise, too, the need to avoid worrying ourselves about processing legislation and policy that has no relevance in Scotland, but it is important that we keep pace with the relevant and progressive elements when it comes to environmental standards and protections.

However, the power to keep pace should not mean that ministers have a monopoly of control. When the bill was first presented, it lacked proper safeguards on transparency and accountability, and the Parliament risked being left as a bystander in a process that is of fundamental importance to those we are elected to serve. That was a concern of the committees that scrutinised the bill, and it was very much shared by Scottish Liberal Democrats. However, I believe that we have been able to address that concern through cross-party collaboration and collaboration between the Parliament and the Government. I again put on record my gratitude to various members across the parties, but in particular to the cabinet secretary, for the approach that they have taken to this important bill.

As well as greater transparency and accountability in the way that the keeping pace powers are exercised, I am pleased that the bill sets out more specifically and comprehensively our shared commitment to the highest environmental standards, underpinned by a core purpose. That should allow greater public confidence that, even outside the structures of the EU, those protections and standards will be maintained. After all, Parliament has agreed that there is a climate and nature emergency, and in the midst of such an emergency there can be no

let-up in our protection of the environment or our pursuit of the highest environmental standards.

I reiterate that Scottish Liberal Democrats are determined to do everything possible to limit the damaging legacy of Brexit, not least in the area of environmental policy. I pay tribute to Scottish Environment LINK and the other organisations that have worked hard to put into the bill a green backbone that incorporates key environmental principles, greater clarity on its purpose and stronger duties on public bodies.

As one might expect, the bill has undergone significant surgery through the scrutiny process, which underlines why it is right that we are enhancing parliamentary oversight in the area for the future. At the start of the process, I was highly sceptical of what the Scottish Government was proposing. Through the work of the committees and this Parliament, supported by the evidence of very many witnesses and in collaboration with the Scottish Government, I am confident that we now have a bill that is worthy of support. It is not a bill that Scottish Liberal Democrats wished to see, but it is one that we will be happy to support at decision time this evening.

The Deputy Presiding Officer: There will be one speaker in the open debate: I call Claudia Beamish.

19:06

Claudia Beamish (South Scotland) (Lab): This country is at a time of crisis on many fronts. I welcome the passing of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill today as an offering of stability against our exit from the EU. I particularly identify myself with the remarks of my colleague Anas Sarwar.

The bill is fundamental to our way forward for our devolved settlement and our environmental protections. We are in the midst of a climate and nature emergency. We are seeing the Scottish Government reporting back on the 2020 Aichi targets, and it is anticipated that the scorecard will not be exemplary. With one in nine Scottish species threatened with extinction, getting the provisions in the bill right has been a priority for Scottish Labour and indeed for many others.

Although there is still vast room for improvement, we have come a long way with the bill. I know that no one wants to see Scotland and the UK return to being known as the dirty man of Europe, as they were in the 1970s. Maintaining the progressive standards is crucial if we are to end the decline in our natural world, meet emissions reduction targets and deliver a green recovery from this awful pandemic.

There has been much to welcome in today's stage 3 proceedings. I was pleased to work effectively with Mark Ruskell in committee, especially on climate change issues. I am also pleased that the Government changed its position on ministers giving "due regard" to environmental principles and corrected the undue exclusion of climate change from ESS's remit.

My amendments on a statutory environment strategy will, along with Mark Ruskell's work, be instrumental in structuring environmental policy making and keeping it to the fore. I thank the cabinet secretary and her officials again for their efforts and their compromise in relation to my amendments, and I thank Scottish Environment LINK for its wisdom.

My amendments to protect the right of an individual to raise a complaint against a public body were, in my view, immensely important. The very purpose of the bill is to keep pace with the EU, and the failure to include the amendments, in my view, represents a terrible erosion of environmental governance and citizens' access to justice. The conviction that I expressed in lodging the amendments was affirmed by many constituents, who took the time to write to me and others to share their concerns, as well as the more than 6,000 people who signed Scottish Environment LINK's petition.

Our environment laws are only as good as the institutions that uphold them, and the watchdog will be effective only if it is independent of Government and its powers are not constrained. On that theme, Liz Smith's amendment, which provides for a check-up on how well ESS is functioning and consideration of an environmental court for the future, is welcome.

Scottish Labour is pleased to be voting for the bill, which will underpin the accountability of future Scottish Governments. It will keep us aligned with what many consider to be the progressive force of the EU in the dire circumstances in which we find ourselves, with only nine days to go, and, indeed, it will mitigate the potential degradation of our environmental standards.

The Deputy Presiding Officer: There is a little time in hand, so I can give members an extra minute for closing speeches. That is generosity, which is perhaps not desired, as you are all very tired, I know, but there we go.

19:10

Alex Rowley (Mid Scotland and Fife) (Lab): I thank the Finance and Constitution Committee and the Environment, Climate Change and Land Reform Committee for their hard work in scrutinising the bill, and I thank the clerks for their work at stages 1 and 2. I also thank those who

gave evidence and the Law Society of Scotland, which has been giving its expertise and advice to members.

The bill allows our legal system to keep pace with EU law in devolved areas where appropriate, which is right and fit, as well as ensuring that there continue to be guiding environmental principles in our post-Brexit landscape. Those general principles are supported by the Labour Party and we will be voting for the bill. We support creating new powers to allow the Government to keep pace with EU laws. It is particularly desirable to be able to deliver the strong environmental standards that we want to see in Scotland.

I believe that there is a real threat from the Tory Government in Westminster—and Boris's Tories sitting across from Labour members here—and the ideological view that it takes of the free market, which will create a race to the bottom. That is a threat not just to the environment but to the whole of the United Kingdom, because so many people believe that we have to find an alternative to being dominated and run by ideologues who have no interest in people or the environment and whose only interest is a race to the bottom in order to create the greed and wealth that they stand for.

It is unforgivable that potentially no trade deal will be agreed between the UK and the EU, with just 10 days left of the transition period. That is causing unnecessary chaos and, indeed, anxiety and worry for people and businesses, which is why, even at this late stage, Scottish Labour calls on the UK Government to extend the deadline and give us the chance to get a deal that, in this Covid crisis, could at least get some kind of certainty for Scottish businesses.

Dean Lockhart: I will ask the same question that I asked Anas Sarwar. Does Alex Rowley agree with the UK Labour leader that the priority of the UK Government should be to get a deal with the European Union as soon as possible?

Alex Rowley: The Scottish Labour Party will put forward what is in the best interests of the people of Scotland, and we will always stand up for what is right for Scotland. This Brexit deal is not right for Scotland. When it comes to a choice between the rights and interests of the people of Scotland and the interests of Boris Johnson and his wealthy chums, it is clear what side the Tory party will come down on: the rights and interests of Boris Johnson and his wealthy chums.

More than 15,000 lorries are stuck in Kent at present, waiting for a deal to be reached so that they can get across to Europe. That demonstrates the threat that we and Scottish businesses and industries face. The Tory party will not stand up for Scotland. It will stand up for ideologues, for greed

and wealth, and for Boris Johnson. We should be under no illusions about that.

It is right that we pass the bill today. It is right that we reject a fall in standards to the lowest common denominator and it is right that we stand up for Scotland. The only party in the chamber that would put Johnson and Tory ideologues first is the Scottish Tory party, and the Scottish people will see through that time and again.

19:14

Liz Smith (Mid Scotland and Fife) (Con): I add my thanks to the Finance and Constitution Committee and the Environment, Climate Change and Land Reform Committee for all the work that they have undertaken on a bill that Conservative members never wanted to see. It is interesting that several parties across the chamber, perhaps for different reasons, never wanted to see it. However, I commend the work that has been put in. In some cases, that has been very constructive work that will make the bill better than it might otherwise have been.

I want to take up points that Labour members have made. I say to Mr Sarwar that I was firmly of the view that we should vote remain, and I am still very much of that opinion. Nonetheless, the UK did not vote to remain in the EU; it voted for Brexit, and we have to get on with it.

There is an expectation among the Scottish public. They would like to see the Westminster Government and the Scottish Government working together, so we have an obligation to ensure that any legislation that is passed in the chamber is good-quality legislation. Our reason for raising issues in parts 1 and 2 of the bill has been to ensure that anything that is passed is better, for example in relation to scrutiny. That is why Mr Lockhart lodged the amendments on additional scrutiny. We believe that there are still issues with that as the bill goes to its closing stage.

Ministerial powers are an issue. As far as we are concerned, there are still issues relating to the possible excess of ministerial power for the Scottish ministers. We do not accept that.

We had a great deal of concern about the fundamental principle of keeping pace. That means that, in some circumstances, we would keep pace with legislation and laws on which we would have absolutely no say. That in itself is a major issue.

Anas Sarwar: I accept that Liz Smith was on the remain side and I accept what she is saying about where we need to go with the bill post-Brexit. However, she is a very fair-minded person, and I am sure that she accepts that the situation that we find ourselves in nine days from the end of

the transition period is chaos, and that it is unacceptable and lets down the British people. Surely she, as a fair-minded person, can acknowledge that.

Liz Smith: It would not be the first time that I have put on record in the Parliament that I am not happy about the Brexit process. I said that when I began my closing remarks, and that was certainly not for the first time in the chamber. However, as democrats, we accept that the vote was for Brexit at the UK level. We have to get on, and the electorate expects that, whatever we do, we must ensure that the Scottish Government and the Westminster Government work together in the best interests of the electorate.

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

Liz Smith: Do I have time to take an intervention, Presiding Officer?

The Deputy Presiding Officer: Yes.

Patrick Harvie: If it were being made possible to work together, that would be all very well, but the Conservative Party's central political project now is to remove us from the democratic structures of Europe. Its Government has already legislated in devolved areas without the Scottish Parliament's consent, and its United Kingdom Internal Market Act 2020 promises to do the same thing many more times in the future. Is it not breathtaking irony that the Conservative Party now accuses others of turning Scotland into a rule taker?

The Deputy Presiding Officer: Liz Smith will get all her time back.

Liz Smith: I completely disagree with Mr Harvie. It is painfully obvious that we will not, sadly, have any input into keeping pace with EU law, so the argument that Mr Harvie has just put cannot be accepted at all. That is the principle on which we have fought the bill. There are certain key principles in the bill that simply do not match up to the best interests of Scotland and the UK working together, which as I have said, is what the public expect.

I know that time is short, so I will conclude.

Although we are against the principles that I have spoken about, we have tried to work constructively. I once again welcome the engagement that Roseanna Cunningham and her officials have provided, because there are important aspects in part 2 of the bill.

I will finish on that point. Obviously, I will agree with Dean Lockhart when it comes to the final vote.

The Deputy Presiding Officer: I call Michael Russell to close for the Scottish Government.

Cabinet secretary, if you want to take us up to decision time, or shortly before it, you can.

19:20

Michael Russell: Thank you, Presiding Officer. I am wondering how I will take us up to decision time, but I will do my very best.

I start by addressing the point of substance that Mark Ruskell made in his speech. ESS will have no specific role in making proposals for keeping pace, but it has a general power to consider the effects of European environmental legislation. If ESS believes that a European regulation would be useful, desirable and better than a Scottish regulation, there is absolutely nothing to prevent it from making a recommendation on the matter. That may not be an absolute power, but it is fair. That is the situation as I understand it. My colleague Roseanna Cunningham has confirmed that, so I feel confident that I am not trespassing on her area of responsibility.

I listened with respect, as I always do, to Liz Smith. She is one of the very few people who has called for my resignation in trenchant terms with whom I still get on well. I know that that does not do her any good in the Tory party—

Liz Smith: If we have to go up to decision time, I could do it again if Mr Russell wants.

Michael Russell: Such is the measure of my respect for Liz Smith and, I hope, my friendship with her that I would not mind her doing so. Indeed, I would much rather hear her demand my resignation than listen to some of her colleagues making recommendations and proposing amendments, because she makes a lot more sense.

I ask Liz Smith, with the greatest respect—in this case, it is meant; usually, when we say that, it is not meant—how can we work with people who will not work with us? That is the key issue. We made recommendations and introduced the “Scotland’s Place in Europe” documentation—the first report was exactly four years ago. We sought a compromise—we have sought compromises repeatedly over a long period. I do not agree with Scotland being dragged out of Europe against its will, and neither does Liz Smith, but if there was a compromise to be had, we would have had it.

One of the great ironies of the Brexit process—one of the great moments at which things did not happen, when a dog did not bark that should have barked—is that Theresa May should have brought into Downing Street, in October or November 2016, the leaders of the political parties and the devolved Administrations and said, “Look, we’ve all got to get something out of this. Scotland did not vote for Brexit. Northern Ireland did not vote

for it. The vote in Wales was narrow and the Welsh Government was against it. Let us find a way forward.” That did not happen.

The joint ministerial committee (European Union negotiations) was set up with a remit that has never been observed—

Liz Smith: Will the cabinet secretary take an intervention?

Michael Russell: One moment, please.

The failure to observe the JMC(EN)’s remit was not that of the Scottish Government, the Welsh Government or even the Northern Irish. It is the UK Government that has refused to allow the JMC(EN) to operate its remit. The JMC(EN) has not met in the past three weeks, and no information has flowed from it.

I am happy for Liz Smith to intervene once I have made my point. My conscience is absolutely clear on this matter. We have worked hard to work with the UK Government and successive secretaries of state, such as those who have chaired the JMC(EN). The United Kingdom Internal Market Act 2020, which I shall come to in a moment, once Liz Smith has intervened, illustrates that, but it also gives the absolute lie to things that we have heard today.

Liz Smith: Is the cabinet secretary absolutely confident that the Scottish Government, at all stages, has co-operated with the UK Government on every aspect of Brexit? That is certainly not the impression that the UK Government would give.

Michael Russell: Of course that is not the impression that the UK Government would give. I am absolutely confident that we have sought constructive compromise all the way along. Indeed, when I write the story, as I hope to do, I hope that I will be able to illustrate with many examples how that is the case.

The relationship has deteriorated repeatedly as a result of Tory ministers, particularly in the Boris Johnson Administration. That continues to be true today. There has been no further COBRA meeting today. There has been no phone call between George Eustice and environment ministers. That is absolutely typical of how the UK Government behaves. That is the reality. I would have worked with the UK Government, but not only have I been disappointed, but the people of Scotland have been insulted.

I turn to the United Kingdom Internal Market Act 2020. Dean Lockhart has repeatedly said that his objection to the bill that is before us is that it is deficient in scrutiny terms because the Scottish Government has not been listening and has not compromised. Let me call in evidence the United Kingdom Internal Market Act 2020. It was refused consent by the Scottish Parliament and by the

Welsh Parliament. The Northern Ireland Assembly voted against it. It was completely gutted and filleted—if I may use a fishing allusion; I know that Boris Johnson likes them—by the House of Lords. There was, however, no compromise from the UK Government, there was no listening on the matter and there was an absolute—[*Interruption.*] No, I want to finish my point. There was an absolute refusal to have proper scrutiny.

The United Kingdom Internal Market Act 2020 tells us two things. First, it tells us that the Tory arguments this afternoon have been absolute hogwash.

Dean Lockhart: Will the member take an intervention?

Michael Russell: No, I will not take an intervention—I am awash with hogwash from the member, and I do not wish to hear any more of it.

The reality of the situation is that we have had nothing but excuses. This is a bill that we have brought back to the chamber, its having been overturned in the court by a UK Government that changed the law to overturn it. That is what happened, and because the UK Government does not like the bill it has tried to scupper it again—[*Interruption.*] I am sorry—the member is not guilty of this, but other Tory amendments have been wrecking amendments.

Dean Lockhart: Will the member take an intervention on that point?

Michael Russell: No. I am not prepared to discuss the point.

The lady who spoke from the public gallery is not there now, but I remind members that, during the French Revolution, the Montagnards were the most extreme of the Jacobins—they gave birth to Robespierre—and we had the Montagnards up in the gallery today. All that we have had—

John Scott (Ayr) (Con): On a point of order, Presiding Officer.

The Deputy Presiding Officer: We have a point of order from Mr Scott. Please sit down, cabinet secretary.

John Scott: Mr Russell is using unparliamentary language and I ask him to withdraw his remarks.

The Deputy Presiding Officer: If I had thought that it was unparliamentary language, I would have said so. This has been a robust debate, which you have not been in the chamber to hear, Mr Scott.

Michael Russell: Indeed. I am sorry if in Ayrshire a word in French is unparliamentary, but I recognise that that may be what is happening.

In all the circumstances, there has been a deliberate attempt to wreck the bill, and I am glad to say that that attempt has been refused. First, we have had constructive engagement on the bill from stages 1 to 3, and I pay tribute to all those who have been involved in that. I have always believed that when a bill is introduced it is not perfect and can be amended. I hope that that has been demonstrated with this bill, and that we have managed to work together to get a better bill. However, it is clear that, even if the bill had been handed down on tablets of stone by the archangel Gabriel, it would not have got the support of the Conservatives.

The second thing that the bill illustrates is that the Conservatives refuse to listen to Scotland. We have heard again and again, “Ah, but we have to accept democracy”—[*Interruption.*] I am sorry, I have given way several times.

The people of Scotland have to accept democracy, but what were the people of Scotland told in 2016? They were not told that at this stage—nine days before the deadline—there would be no agreements in place. They were not told that the final choice would come down to a no deal or a very bad low deal. They were not told that. The people of Scotland have been conned, and I will not allow democracy to be called in defence of a con, yet that is what has happened.

The people of Scotland are entitled to continue to say that they do not wish to be taken out of the EU against our will. They will continue to say that and I am proud that the Scottish National Party, in government, will also go on saying that. Our task will not be finished until two things happen: that we are independent as nation and that we re-enter the EU.

We are today setting a marker for a process in which we will remain close to and listen to our friends in the EU, because they are people who will compromise and discuss and who will not treat us in the way that we have been treated over the past four years by the UK Government.

The Deputy Presiding Officer: That concludes the debate on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill. There will be a short pause before we move on to the next item of business.

Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill: Financial Resolution

19:31

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-23631, on a financial resolution for the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill. I call Kate Forbes to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Redress for Survivors (Historical Child Abuse in Care) (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.—[*Kate Forbes*]

The Presiding Officer: The question on the motion will be put at decision time.

Parliamentary Bureau Motion

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S5M-23777, on committee membership. I call Graeme Dey to move the motion on behalf of the Parliamentary Bureau.

Motion moved,

That the Parliament agrees that—

Stuart McMillan be appointed to replace Angela Constance as a member of the Committee on the Scottish Government Handling of Harassment Complaints;

Joe FitzPatrick be appointed to replace Stuart McMillan as a member of the Delegated Powers and Law Reform Committee;

Fulton MacGregor be appointed to replace Angela Constance as a member of the Finance and Constitution Committee; and

Joe FitzPatrick be appointed to replace Fulton MacGregor as a member of the Equalities and Human Rights Committee.—[*Graeme Dey*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

19:32

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-23761, in the name of Michael Russell, on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, be agreed to. As the motion is on a bill, we must move to a vote.

The vote is now closed. I encourage any member who believes that they were not able to vote to let me know.

For

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

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Ind)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division in the name of Michael Russell, on the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, is: For 90, Against 29, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the UK Withdrawal from the European Union (Continuity) (Scotland) Bill be passed.

The Presiding Officer: The motion is agreed to, and therefore the UK Withdrawal from the European Union (Continuity) (Scotland) Bill is passed. [*Applause.*]

The next question is, that motion S5M-23631, in the name of Kate Forbes, on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill financial resolution, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Redress for Survivors (Historical Child Abuse in Care) (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.

The Presiding Officer: The final question is, that motion S5M-23777, in the name of Graeme Dey, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Stuart McMillan be appointed to replace Angela Constance as a member of the Committee on the Scottish Government Handling of Harassment Complaints;

Joe FitzPatrick be appointed to replace Stuart McMillan as a member of the Delegated Powers and Law Reform Committee;

Fulton MacGregor be appointed to replace Angela Constance as a member of the Finance and Constitution Committee; and

Joe FitzPatrick be appointed to replace Fulton MacGregor as a member of the Equalities and Human Rights Committee.

The Presiding Officer: That concludes decision time. There will be a short pause before we move on to a members' business debate in the name of Keith Brown, on the £20 universal credit increase. I encourage members who are leaving the chamber to put their masks on, to observe social distancing rules and to follow the one-way systems that are in place around the Parliament.

Universal Credit £20 Increase

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-23242, in the name of Keith Brown, on the £20 universal credit increase. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the decision that was made at the start of the COVID-19 pandemic to temporarily uplift universal credit payments by £20 per week; believes that this has been a lifeline for many people and families over the last few months, including in the Clackmannanshire and Dunblane constituency; understands that more than 50 charities and organisations have signed a letter, co-ordinated by the Joseph Rowntree Foundation, asking for the Chancellor to make the increase permanent; notes the view that the increase should also be extended to legacy benefits, and further notes the calls for the UK Government to extend what it sees as this vital safety net for half a million people in Scotland.

19:38

Keith Brown (Clackmannanshire and Dunblane) (SNP): I welcome the opportunity to have this debate, even at this inauspicious time, after a long day. I am particularly grateful to those members who have stayed behind to debate what is an extremely important matter for so many people in my constituency, across Scotland and across the United Kingdom.

I record my thanks to members who supported the motion to allow the debate to take place. That would be members of the Scottish National Party, the Labour Party and the Greens, and Mark McDonald. One has to wonder about the lack of support from the Lib Dems or indeed the Tories, considering that the last line of the motion, which states that universal credit has been a

"vital safety net for nearly half a million people across Scotland",

is a direct quote from the Tories' leader, Douglas Ross. That is another example of the empty words of their Westminster-based leader meaning nothing to the Tories in this chamber.

It would appear that even the House of Lords supports the terms of my motion. Just last week, the Economic Affairs Committee recommended that the UK Government commit to making permanent the £1,040 per year increase to the standard allowance, which is set to end in spring 2021. Furthermore, the committee said:

"The Government should ensure that those on legacy benefits receive an uplift comparable to that of Universal Credit."

It is worth noting that there is widespread public support for making the uplift permanent. New polling from the Health Foundation and Ipsos

MORI shows that the move is supported by 59 per cent of the public, whereas only 20 per cent oppose it. That builds on the strong public support for the uplift as part of the response to the pandemic, which 74 per cent of people supported.

The £20 per week increase to universal credit, introduced in response to the coronavirus pandemic, has been hailed as a lifeline by a coalition of more than 50 organisations and charities, including the Joseph Rowntree Foundation, Shelter, Oxfam, MacMillan Cancer Support and Barnardo's, which have all urged the chancellor to make the increase permanent.

The increase is a lifeline to more than 470,000 people in Scotland, which includes 5,379 people in Clackmannanshire and 6,850 people in Stirling who are currently claiming universal credit. There has been a staggering 80 per cent increase in the number of claimants since March.

When the increase was announced, the Chancellor of the Exchequer said that he wanted to "strengthen the safety net". To withdraw it in March 2021, when, it can be argued, the economic impact of the pandemic will be hitting many people hard, would be a cruel and terrible thing that would inflict suffering on the number of people that we have talked about—according to the Joseph Rowntree Foundation, the number is around 16 million across the UK. Those people are all from households who are struggling to keep their heads above water in these difficult times.

New modelling from the Joseph Rowntree Foundation shows that 6.2 million families will see an overnight loss of £1,040 next year, and around half a million more people, including 200,000 children, will be pulled into poverty. That will happen at a time when UNICEF has launched a domestic emergency response in the UK for the first time in its more than 70-year history, to help feed children hit by the Covid-19 crisis. It is clear that now is the time to strengthen the welfare safety net and not to weaken it.

Despite repeated calls to expand the £20 weekly increase, it remains unavailable to claimants of legacy benefits, which has in effect created a two-tier social security system that is affecting around 2 million people. Of course, those on legacy benefits are often carers, disabled or suffering from ill health. The Joseph Rowntree Foundation's recent report "The financial impact of COVID-19 on disabled people and their carers" is a sobering reminder of the additional costs that disabled people face. For example, of the people who said in September 2020 that their finances had been affected by the pandemic, 24.6 per cent of disabled people reported having less money available to spend on food, compared to 12.2 per cent of non-disabled people.

In May, the Secretary of State for Work and Pensions, Thérèse Coffey, told MPs that

"it is far more straightforward and ... quick"

to implement the uplift for universal credit and tax credit claimants, because those systems are digital. She claimed:

"It would take quite some time to change the legacy benefits system—I am talking about several months—with the process we have."—[*Official Report, House of Commons*, 4 May 2020; Vol 675, c 425.]

It has now been nine months, and in Scotland we have seen our local authorities adapt and develop their systems within weeks to pay millions of pounds in new and additional grants and support. There is no reasonable excuse for the Government not to extend the additional £20 payment to those on legacy benefits. It should do so immediately, and it should backdate those payments. It is unthinkable not to cast the strengthened safety net to cover that group too.

In times of crisis, it is the job of Government to support and protect those who need it. Throughout the pandemic, millions of people have found themselves caught up in its economic fall-out, which will last way beyond March next year. In fact, I would go as far as to say that those of us who can remember the 1980s will recognise that the uplift is a real investment. For a large number of people, the effect of this relatively small increase will be paid back many times if we can avoid repeating the problem of too many people experiencing the excruciating poverty that was a legacy of the 1980s.

Evidence tells us that increasing the income of people on low incomes stimulates spending in the economy, as they spend it on household necessities and bills and are far less likely to have the ability to save than those on higher incomes. They will buy food, pay rent and pay for their energy costs; they will not buy a yacht in the Caribbean. All that helps the economy: it goes straight back into the economy. The uplift provides a double boost. It enables families to keep their heads above water, and it puts money into the economy at the time when it is needed most.

The Tories have spent 10 years systematically and brutally dismantling the safety net of the welfare system, with their austerity agenda. It is time for them to start rebuilding that safety net, so that it can help people when they need it, now and in future. We can start by making the universal credit increase permanent and extending it to legacy benefits.

19:45

Jeremy Balfour (Lothian) (Con): I thank Keith Brown for bringing this important debate to the Parliament.

We are living in extraordinary times and through one of the most difficult periods that this country has encountered in recent years. The virus has delivered a profound shock to all of us. People have had to deal with illness and the tragic loss of loved ones, and measures to control the spread of the virus have taken away all the normal decision making that we do daily. Covid-19 has reached deep into our lives, affecting people's incomes, jobs and security.

I am therefore very pleased that, during the pandemic, United Kingdom ministers have taken unprecedented measures to protect the most vulnerable and put in place a strong package of financial support to help families and children. The UK Government is spending an estimated £19 billion to support Scotland through the pandemic, protecting nearly a million Scottish jobs and livelihoods through the recently extended job retention scheme and self-employed income support scheme.

I welcomed the decision that the chancellor took swiftly in April to provide a temporary 12-month uplift of £20 per week for people who were eligible for universal credit. That means that claimants have been up to £1,040 better off during the year.

Universal credit is playing a large part in the economic response to the on-going pandemic. The most recent figures from the Department for Work and Pensions show that 500,000 people in Scotland were on universal credit in September 2020. Since March, an additional 213,000 people in Scotland have received support through universal credit.

No one is immune from the impact of the pandemic. Analysis by the Scottish Parliament information centre in May showed that, between March and April, the most deprived were hardest hit, in the context of the unprecedented increase in people claiming unemployment-related benefits. A survey that the Child Poverty Action Group carried out and published last week showed that three quarters of low-income families are finding it difficult or very difficult to manage financially. CPAG found that there is no sign of improvement, as employment loss, the rise in living costs and additional caring responsibilities cause financial strain.

The Secretary of State for Work and Pensions has said that the UK Government is not ruling out continuing the universal credit uplift after March. The Scottish Conservatives welcome that comment.

Keith Brown: I agree with much of what Jeremy Balfour has said so far, the inescapable logic of which is that he should support the extension of the benefit uplift beyond March, when I presume

that the pandemic will be having an even greater effect on people.

Jeremy Balfour: If the member can be patient for a minute, I will clarify my position.

We are concerned that, as the Joseph Rowntree Foundation reports, 700,000 people in the UK could be "pulled into poverty" after April 2021 if the £20 uplift is removed. The JRT said:

"The withdrawal of the uplift will risk sweeping 700,000 more people, including 300,000 more children, into poverty; 500,000 more people could end up in deep poverty".

There were disappointing developments over the weekend. The pandemic is generating a pace of change that is unprecedented. That is why I and the Scottish Conservatives call on the UK Government to extend the temporary increase in universal credit for the foreseeable future, as Mr Brown asks. Throughout the pandemic, universal credit has been a vital safety net for nearly half a million people in Scotland. It would not be fair to take support away from people while the pandemic continues to damage our way of life so keenly.

Douglas Ross, the leader of the Scottish Conservatives, has encouraged the UK Government to make the commitment to extend the uplift as soon as possible, to provide the reassurance that many people are looking for. A £20 uplift may not seem to be a vast sum of money, but it will make a huge difference to a family that receives that support.

My understanding is that it would not be operationally viable to make changes to the legacy benefit systems, whereas digital systems can be changed more simply and quickly. Furthermore, the UK Government's approach has been to target support at those who face the greatest financial disruption. However, claimants of legacy benefits can make a claim for universal credit if they believe that they would then be better off, and there are special arrangements for those in receipt of the severe disability premium, who will be able to make a new claim for universal credit from January next year.

I think that we would all want to thank the DWP and the UK Government for their clear commitment to supporting people through this challenging time, with unprecedented packages of support rolled out for businesses and individuals alike. The universal credit uplift should continue, and the Scottish Conservatives will continue to urge the UK Government to make that commitment.

The Deputy Presiding Officer: Pauline McNeill wanted to take part in the debate, but it appears that we have had a technical problem somewhere along the line. Therefore, I call Bob Doris.

19:51

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I thank Keith Brown for lodging the motion for debate.

At the heart of the motion is an impassioned appeal to the UK Government, urging it to make permanent the temporary uplift of £20 a week for universal credit and to extend that increase to those on legacy benefits.

For many months, I have joined others in urging the UK Government to do the right thing and make the uplift permanent. Like others, I have welcomed the £20 temporary uplift, but have acknowledged that many people moving into the benefit system during the Covid-19 pandemic and facing the additional expenses and hardship that Covid-19 has caused have needed additional funds.

However, let us be clear: the levels of universal credit and legacy benefits were woefully inadequate before Covid-19. Long before Covid-19 hit and afflicted Scotland and the UK, those who were in poverty desperately needed the uplift, and those who may, unfortunately, remain on benefits for some time once—God willing—Covid-19 has passed and been banished will also still desperately need the uplift.

There is simply no argument for removing the £20 uplift. Removing it would push 60,000 people in Scotland into poverty, including 20,000 children. Hundreds of thousands of Scotland's lowest-income households would lose more than £1,000 a year. Those households simply cannot afford that. Removing the uplift would also push up child poverty rates in Scotland by 2 per cent. The poorest 10 per cent of the population, who are already struggling, would lose 6 per cent of their average income.

We should contrast that with the Scottish Government's approach. The Scottish child payment is being rolled out, for under-sixes in the first instance, from February next year. The first phase will benefit 194,000 children in Scotland by ensuring that they receive £10 a week. That is an investment of £77 million in our lowest-income households. When fully rolled out, the investment will be £184 million, and half a million children will benefit.

The Scottish Government is directing our resources, as it should, at tackling child poverty. If the UK Government does not retain and extend the £20 universal credit uplift, that would be a direct assault on low-income households during these most challenging times.

In the time that I have left, I will say a little about food need and connect that back to the £20 uplift. Food bank usage has rocketed in recent years. I thank the individuals and groups that have

addressed food need directly during the Covid-19 pandemic. They include Young People's Futures, North United Communities, Love Milton, Royston Youth Action, the G20 youth festival, Lambhill Stables, the Partick Thistle foundation, several local churches and housing associations, and many more. They directly meet food need rather than ask for referrals.

Before Covid-19, my office was open to the public—unfortunately, it cannot be open currently. Individuals used to come to my office to seek a referral to a food bank that ran a referral process. They would often talk about the five-week wait being the reason why they needed a referral—or sanctions, some other delay, being short of income or some other reason.

The main reason why folk came to me in need of food was the low level of benefit payments. They simply did not have enough money to live on. The UK Government should think about that and should make the £20 increase permanent.

Mims Davies, the UK Government minister who is responsible for some for this, came to the Social Security Committee, which I chair, and said that she was keeping that under review. That is welcome, but the reality is that the UK Government is embarrassed by the state that the welfare system is in. Hundreds of thousands—in fact, millions—of people who have never before used the welfare system or relied on benefits are now engaging with it. The UK Government is embarrassed by the state that that system is in for new claimants, but it should also be embarrassed about that for everyone else who has been stuck for too long on benefits.

The £20 per week increase should be made permanent. I thank Keith Brown for lodging the motion.

19:56

Mark Griffin (Central Scotland) (Lab): I welcome the debate that Keith Brown has brought to the chamber. Like people in every other constituency and region, those in Central Scotland have seen the social security safety net that was created by the Labour Government ripped from beneath them by the Tories. That is what the Tories do: through welfare reform, austerity and Brexit, the Tories have set out to erode the protections secured by Labour Governments to support people throughout the country.

Let us look at what the Tories have achieved in office: the rights of disabled people have been systematically violated; pensioners shiver in their homes; women have seen their pensions cancelled as they approached retirement; parents rely on food banks to feed their kids; and workers

do not know whether they will have jobs after Brexit and the pandemic.

The universal credit system is a national catastrophe. It is set up to treat our neighbours, families and colleagues as skivers and scroungers, and it has pushed people to the brink. The system is set up to cut and to harm.

Members should not take my word for that; the Tories have acknowledged it through their actions. The £20 universal credit top-up is an acknowledgement that the level was never enough for people to survive on, although it was deemed enough to punish those who were already on benefits. Yet, somehow, those who became unemployed during the pandemic were seen as worth more by the Tories—although only £20 more. That is a desperate state of affairs.

At its heart, universal credit is a cruel system that is designed to harm and penalise people. It swallows up tax rebates, and people wait weeks for payments. Students are sent demands for thousands of pounds because the Department for Work and Pensions has not processed the information that they have given it. Powers to write off bills that were caused by Government ineptitude have been scrapped. Anyone who works and is on universal credit suffers an effective tax rate that is higher than that paid by millionaires.

The tax credits system, despite its failings, was far better than that. People could keep a pay increase and their award; if they had savings, they could keep them, too. That system lifted hundreds of thousands of kids and their parents out of poverty. When the Government made mistakes with claims, it was the Government that paid, not struggling families. Pension credit lifted 110,000 Scottish pensioners out of poverty.

When Labour was in government, it created a safety net to support people from cradle to grave. Universal credit does not support people from cradle to grave. The third baby in a family—the third baby in that “cradle”—gets no support unless the mother goes through a humiliating process to apply for support under the rape clause. I cannot think of a worse policy than the two-child cap.

I have three siblings—a brother and two sisters. My dad was a welder and had to give up his job because he was diagnosed with heart disease in his 30s. If it was not for child benefit, how would my parents have coped? My family never planned for my dad to become too sick to do his job, just as families today have not planned for mass unemployment caused by a global pandemic.

The two-child cap is an appalling policy that pushes children into poverty just because they have more than one sibling. It must be ditched, along with any decision to reverse the £20 uplift in

universal credit. I ask members to support that vital campaign.

The Deputy Presiding Officer: I call Shirley-Anne Somerville to respond to the debate. You have around seven minutes, cabinet secretary. [*Interruption.*] The cabinet secretary appears to be muted; we will try and sort that out. I wonder whether anyone would like to give us a song or a poem. [*Laughter.*]

We are checking with the technical team to see what the best course of action is. Cabinet secretary, if you make some noise, we will know whether we have you. [*Interruption.*] I am afraid that we do not.

I will suspend for a short time until the cabinet secretary logs out and back in again—we will see whether we can pick her up.

20:01

Meeting suspended.

20:04

On resuming—

The Deputy Presiding Officer: Order. We will recommence. I call Shirley-Anne Somerville to respond to the debate.

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Thank you, Presiding Officer. It is a relief that the technology is working. I appreciate that everyone has had a long day.

I begin by thanking Keith Brown for bringing the debate to the chamber. It is an important debate because it will make a real difference to the lives of many people across Scotland, whether or not the campaign to ensure that the £20 uplift is made permanent.

We are all too familiar by now with the long list of failings of universal credit. Even before the pandemic, its punitive policies, including the five-week wait, the benefit cap, the bedroom tax, the two-child limit and, as Mark Griffin so eloquently stated, the rape clause meant that universal credit was clearly failing the people who it was designed to support and was driving more people into poverty. Combine that with a decade of cuts to the United Kingdom Government’s welfare system that have left key benefits at subsistence level, and there is no denying that the uplift was needed long before the crisis that we face happened, as Bob Doris said in his speech.

It is clear that the majority of members understand the senseless harm that would result if the UK Government cut this vital support at this time of crisis, which is why the change needs to be

permanent. There is overwhelming evidence that failing to retain the uplift will deepen existing inequalities and push more people into destitution.

As a few members have stated, a devastating impact will be felt far and wide here in Scotland. A report published by the Scottish Government last month showed that, if the UK Government continues with its plans to withdraw this support in April 2021, it will plunge more than 60,000 people in Scotland, including 20,000 children, into poverty. The same analysis also showed that, although a failure of the UK Government to maintain the uplift would be felt by all groups who need that vital support, it would disproportionately affect single parents, most of whom are women, families with children, and families not in employment. It is simply not right that people have to go without essentials such as food and electricity during this crisis. That would wreak havoc on individuals and hinder Scotland's recovery.

That is not just a view of the Scottish Government but, as Keith Brown said in his opening remarks, it is also the view of the Joseph Rowntree Foundation and many others. They have come to the same conclusion: that the removal of the uplift is wrong.

Given those sobering warnings, it is perhaps no wonder that calls for the UK Government to permanently retain the uplift are increasing, including from across the political spectrum, the Work and Pensions Committee, the Treasury Committee, and the House of Lords Economic Affairs Committee.

To be blunt, Presiding Officer, there is no conceivable scenario in which this uplift will not continue to be necessary. The pandemic has exposed and exacerbated existing shortcomings with the UK Government's welfare system. I have written to the Secretary of State for Work and Pensions on no fewer than five occasions since March, calling upon the UK Government to make a range of urgent fixes to its benefits, including retaining the £20 per week uplift and extending it to legacy benefits.

I have also repeatedly urged the UK Government to address the other well-known issues with universal credit that I mentioned in my earlier remarks. Here in Scotland, we do not have the powers to make those changes ourselves, otherwise we would. Despite having only 15 per cent of social security spending, the Scottish Government has introduced an unprecedented level of support through the pandemic, making sure that we targeted new assistance to get help to where it was needed the most. We have committed more than £500 million of investment to social protection, and have strengthened local resilience with more than £200 million of

consequential funding. More than that, we have worked tirelessly to maintain our commitment to delivering the Scottish child payment.

That is why it makes it all the more galling to know that a family with two children, receiving Scottish child payment totalling £1,040 per year, will not feel the benefit of it if their annual universal credit award is reduced by the same amount a month later.

This demonstrates the core challenge of the current devolution settlement and how it hampers our ability to effectively and genuinely support people in need through social security. The UK Government must therefore show the same commitment by making universal credit into the system that it was meant to be—one that supports people instead of holding them back. It can start by doing the right thing, as set out in the motion in Keith Brown's name, and committing to making that £20 uplift to universal credit and working tax credits permanent and extending the same support to those who are on legacy benefits.

I am delighted that, in our Scottish Parliament tonight, Keith Brown has once again shone a light on an issue that is important for people right across Scotland.

Meeting closed at 20:09.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba