



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 10 May 2022

Session 6



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MINERS' STRIKE (PARDONS) (SCOTLAND) BILL: STAGE 2 1

EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
13th Meeting 2022, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Pam Duncan-Glancy (Glasgow) (Lab)

*Pam Gosal (West Scotland) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Keith Brown (Cabinet Secretary for Justice and Veterans)

Richard Leonard (Central Scotland) (Lab)

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 10 May 2022

[The Convener opened the meeting at 10:03]

Miners' Strike (Pardons) (Scotland) Bill: Stage 2

The Convener (Joe FitzPatrick): Good morning and welcome to the 13th meeting in 2022 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies.

We are joined today by Richard Leonard MSP and the Cabinet Secretary for Justice and Veterans, Keith Brown MSP, and I welcome both to the meeting. I also welcome those who have joined us in the public gallery.

Our sole agenda item is stage 2 consideration of the Miners' Strike (Pardons) (Scotland) Bill. Members should have a copy of the marshalled list and the groupings for debate.

I aim to complete our consideration of stage 2 amendments today. If votes are required, I will call for yes votes first of all, then for no votes and then for abstentions. Clerks will collate the votes and pass the results to me to read out and confirm. We will take the stage 2 process slowly so that we have time to manage it properly.

I remind the cabinet secretary's officials that they cannot address the meeting at this stage, although they can communicate directly with the cabinet secretary. Finally, I ask everyone around the table and in the public gallery to ensure that their electronic devices are switched to silent mode.

I hope that that is all clear. Let us make a start.

I should say that, at the bill's introduction, the Presiding Officer determined that a financial resolution was not required. However, under rule 9.12.6C, the Presiding Officer has determined that the costs associated with amendment 16 would exceed the current threshold for a bill to require a financial resolution. As far as our stage 2 proceedings are concerned, therefore, amendment 16 may be debated but, in the absence of a financial resolution, may not be agreed to.

Section 1—Pardons for miners convicted of certain offences committed during miners' strike

The Convener: The first group of amendments is on qualifying individuals. Amendment 1, in the name of Keith Brown, is grouped with amendments 4, 4A, 4B, 13, 6, 7, 14 and 8.

The Cabinet Secretary for Justice and Veterans (Keith Brown): The intention behind amendments 1, 4, 6, 7 and 8, when taken together, is to try to broaden eligibility for the pardon to a person who was convicted of a qualifying offence that is related to the strike and which meets the other conditions of eligibility, and who, at the time of the offence, was a miner or lived in the same household as a miner. The term "miner" is already defined in section 4.

I should say that, with these and other amendments, we have attempted to address and reconcile issues that the committee has raised and to stay true to the original spirit of reconciliation that the review, led by John Scott, spoke of. We have listened to what the review and this committee have said.

Amendment 1, which seeks to amend section 1 by replacing the reference to "miner" with "qualifying individual", is linked to amendment 4, which seeks to introduce a definition of "qualifying individual". Amendment 4, which is the principal amendment in the group, would broaden eligibility to those close enough to be directly affected by the strike and its impact on a mining household of which they were part. That would, of course, cover spouses, dependants and other family members.

Amendment 6 defines the term "household" as "a group of people living together as a family or other unit (whether or not related) in a private dwelling, who ... share living accommodation and cooking facilities"

with a miner as currently defined in the bill, and whose dwelling was

"their only or main residence".

Amendment 7 is a consequential amendment to the definition of "miner" in section 4, while amendment 8 makes a consequential change to the bill's long title.

Ultimately, as I said, those amendments in my name are intended as a positive response to the committee's recommendation in its stage 1 report that the Scottish Government consider extending the range of people who could qualify for the pardon, particularly to family members of miners.

I will address amendments 4A and 13. Amendment 4A, in the name of Pam Duncan-Glancy, seeks to amend my amendment 4 by replacing the words

"member of the same household as"

with the words "family member of". It is linked to amendment 13, which seeks to define the term "family member". I recognise the intention behind

the member's amendments, given the committee's recommendation in its stage 1 report, and I look forward to the member's explanation of why the definition that she has put forward is preferable to my definition of household member.

I have some concerns about the amendment. The proposed definition requires further consideration, given that it seeks to extend eligibility to a considerable number of family members of a miner. The risk is that the amendment could have the unintended consequence of diluting the effect of the pardon for miners and—if the committee were to agree to my amendment—the immediate members of their households, who are arguably the people most likely to have been directly affected by the impact of the strike on the household.

I also sound a note of caution with regard to the broader formulation of the family connection as suggested by the member. Amendment 13 is not consistent in its treatment of different family members. For example, should "sibling" include half-siblings and step-siblings? The term "step-parent" implies a legal marriage and would not cover the living partner of a parent. Should step-grandchildren be included? Does "cousin" also cover first and second cousins? Why is "cousin" included but not "uncle", "aunt", "niece" or "nephew"? The amendment also refers to

"an individual ... in a civil partnership with ... a miner",

but such partnerships did not exist at the time of the strike. Moreover, the member's definition of "family member" includes only that list, and it is not clear how much further the definition would extend. I will be interested to hear the member elaborate on that.

Amendment 4B also seeks to amend amendment 4 and I think that I have covered that point. I recognise the intention of the member's amendments, given the committee's recommendation, and I look forward to hearing the member's reasoning as to why these amendments are considered to be more appropriate.

I note also that the definition of "supporter", in amendment 14, includes only the categories of people listed. However, the definition is not limited to those groups, so, again, it could be very hard for an individual to determine just how far eligibility for the pardon would extend if the amendments were accepted. As I have said previously to the committee, there is a real need for clarity so that those who are eligible for the pardon know that they are eligible—that should be straightforward. It is also necessary that eligibility is not diluted such that it negates the impact of the pardon for miners. There is a risk—it could be argued that it is a greater risk—that amendment 4B could have the unintended consequence of diluting the effects of

the pardon for miners and those closest to them. Again, I sound a note of caution.

I move amendment 1.

The Convener: Thank you, cabinet secretary. I ask Pam Duncan-Glancy to speak to amendment 4A and the other amendments in the group.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning to the committee, the cabinet secretary and all those who have joined us in the public gallery.

I will start by moving the amendments in my name, in case I forget at the end. I move amendments 4A, 4B, 13 and 14 in this group—

The Convener: I will call for amendments to be moved or not moved later in the proceedings.

Pam Duncan-Glancy: Thank you for that clarification, convener. I thought that I had better take a belt-and-braces approach.

I will cover some of the points that the cabinet secretary has raised, because a number of them are legitimate concerns. I would be willing to work with the Government at stage 3 to tidy up some of the amendments, provided that we could address what I intend my amendments to do.

The strike was, as is the case for many of us in this room, a feature in our household, although I was quite young at the time—three or four years old. What it did to miners and their allies was always spoken about in our home as an example of the maltreatment of workers who should not have had to fear for their livelihoods or fear being criminalised just for standing up for workers' rights. I would have stood in solidarity with them then, as I would now. I think that we can all agree that they were treated awfully.

The rights to protest, to organise, and to rise up and give workers a voice must all always be protected—then, now and always. That is why I stand in solidarity with those who are striking now with the University and College Union and the National Union of Rail, Maritime and Transport Workers—the RMT—and with the P&O workers. It is also why I spoke up when Glasgow City Council threatened to bring in agency workers when the cleansing workers went on strike. No intimidation of that sort is acceptable. An attack on one is an attack on us all, and we must always be on the side of workers.

The committee has heard compelling evidence from miners, which was incredibly moving. Communities were ruined. Families and friends turned against one another. Pensions were lost. Jobs were snatched away illegally. We also heard evidence from the police, which I have to put on record that I felt was at odds with the evidence from miners, and I found it hard to reconcile that.

In short, we welcome the Government's intentions for the bill. We welcome the pardon and the extensions that the cabinet secretary's amendments have proposed. We also welcome the support for things such as the Coalfields Regeneration Trust, but again we note that a number of communities still have not recovered.

My amendments 13 and 14 are consequential to amendments 4A and 4B and provide definitions. I would be more than happy to discuss those definitions in detail, cabinet secretary, because it certainly was not my intention to exclude some family members in the way that you have described. If the Government were prepared to work on that definition at stage 3, I would be prepared to do that.

The reason why amendments 4A and 4B are important is that it was not just the people who lived in the same household who were affected by what happened to miners. It was also their family, their friends and those who stood in solidarity with them. That is why my amendments seek to broaden the definition beyond those who were in the household to other family members and friends who stood in solidarity with the miners.

As I said, I was quite young at that time, but if I may imagine the way that strikes go: you bring your household at times, but you also bring your family and friends. You bring your trade union colleagues and those who are standing in solidarity with you. That was the intention of both amendments 4A and 4B, and in particular of amendment 4B's inclusion of the supporters of miners. It is incredibly important that workers know that they can have the support of other people standing in solidarity with them in the future, and that the people who did that during the miners strike know that they too can be pardoned for their part because of the way that they were treated.

We heard persuasive evidence that the strike was particularly difficult for women—the wives and daughters of miners—who took on huge responsibilities during the strike. Again, far from diluting the cabinet secretary's amendments, I feel that my amendments would strengthen the bill by broadening the pardon to those people, whose lives were also completely ruined.

The Government's amendment 1 seeks to take into account what the committee said and we support and welcome it, but it should be extended to include everyone who stood in support of the miners, family or not. Ultimately, the bill is about historical injustices and we need to send a solid message that that sort of treatment of workers should never be tolerated again. I believe that the amendments in my name do that by broadening the scope of who would be pardoned. I will potentially move the amendments, but not right now.

10:15

The Convener: Thank you—we will get to it.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I welcome the panel and the people in the public gallery. It is good to see folk back there after such a long time. I hope that Willie Doolan from my constituency does not mind if I give him a special shout-out. He has been a real stalwart for the Auchengeich mining community in Moodiesburn.

I welcome the debate and that the cabinet secretary has responded to the committee's recommendations in broadening the scope of the definition of who would be a qualifying individual. As Pam Duncan-Glancy said, we heard strong and compelling evidence on that. I am very much minded to support the Government's amendment, which I think is a major step forward.

I also support the principle of Pam Duncan-Glancy's amendments, but I heard what the cabinet secretary said about the difficulties that might be involved. I would back up Pam Duncan-Glancy's ask of the cabinet secretary at this stage, which is to work with the Government before stage 3. I hope that the cabinet secretary will respond to that. Rather than moving her amendments at stage 2, taking them forward into stage 3 might be a sensible solution. However, the amendments that have been lodged by Keith Brown at stage 2 are certainly a fantastic step forward and they definitely add value to the bill.

Alexander Stewart (Mid Scotland and Fife) (Con): I am happy to be involved with the bill. It is quite small and it does not offer a huge opportunity to be extended, but I recognised and understood what the cabinet secretary said about the extension of the pardon to household family members and the changes to qualifying individuals in his amendments 1 and 4, and I concur with the cabinet secretary on those.

I note what Pam Duncan-Glancy said about her amendments, but I believe that there should be further discussion on where to take those. They broaden the definition to a level that the bill perhaps does not encapsulate, so more discussion and dialogue is needed on that going into stage 3.

I also believe that cabinet secretary Keith Brown's amendments 6, 7 and 8 provide more clarity on how we would manage the process and am, therefore, content to accept the amendments at this stage. The other amendments could potentially progress into the next stage, so that more clarity can be sought and discussed.

Maggie Chapman (North East Scotland) (Green): I thank everyone for coming, especially the people in the gallery. I also thank everyone

who contributed to the work of the committee in drafting the stage 1 report, which we discussed in the chamber a few weeks ago.

On behalf of the Scottish Greens, I, like others, really welcome the bill. It is a whole-hearted welcome, but one that is tinged with sadness. I wish that the bill had come years ago and that it covered the whole of the United Kingdom, not Scotland only. I hope that other legislatures in the UK will follow suit.

I agree with comments that others have made around the importance of standing in solidarity with trade unions and with workers who are on strike and who are seeking to improve conditions for themselves and for those who come after them. The bill allows us not only to express that solidarity but to take stock of where things have gone wrong in the past. In itself, the pardon is very important.

I thank the cabinet secretary for the work that he has put into the amendments that we are discussing. As a committee, we have pushed him into lodging some of those amendments and that shows that it has been a positive, constructive discussion. I thank him for that. I am more than happy to support the amendments in the cabinet secretary's name.

I thank Pam Duncan-Glancy for the comments that she made in relation to her amendments. I hope that over the next few weeks we can talk about how we incorporate the spirit of what she is trying to achieve in those amendments at stage 3. However, this morning, I will support the amendments in the name of the cabinet secretary.

Keith Brown: I endorse some of the comments that have been made, not least those made by Pam Duncan-Glancy, on the strike. For my part, I was not on the picket line but I supported the strike when I was a student—in the various ways that students support such things. Those that have done that will understand what I mean.

I represent a constituency in which there is a substantial number of ex-miners. Some of them have only recently become ex-miners, because Longannet, where many people who live in my constituency were employed, is just outside the constituency boundary. It is also true that I was on strike in the 1980s, in a different context. I valued the solidarity of the other trade unions and different people at that time. I am very alive to that, and I am sure that there is no intention on Pam Duncan-Glancy's part to dilute the provisions, although that would be the effect of her amendments.

I have always believed that it was the miners themselves who were the most disproportionately affected by the stigma and often unforeseen consequences of being convicted. Therefore, it is

appropriate that it should be the miners who are pardoned if they consider that the eligibility criteria have been met. In my view, that also applies to the loved ones of those miners who are sadly no longer with us—they should be pardoned posthumously.

As Maggie Chapman said, I have extended the categories of people, having listened to what the committee had to say. However, to extend that further in the way that is proposed would start to dilute the provisions, introduce ambiguity, and create uncertainty in the minds of those who are eligible for the pardon.

It has been mentioned on several occasions that there is a lack of records that survive, given the passage of time. There are contesting views and accounts of the events during the strike. The committee will know that, having heard the very powerful testimonies of those who provided oral and written evidence at stage 1.

The report of the independent review group recommended that there should be a pardon for the men who were convicted and there is no robust evidence to suggest that any women or young people were convicted. Therefore, I recognise that there will always be a degree of uncertainty about how many individuals living in the same household as a miner were convicted during the strike. My amendments would broaden eligibility to such individuals that consider that they meet the qualifying criteria for the pardon. In so doing, the amendments seek to address one of the concerns that the committee raised.

I trust that the committee recognises that the amendments in my name are a genuine attempt to broaden eligibility to those who lived in the same household as a miner, close enough to be directly impacted by the strike, and who were convicted for actions that they took as a result of that impact.

Amendments 4A and 13 highlight the challenge of drafting a definition of “family member” that works in the context of the strike. I am willing to consider the matter further but I cannot support amendments 4A and 13 in their current form. I ask the member not to move amendments 4A and 13 at this time.

Amendments 4B and 14 require further careful consideration. I undertake to give them that consideration, in particular to clarify and set boundaries on the relationships that are covered by the term “supporter”. However, I cannot support amendments 4B and 14 in their current format, and I ask the member not to move them at stage 2.

Amendment 1 agreed to.

The Convener: The second group of amendments is on qualifying conduct. Amendment

2, in the name of the cabinet secretary, is grouped with amendments 3, 3A, 9 to 11, 15, 12, 17 and 5. Please note that, as amendment 3 pre-empts amendments 9, 10, 11, 15 and 12, I cannot call those amendments if amendment 3 is agreed to.

Keith Brown: Amendments 2 and 3 are a response to the committee's recommendation that the pardon be extended to offences that occurred in the community instead of its applying only to offences in the context of

"a picket, demonstration or ... similar gathering".

Amendment 5 adds theft to the list of qualifying offences, with an additional eligibility criterion created in relation to that offence.

Amendment 3 is quite complex—I apologise for that, convener. It amends section 1 by removing the original conditions A and B and replacing them with differently worded conditions A and B and new condition C. Replacement condition A broadens the scope of where and the context in which qualifying offences might have taken place under the condition, by providing that the conduct that gave rise to such an offence must have occurred while an individual

"was engaged or participating in ... activity"—

including "ancillary" activity, such as connected travel—either in support of or in opposition to the miners' strike. That replaces the narrower reference to

"picket, demonstration or ... similar gathering"

in the current version of condition A. Replacement condition A also specifies that any activity that occurred

"for a reason unrelated to the miners' strike",

such as "a personal matter", is excluded from the scope of the pardon.

Replacement condition B provides that conduct that

"occurred in response to conduct that meets condition A"—

well done if you can follow that, convener—is also included within the scope of the pardon. The intention is to cover both parties to an altercation in the community where, for example, strike-related abusive comments made by one party are responded to with more general threats or insults by another. Replacement condition B also specifies that any activity that occurred

"for a reason unrelated to the miners' strike"—

for example, "a personal matter"—is excluded from the scope of the pardon.

Amendment 3 also introduces new condition C, which sets out that conduct that gave rise to the offence of theft is covered by the pardon if it occurred

"because of economic hardship arising from participation (whether by the individual or another person) in the miners' strike".

The economic hardship referred to in condition C could be either the hardship suffered by the person convicted of the theft, or the hardship of another person, which was to be relieved by the item which was stolen—for example, a member of a striking miner's household who stole an item in order to relieve the hardship of another member of the household.

Amendment 2 amends section 1, so that conditions A or B apply only to the qualifying offences of breach of the peace, an offence under section 3 of the Bail etc (Scotland) Act 1980 on breach of bail conditions, and an offence under section 41(1)(a) of the Police (Scotland) Act 1967 on obstructing the police. It also amends section 1(1)(b) of the bill so that new condition C applies only to the qualifying offence of theft. That is required, because theft is not activity supporting or opposing the strike, or a direct response to such activity, and therefore the offence needs a separate eligibility criterion. Ultimately, the second group of amendments seeks to respond positively to the recommendation in the committee's stage 1 report that the Scottish Government consider extending the pardon to convictions for qualifying offences that occurred in mining communities.

I now turn to amendment 3A in the name of Pam Duncan-Glancy, which seeks to replace the reference to "supporting or opposing" proposed in amendment 3 in my name with a broader reference to "relating to" the strike. I am not sure on what basis that wording is considered to be preferable to the wording that I propose in amendment 3, and I look forward to hearing the explanation for that. I also sound a note of caution: the broader formulation suggested by amendment 3A is rather vague and might create uncertainty that could make it harder for people to self-assess whether they qualify for the pardon.

I will turn briefly to amendments 9, 10, 11 and 12, lodged by Alexander Stewart. Taken together, the amendments seek to remove all references to "other similar gathering" from section 1. Given that amendment 3 in my name removes that wording from the bill, I consider the amendments unnecessary. In a similar vein, amendment 15, in the name of Pam Gosal, seeks to remove references to "intended participation, or" in section 1(3)(b). Amendment 3 would also remove that wording.

Amendment 17, in the name of Richard Leonard, amends section 2 of the bill to make an offence under section 7 of the Conspiracy and Protection of Property Act 1875 a qualifying offence. I fully recognise the member's wish to include in the pardon an offence that some would

argue is not dissimilar to the sort of conduct associated with a breach of the peace, but I continue to have concerns about the proposal, given the violence and intimidation aspects mentioned in the 1875 act. A conviction under that act could cover a wide spectrum of behaviour relating to attempting without legal authority to compel another person to support the strike or not to go to work—for example, the use of violence to intimidate another person or their family or to damage their property.

I am willing to consider the matter further, and I am also happy to discuss directly with the member the wording and basis of the amendment. I should say that further anecdotal evidence indicates that there were 16 convictions for that offence, all of them in Strathclyde, with a maximum fine of £50. Today, however, I urge members to carefully consider whether such behaviour might cross the line between supporting industrial action and intimidating a miner who chose to work, or even intimidating their family. As I have said, I am willing to have further discussions with the member on the issue.

I move amendment 2.

10:30

Pam Duncan-Glancy: I will start with amendment 3A in my name. We are very happy to support measures that will broaden the bill's scope, particularly the offences that are covered by it, but we believe that including in the bill offences that were committed by those who opposed the strike sends the wrong message and might even go against the spirit of the proposed legislation.

We prefer the wording “related to”, because it recognises that we are trying to support miners, not necessarily people who were opposed to the strike. We feel that amendment 3A tidies up the bill in that regard and is more in the spirit of what is intended through the bill. We are, for those reasons, more comfortable with the phrase “related to” as opposed to “supporting or opposing”.

On amendment 17, we welcome the fact that the Government has extended the convictions to include theft, and we believe that amendment 17 will reinforce the Government's extensions in that regard. Moreover, as the amendment covers offences that are more specifically related to those that happened in industrial actions, we think that it relates directly to what the Government seeks to do through the bill.

We will not be able to support amendments 9, 10, 11, 15 and 12, as they narrow the scope of the bill further.

Alexander Stewart: Amendment 9 in my name looks at the wording of the bill. As has been indicated, there is a vagueness and lack of specifics with regard to the phrase “similar gathering”, and that kind of imprecision might lead miners and their families to mistakenly believe that they had been pardoned for participating in events not covered by the bill. Amendments 10 to 12 are of a similar nature.

As for other amendments in the group, amendment 2 in the name of Keith Brown clarifies that theft “meets condition C”. That condition is set out in amendment 3, which improves the clarity around who will be pardoned and also widens the scope of the pardon. Pam Duncan-Glancy's amendment 3A slightly changes the drafting of amendment 3. As it appears to be a slight improvement, we will support it.

Amendment 17 seeks to widen the offences under section 7 to cover violence and intimidation and damage to property. I am unhappy and concerned about the process in that respect, and perhaps Richard Leonard will give us some more clarity on that when he speaks to the amendment. At this stage, I am a little concerned about how the process of what the amendment seeks to do would be managed, so I look forward to hearing what the member has to say.

Finally, I note amendment 5, which works with previous amendments to include theft as a qualifying offence when committed as a result of economic hardship due to unfair conditions.

Pam Gosal (West Scotland) (Con): I support amendments 2, 3 and 5 in the name of the cabinet secretary, as they improve clarity around who will receive a pardon as well as widen the scope of the pardon appropriately, even if that is likely to affect only a small number of people.

The bill, as introduced, contains some ambiguities around qualifying conduct. As a result, I have lodged amendment 15, which, alongside amendments 9, 10 and 11 in the name of my colleague Alexander Stewart, seeks to remove some of the potential for the bill to be misinterpreted and for an individual to mistakenly believe that they have received a pardon. As the improved drafting in amendment 3, in the name of the cabinet secretary, will also achieve that goal, I am happy to support that amendment, regardless of the fact that it pre-empts other amendments in the group.

Richard Leonard (Central Scotland) (Lab): I thank the committee for giving me the opportunity to speak to amendment 17, and I welcome those who have joined us in the public gallery. We are, in the end, a people's Parliament, and we need to listen to and reflect the views of the people who send us here.

Amendment 17 seeks to add to those pardoned, miners who were convicted of an offence under section 7 of the Conspiracy and Protection of Property Act 1875. The date reminds us that that law is quite archaic; it is a law from Victorian times that goes back to the days when the Prime Minister was Benjamin Disraeli. It was introduced following a gas workers' strike in 1872 and, at the time, its intent was to remove the criminal law and the crime of conspiracy from employment relations.

However, the truth of the matter is that the act was very, very rarely used in the 20th century. One of the most notorious occasions of its use was in connection with the Shrewsbury pickets in 1973; the people involved included Des Warren and Ricky Tomlinson, who, just last year, had their criminal convictions overturned in the Royal Courts of Justice. That is one reason for many people thinking that the 1875 act is quite a discredited piece of legislation. Amendment 17, therefore, attempts to iron out a wrinkle in the legislation and to improve it.

However, I am quite clear that the amendment also tackles an inequality, an injustice and a form of discrimination that appears to have been at work, given that it was only miners who lived in the Strathclyde area who were convicted under the 1875 act. As the cabinet secretary has said, according to the best records that we have, 16 people were charged with the offence in Strathclyde, and the maximum fine that was received was £50. That suggests that the activity did not include the acts of violence that have been referred to. If the activities that the people charged under the 1875 act were involved in had taken place elsewhere—in Fife, Clackmannanshire or the Lothians—those people would have been convicted under breach of the peace, and they will therefore be granted pardons as a result of the bill. The 1875 act covers public offences in the same way that breach of the peace does. It is a statutory form of breach of the peace, and it is equivalent.

Reference has been made to the language in the 1875 act. Section 14 of the Public Order Act 1986 talks about the police being given the right to disperse crowds if there is

“intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do”.

The word “compelling” is contained in both acts. My concern is that those in Strathclyde who were charged under one act will not be covered by the pardon, while those charged under an equivalent act in another part of Scotland will be. In difficult circumstances—after all, the bill relates to events that happened 37 or 38 years ago—we are all attempting to ensure that the bill is the best that we can make it.

I am clear that amendment 17 needs to be incorporated into the bill, because, in my view, it would be irrational and unjust not to include it.

Fulton MacGregor: I welcome the amendments that have been lodged, particularly those by the cabinet secretary. They reflect the evidence that the committee heard on expanding the types of crimes that are covered, and it is good to see that the Government and the cabinet secretary have listened to what the committee has said.

I especially note the introduction of new condition C, which brings real additional value to the legislation. We have heard about the financial impact on mining families, miners and, of course, communities. If Willie Doolan does not mind my saying, Moodiesburn is an example of a place where the community has still not fully recovered. Including in the scope of the bill individuals who perhaps committed a financial crime to relieve financial suffering is an absolutely fantastic move forward, and I will certainly support that and all the Government amendments.

I know that some of the other amendments that Alexander Stewart and Pam Gosal lodged are likely to be superseded by Government amendments. The Government has already given clarity on those matters.

Given what he said, I have a lot of sympathy for Richard Leonard's amendment 17. My constituency would previously have been covered by the old Strathclyde region, and it seems strange and odd that only people in Strathclyde were convicted of an offence under this particular legislation. However, I have listened to what the cabinet secretary has said and have heard his very clear offer to Richard Leonard to sit down and work with him ahead of stage 3. When he was making that offer, I saw Richard Leonard nodding his head. It seems to be a sensible solution to get a bit more clarity on that issue. If only folk in Strathclyde have been convicted of those offences, I am not happy, and I know that the cabinet secretary will not be happy, either.

Keith Brown: When we first proposed the bill, it went further than John Scott's committee had recommended in a number of respects—and, at this stage, we are going further than this committee suggested in a number of respects. I have taken into account the committee's view, but I think that limits have to be set, as we could start to devalue the impact of the pardon.

I hope that the committee recognises in my amendments 2 and 3 a genuine attempt to broaden eligibility in a way that is relatively easy for people to understand and which does not dilute the value of the pardon. That might sound fairly abstract, but I do not think that it is fairly abstract to miners or the families of miners who will get the

pardon. I think that they will want to know that it has a value that they can identify.

I have tried to address the issues that the committee is concerned about. Amendment 5 recognises that the offence of theft—for which, as I understand it, there were only three convictions—was an act of desperation for people who were very hard pressed during the strike. We have changed our view on that. I cannot say for certain, but I think that three women, all in Ayrshire, were involved. I cannot say, because the records are not there, but it is not hard to imagine that it happened as a result of economic hardship and having to look after families. That is why we have changed our view on that.

As I have said, I cannot support amendment 3A in its current format, because I believe that it would introduce uncertainty. Amendment 3 in my name makes clear the context of the purpose of the activity that a person

“was engaged or participating in”

or responding to during the miners’ strike, with personal matters expressly excluded. I note Pam Duncan-Glancy’s point about the bill covering only those in support of the strike, but we have discussed that issue with the National Union of Mineworkers and others, and they are perfectly comfortable with what we have proposed. Somebody who was against the strike has to be covered for the same behaviours as those who were for it. That is what we need if we are to have any real attempt at reconciliation—which, as I think Pam Duncan-Glancy has said, is a hard thing to do. As I have said, the NUM is perfectly comfortable with that approach. I have listened to Pam Duncan-Glancy’s explanation and I think that there is merit in giving it further consideration; however, it requires further work ahead of stage 3, so I ask her not to move amendment 3A at this time.

For the reasons that were set out previously, I ask Alexander Stewart not to move his amendments 9, 10, 11 and 12 if my amendment 3 is agreed to. In any event, they will, as the convener has said, be pre-empted. For similar reasons, I ask Pam Gosal not to move amendment 15, but I think that she has conceded the point that that amendment would be superseded, too.

I continue to have concerns about Richard Leonard’s amendment 17, given the aspects pertaining to the use of violence and intimidation that are mentioned in the 1875 act. I suppose that I am less concerned about whether it was Benjamin Disraeli who brought in that act than I am about what happened at the time.

To give a little bit of comfort to Alexander Stewart, I suggest that the maximum fine of £50

gives some indication of the level of offence, especially when we compare it with breaches of the peace and breaches of bail conditions. It seems to suggest that the offences were not as serious as might be construed under the act, but a bit of further work is required on the matter.

Richard Leonard and I are not too far apart on this, and I do not think that there will be too much difficulty in coming to agreement. I therefore ask him to accept at face value my offer to discuss it in good faith and not to move amendment 17.

10:45

Amendment 2 agreed to.

Amendment 3 moved—[Keith Brown].

The Convener: I point out again that, if amendment 3 is agreed to, I will be unable to call amendments 9 to 11, 15 or 12 as they will have been pre-empted.

Amendment 3A moved—[Pam Duncan-Glancy].

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

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)
Gosal, Pam (West Scotland) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Chapman, Maggie (North East Scotland) (Green)
FitzPatrick, Joe (Dundee City West) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 3A disagreed to.

Amendment 3 agreed to.

Section 1, as amended, agreed to.

After section 1

Amendment 4 moved—[Keith Brown].

Amendment 4A moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 4A be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
Chapman, Maggie (North East Scotland) (Green)

FitzPatrick, Joe (Dundee City West) (SNP)
 Gosal, Pam (West Scotland) (Con)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 4A disagreed to.

Amendment 4B moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 4B be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gosal, Pam (West Scotland) (Con)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 4B disagreed to.

Amendment 4 agreed to.

The Convener: Group 3 is on a compensation scheme. Amendment 16, in the name of Richard Leonard, is grouped with amendment 18.

I remind members that, under rule 9.12.6C of standing orders, the Presiding Officer has determined that the costs associated with amendment 16 would be significant in themselves. Therefore, amendment 16 may be debated but the question on it may not be put in the absence of a financial resolution.

Richard Leonard: Amendment 16 seeks to establish a compensation scheme or schemes to make some financial redress to people who will be pardoned under the bill when it becomes an act. It has been suggested to me that the scheme could cover people who were arrested and not charged, those who were arrested, charged and convicted, and those who were arrested, charged, convicted and dismissed.

Of course, the bill as it stands refers to those people who were convicted being pardoned. The Scott review points out that the best estimate that we have is that, between March 1984 and March 1985, 1,400 miners were arrested and around 500 miners were convicted, and we know that 206 miners were sacked as a result of those convictions.

Because of the passage of time, some of those affected are now deceased, which is why

amendment 16 proposes that a legal representative or executor—maybe a next of kin—should be eligible for financial redress under a compensation scheme or schemes. The truth is that many of those who have died, died without a will, which is why there are issues around the need for legal representation.

Amendment 16 also calls for the rules of a scheme to be laid before the Parliament. I want to go back to why I think that that is important and remind people why we are here considering this proposed legislation. Today is 10 May, and on this day in 1984, 290 miners—eight coachloads—were stopped on the A80 at Stepps by Strathclyde Police. They were charged under sections 17 and 41 of the Police (Scotland) Act 1967 and with breach of the peace, and they were then fingerprinted, photographed and held in police custody. That is a salutary reminder that many of those held in police stations across Glasgow had never set foot in a police station before, never mind been incarcerated in a cell, and many of them never set foot in a police station afterwards. That was an extraordinary event and an extraordinary act by Strathclyde Police.

Many of us have heard the harrowing story of Doddie McShane, who took the rap for a broken window—a crime that he did not commit—and as a result lost his job. However, more than that, the late Doddie's son, James, has testified about visiting his father in jail in Saughton as a result of the charge. He has movingly told us that his father was in jail sharing a cell with someone who was in there for armed robbery and someone who was in there for attempted murder. The family and friends of Doddie McShane are with us this morning.

Also with us is Jim Tierney, who was on one of those buses in Stepps 38 years ago today. He later spent 26 days and nights in Barlinnie and was sacked and blacklisted.

The Scott report, which is the genesis of the bill, points out:

“what sets these cases apart in our view is the disproportionality of cumulative impacts caused by dismissal following on from dealings with some aspect of the justice systems, especially convictions.”

The report goes on to say:

“No one has suggested to us that dismissal was an appropriate, reasonable or measured response to what were commonly relatively minor acts of public disorder punished by modest financial penalties imposed by a court.”

At the weekend, Mick McGahey's son, who was himself a striking miner who was arrested repeatedly and sacked, said:

“The miners and their families, the women and children who bore the brunt of what happened, had their future stolen from them. It's only right they are compensated for

that. What was done to those men was one of the worst injustices in Scottish history.”

Members of the committee and other members of the Scottish Parliament will have received a communication from the National Union of Mineworkers. The cabinet secretary referred to the discussions and constructive dialogue that he has had with the NUM. This is what the NUM is saying about a compensation scheme. A letter from Nicky Wilson, the national president of the National Union of Mineworkers, says in plain terms:

“The NUM wants to see compensation paid to miners across the UK. We believe that this bill provides a historic opportunity for Scotland to lead the way by including a compensation scheme for those miners, and we will continue to advocate for a public inquiry.”

He goes on:

“Time is of the essence. Many miners have passed away and time is running out for others who were convicted. We understand the Scottish Government wishes to pass the bill to enact the pardon and is concerned that including a compensation scheme may delay this, but the pandemic has demonstrated the speed with which legislation can be enacted when the issue is afforded priority. We believe this is the time for priority to be given to these historic wrongs, including a clause in the legislation in support of the establishment of a compensation scheme, which would cause no delay and indicate the Government’s intention to act in this area.”

At the end of the cabinet secretary’s opening remarks in moving that the general principles of the bill be agreed to at stage 1, he said:

“as a society, we want to pardon those convictions. In that way, we are recognising the hardship and suffering of entire communities and bringing some comfort and reconciliation to the many who were involved.”—[*Official Report*, 31 March 2022; c 87.]

Recognising the hardship and suffering demands action and not just a symbolic pardon, so I ask the cabinet secretary to come forward with a financial resolution in time for the stage 3 debate on the bill. He knows, and members of the committee know, that it is only he who can do that, so I call on him this morning, in front of the committee, to give an undertaking that he will do that, and that he will work with the National Union of Mineworkers and others to make sure that Parliament gets a vote on what is seen by many as a glaring omission from this important piece of legislation.

Fulton MacGregor: It is a great pleasure to speak on Richard Leonard’s amendment. I think that there are two broad issues here—the bill itself, and the support for compensation. It is important at least to me but, I am sure, to my colleagues as well, given the evidence that we have heard, that we do not conflate those two issues at this point.

I will explain what I mean by that. I want to leave the people in the public gallery and others who are watching our meeting in absolutely no doubt that

I—and I believe that I also speak for many of my colleagues, although they are obviously free to speak for themselves—fully support the view that the miners should be compensated for the wrongs that they endured. I met a group of miners at Moodiesburn last Wednesday night, and it was harrowing to hear what they and their families experienced after they lost their jobs and did not have financial incomes for a long time. I do not think that anybody with a conscience would not support those people being compensated. However, that is not the issue here.

I know that Richard Leonard is not a member of the committee, but the committee looked at the evidence on compensation a lot. It came up in almost every evidence session on the bill. I see the convener nodding. We all asked questions about it and tried to see how it might work, and we came to the conclusion, as people will have seen in our report, that the bill is not the place to do it. There are a number of risks attached to it, one of which is that it could delay the bill for a significant time. Compensation is not the main purpose of the bill, and it would bring about a whole new legislative-type framework. We are in a space just now where we are talking about the pardon.

I say to the cabinet secretary, who will respond to Richard Leonard, that we need to look at what we can do to make compensation happen, whether that is via the UK Government or via something that the Scottish Government can do after the passage of the bill. What campaigns and processes can we be involved in in that regard? Would the cabinet secretary agree to meet me to discuss how the issue might be moved forward?

11:00

The fact that we are debating amendment 16 but are not going to get to vote on it today should demonstrate to anybody watching how complicated the issue is. My colleague Richard Leonard has lodged an amendment at stage 2. The Presiding Officer has considered the amendment and deemed that it is not appropriate to take it forward at this stage, because the financial aspects of the issue have not been considered in a financial resolution. That, in itself, should demonstrate that the committee has wrangled with the issue.

I want to be clear: there are two separate issues here. There is the bill, which is about pardoning miners for the wrongs that they endured, and there is the compensation issue. I do not want it to seem that, because we are not voting on the amendment today, I and other members do not support compensation. I would like to explore with the cabinet secretary how we might go about achieving the aims of the amendment.

Alexander Stewart: I understand why the amendment has been lodged and I have no doubt that it has been lodged in good faith. However, it attempts to introduce a compensation scheme, which is not the purpose of the bill and would only delay its implementation. For those reasons, I would feel unhappy about agreeing to the amendment at this stage.

I understand the financial implications of the amendment, but this is a UK-wide issue, which should be addressed UK-wide. If compensation is to be considered, it should be considered as a UK-wide issue and not in this bill.

Pam Duncan-Glancy: I speak in support of amendment 16. I understand that it will not go to a vote today, but I reiterate my colleague Richard Leonard's calls to the cabinet secretary to produce a financial resolution ahead of stage 3. My colleague Fulton MacGregor has noted that the Presiding Officer has said that we cannot vote on the amendment today, but the Presiding Officer did not say that the bill was not the place to include compensation. The Presiding Officer said that, because the bill did not have a financial resolution, we could not consider the amendment. The reason why there is not a financial resolution is not that the bill is not competent to consider it; it is because the Government did not produce one. The Government did not produce one because it has said that, until now, financial compensation would be the responsibility of a different Government.

This is an example of putting our money where our mouth is. If we think that this Parliament can offer the pardon to miners that they deserve, we must also agree that Parliament has the competence to pay them compensation. If it does not have the competence to do that, what competence does it have to offer the pardon? The two must go together.

I do not want to delay the bill, because time is of the essence, but I reiterate my colleague Richard Leonard's points about the speed at which legislation can be introduced and progressed when the Government wants to do so. We have shown that during the Covid pandemic and we have seen various other examples of that, the Carer's Allowance Supplement (Scotland) Bill being one. I urge the Government to reconsider this issue.

Finally, on my colleague Alexander Stewart's comments about this being an issue for the UK Government, I would love more miners to be pardoned in other jurisdictions, but this is a bill of the Scottish Parliament and it is a bill to acknowledge the injustice felt by miners. As we know, the injustice was at the hands of the police, the sheriffs and the justice system, all of which were part of the separate legal system in Scotland

at the time, and for which the Scottish Parliament assumed responsibility later. It is not sufficient to say that this Parliament does not have the competency to consider the issue of compensation, so I would urge the Government to seriously consider the financial resolution that would be required. At least, then, if the Government does not necessarily believe that compensation should be paid—although I think that colleagues do believe that—Parliament can make that decision for itself at stage 3.

Keith Brown: Post-bill, I would be more than happy to meet Richard Leonard and any other members who are interested in discussing how we can better prosecute the case for compensation from the UK Government. In having that discussion, I hope that it will be possible for us to reach a consensus and unanimity. It is important to the former miners to whom I have spoken that the Parliament speaks with one voice on the matter, even if we appear to have a difference of opinion here today.

I will do what I can to explain my view. I recognise that many miners and their families suffered terrible hardship as a result of taking part in the strike. Even now, many of those who are still living have not recovered from the effects of the strike, and subsequent generations have not recovered from the effects on their families and their communities. I understand that point, and it is absolutely right that compensation is paid in relation to that; however, I will explain why I do not think that the bill is the right place to do that. It is not for some of the reasons that have been mentioned, which I do not think that I have advanced.

I agree that compensation should be paid, but the bill is not the place to provide for that. That is not only my view—it is the view of the committee and of John Scott's review group. The group was in favour of a pardon in order to provide reconciliation, which would be automatic and as easy as possible. That approach would be complicated if we tried to graft in a compensation scheme at a late stage of the bill process. The issue is not so much the time that it would take to introduce legislation; it is the time that it would take to put together a proper compensation scheme, and also the effect that it would have on the people who receive the pardon to which they are entitled.

Amendment 16 provides that some form of compensation be paid by the Scottish ministers to miners who qualify for the pardon. Although the amendment is not being voted on today, I must speak to it, because it is in front of us. The amendment does not specify what would be compensated for, nor does it specify an amount to be paid or the basis for calculating such an

amount. Therefore, I have concerns about the lack of specificity in the proposed provisions.

I have other concerns. The bill does not provide the means to compensate miners for the hardships that they endured in a financial sense. The whole point of the bill is to grant a symbolic, collective and automatic pardon, and it focuses on reconciliation rather than on compensation. That is not to say that compensation is wrong, but the bill is not the place for it. Such a provision would undermine the fact that the bill is symbolic and collective; as I will go on to explain, it would divide miner from miner according to who qualified and who did not. In addition, compensation would not be automatic.

A compensation scheme would not be consistent with the proposal to self-assess eligibility for the pardon, which is what we are asking people to do. We are asking people to look at the bill as passed and say, "I'm entitled to that pardon, and I should get it." A compensation scheme would undermine that, and it would have the potential to create significant practical differences. As the committee highlighted in its stage 1 report, the scheme would be complex to administer. If anybody can point me to a compensation scheme that the Parliament has approved that is not complex to administer, does not require substantial bureaucracy and does not require an application process, I would be happy to listen.

Such a scheme would require qualified people to assess whether an applicant actually qualified for the pardon. We know that, under the circumstances that are prescribed in the bill, it would be difficult for applicants to find evidence of a conviction, given the passage of time. That is why the bill does not propose an application scheme for the pardon; instead, it is for the individual to self-assess.

Richard Leonard mentioned the NUM. I said that the NUM agreed with our proposal in relation to a previous amendment, but I made no mention of the compensation scheme. I have known Nicky Wilson for many years, and we had a very cordial and straightforward discussion about it, although we have different points of view. As the question has been asked, I point out that Nicky Wilson asked me why a pardon and compensation were not approved during 13 years of a Labour Government, and why the miners pension fund lost billions of pounds at the hands of successive Governments, which hoovered up the money that belonged to the fund. Those matters cannot be addressed in the bill, either.

If the committee supports Richard Leonard's amendment, only miners who meet the qualifying criteria for the pardon would receive compensation, while others who lost their jobs—

perhaps on the basis of an arrest rather than a conviction, or because they were convicted of an offence that is outwith the qualifying criteria, which I think we are getting close to agreeing—would not receive compensation. We would be setting one miner and their family against other miners and their families. The scheme could also be divisive in relation to those who could show that they qualified for the pardon and those who could not, perhaps because no remaining reference to a conviction could be found in any records.

I recognise that the intention behind amendment 16 is good, and I agree with the principle of compensation; however, such a scheme would be complex and divisive, and it would be viewed by many people as unfair.

Both employment law and industrial relations are reserved to Westminster. Pam Duncan-Glancy rightly mentioned the aspects of the miners strike that are devolved and for which the Scottish Parliament has responsibility, but there are very serious areas in which powers are reserved. Employment, industrial relations and pensions are reserved to Westminster, and any Scottish Government that tries to compensate or to provide financial redress to miners who were dismissed by the National Coal Board and lost out, for example, on redundancy payments and pension rights risks straying into that reservation and not being within competence.

An issue that is raised by people such as Richard Leonard and others who support his point of view is that there was political interference in the strike, which is a commonly held view. However, we do not have the ability to look at UK Government Cabinet papers or to call before us people who can speak on behalf of the National Coal Board, if there are still people who can do that. The reason for saying that we will continue to press the UK Government for a UK-wide public inquiry is that we must have regard for what miners in Wales and the north of England would want to seek. Any compensation system should be properly thought out, uniform and fair.

If the compensation is for miscarriage of justice—do not forget that we have agreed that we will not go back to second guess what the courts did; whatever our view on that, that is the basis of the review by John Scott QC—it would not be appropriate for the Scottish Government to make a payment that would, in effect, undermine past judicial decisions and possibly pre-empt future decisions. Those decisions are for the judiciary.

I have huge sympathy with miners who have lost at least thousands, and sometimes tens of thousands, of pounds in redundancy and pension payments that would have made a massive difference to them and their families, but it is not possible for me to support the amendment to

create a compensation scheme, because the bill is simply not the place for that. It would be regrettable if we as a Parliament were to divide—it will not be today, because there will not be a vote on the amendment—on the issue when there is so much that we agree on.

Such a compensation scheme was not proposed by John Scott's review. The independent review group took the issue into account and made a carefully constructed set of proposals, which we have tried to take forward. We have expanded the proposals to include more people in the pardon. It is a fine balance, but it is the right balance, and it is for that reason that I would not support the amendment, if it were to be voted on at this stage—not that I would ever vote in this committee anyway.

The Convener: I invite Richard Leonard to wind up.

Richard Leonard: On the cabinet secretary's points, if a compensation scheme would be so divisive and so difficult to do, how does he think that Boris Johnson will be able to do it? Secondly, he mentioned the independent review; it is clear that the Scott report was silent on such a scheme because it was not within its remit to consider that.

Among those who are attending today is Professor Jim Phillips from the University of Glasgow, who provided advice to the Scott review. He is in favour of a compensation scheme. We know that Dennis Canavan, who was a member of the Scott review, is in favour of a compensation scheme, and as I alluded to earlier, the NUM is in favour of a compensation scheme. They see this as an opportunity for the Parliament to lead the way, not to be divisive, and I ask the cabinet secretary and members of the committee to think on that.

In his earlier remarks, the cabinet secretary said that, as a student at the University of Dundee, he was in favour of the miners. I ask him to reflect on what that student would think of him now, 38 years later, as the cabinet secretary who has the ability to financially redress the wrongs of that era. Surely the younger Keith Brown would have looked to the older Keith Brown to take decisive action and to go beyond the symbolic pardon in the bill.

I am accused by some people of wanting to go beyond the intentions of the bill. I am guilty as charged, because I want the bill to have not just a symbolic effect, but a moral effect, a practical effect, a financial effect and a meaningful effect. That is what the Parliament should be aspiring to do, and that is what amendment 16 is intended to do.

I say to Fulton MacGregor and others, as I said in the stage 1 debate,

"If not now, when? If not us, who?"—[*Official Report*, 31 March 2022; c 94.]

The cabinet secretary brought a degree of party politics into the discussion. I am reminded that, over the past few weeks, the First Minister has been riding round Scotland on a campaign bus with a message on the side about sending a message to Boris. In a press interview, she said:

"this election is an opportunity for people to send a message to Boris Johnson that they find his behaviour and response completely unacceptable."

11:15

The First Minister has previously said of the Prime Minister, to whom the cabinet secretary is now looking to provide a compensation scheme,

"the truth is a disposable commodity".

She has called him "corrupt" and a "liar", yet that is who the cabinet secretary is expecting the Parliament to vest its faith in. More than that, that is who the cabinet secretary is asking the former miners, miners' families and mining communities to vest their faith in. I do not think that that is a credible argument to pursue.

The cabinet secretary mentioned other schemes that have been put in place. These days, I take an interest in financial and audit matters much more than I did previously. There is a note in the annual accounts of the Scottish Government about redress for survivors of historical child abuse cases. The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 was passed in March 2021 and received royal assent on 23 April 2021. The note in the accounts says that Redress Scotland

"will consider applications and make determinations, which may include an offer of a redress payment to be made by the Scottish Government. It is not possible to determine the number of applicants or the level of payments likely to be made under the scheme."

Therefore, it seems perfectly reasonable that we can agree to the principle of a scheme without getting to the point of being able to determine the number of applicants or even the level of the payments that are likely to be made.

I will finish on this point. We have an opportunity before us to set an example and—to borrow the words of the NUM—to "lead the way". We can be a beacon for the rest of the UK. We can take what I believe is an historic opportunity. The strike ended 37 years ago, and all the pits have long since closed. For new generations, this might seem like old history, but for those of us who lived through it in coalfield communities, as I did, who were part of miners support groups and who saw all the strife, unrest and difficulties that those communities faced, and the hardships that were inflicted on people by the justice system, those

memories will stay with us. That is why now is the time to open up dialogue and discussion about the establishment of a compensation scheme for the miners and their families. [*Applause.*]

The Convener: Will the audience in the gallery please not participate? Thank you.

The question on amendment 16 cannot be put in the absence of a financial resolution.

Section 2—Pardons: offences

Amendment 17 not moved.

Amendment 5 moved—[Keith Brown]—and agreed to.

Section 2, as amended, agreed to.

Section 3—Pardons: supplementary

Amendment 18 not moved.

Section 3 agreed to.

Section 4—Interpretation

Amendment 13 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)

Chapman, Maggie (North East Scotland) (Green)

FitzPatrick, Joe (Dundee City West) (SNP)

Gosal, Pam (West Scotland) (Con)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 13 disagreed to.

Amendments 6 and 7 moved—[Keith Brown]—and agreed to.

Amendment 14 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Duncan-Glancy, Pam (Glasgow) (Lab)

Against

Adam, Karen (Banffshire and Buchan Coast) (SNP)

Chapman, Maggie (North East Scotland) (Green)

FitzPatrick, Joe (Dundee City West) (SNP)

Gosal, Pam (West Scotland) (Con)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 14 disagreed to.

Section 4, as amended, agreed to.

Sections 5 and 6 agreed to.

Long Title

Amendment 8 moved—[Keith Brown]—and agreed to.

Long title, as amended, agreed to.

The Convener: That ends stage 2 consideration of the bill. I thank the cabinet secretary and his officials for their attendance.

Meeting closed at 11:20.

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