



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Thursday 10 October 2019

Session 5



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Thursday 10 October 2019

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Scottish Parliament

Thursday 10 October 2019

[The Presiding Officer opened the meeting at 11:40]

Business Motion

The Presiding Officer (Ken Macintosh): Good morning. We begin with consideration of business motion S5M-19378, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revision to today's business programme.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Thursday 10 October 2019—

delete

followed by Members' Business

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills

followed by Stage 3 Debate: Transport (Scotland) Bill

and insert

1.30 pm Parliamentary Bureau Motions

1.30 pm Portfolio Questions: Education and Skills

followed by Stage 3 Amendments: Transport (Scotland) Bill

followed by Stage 3 Debate: Transport (Scotland) Bill

followed by Stage 1 Debate: Non-Domestic Rates (Scotland) Bill

delete

5.00 pm Decision Time

and insert

5.15 pm Decision Time.—[Maurice Golden]

The Presiding Officer: Murdo Fraser has indicated that he wishes to speak against the motion.

Murdo Fraser (Mid Scotland and Fife) (Con): I wish to oppose the business motion. I do so in the knowledge that it has been agreed by the Parliamentary Bureau and by my own party's business manager. My opposition is on the ground that the time allowed for this afternoon's debate on the Non-domestic Rates (Scotland) Bill at stage 1 has been reduced to one hour and 25 minutes. I understand that speakers' times in that debate have also been reduced. The bill is an important one for the Parliament to consider and it will have

consequences for the business community, which is looking with great interest at how we deal with the business rates regime. It also has implications for independent schools and other areas. It is extremely unfortunate that the debating time for such a vital piece of legislation is to be constrained to less than an hour and a half and that, as I understand it, speakers are to have their times restricted to no more than four minutes.

This is a Parliament, the primary function of which is to debate legislation. We spend a lot of time debating very worthy subjects in Government business, but priority must be given to legislation. I am extremely concerned about the situation that developed last night, about which members raised points of order at the time, when the Parliament sat for so long. Quite rightly, it was dealing with legislation, but the Parliamentary Bureau needs to look at the amount of time that is being allocated to deal with the making of law, which is our priority. The Parliament is simply not being well served by the way in which business is currently being timetabled.

The Presiding Officer: I thank Murdo Fraser for making those points. Normally at this stage I would ask the Government's business manager to respond. Maurice Golden or any other business manager may respond if they so choose to do so. I usually chair meetings of the Parliamentary Bureau. Unfortunately, I did not do so this morning, but I can say that the matters that Mr Fraser has raised are the very ones that the Bureau discusses every time that it meets. Does Mr Golden wish to say anything in response?

Maurice Golden (West Scotland) (Con): This week, out of necessity and because of the length of members' contributions, decision time has had to be changed twice, which is unfortunate. The Parliamentary Bureau attempts to manage such situations as best it can. As the Presiding Officer made clear last night, the bureau will consider setting parameters so that, in future, we can do our best to avoid having late decision times and can prioritise legislative business.

The Presiding Officer: I add that the reason for the bureau's bringing the motion to the Parliament is that although the bureau represents all parties when it meets, it is up to the Parliament and individual members to agree to its timetabling.

The question is, that motion S5M-19378 be agreed to. Are we agreed?

Motion agreed to,

That the Parliament agrees to the following revision to the programme of business for Thursday 10 October 2019—

delete

followed by Members' Business

delete
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Education and Skills
followed by Stage 3 Debate: Transport (Scotland) Bill
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followed by Stage 1 Debate: Non-Domestic Rates (Scotland) Bill
 delete
 5.00 pm Decision Time
 and insert
 5.15 pm Decision Time.

The Presiding Officer: Thank you, Mr Fraser. Your point has been noted.

As members might have noted from the business motion, there will be no members' business debate at lunchtime today. This afternoon's business will start with portfolio questions at 1.30 and decision time is scheduled to take place at 5.15. It is also worth highlighting that although the schedule contains timings, they all follow on from the preceding business. Members should therefore keep an eye on the time. If they are due to be in the chamber to move amendments they should not rely on the preceding business taking the full amount of time that has been allocated to it.

General Question Time

11:44

Miscarriage (Support)

1. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what support is available for women who have been affected by miscarriage. (S5O-03659)

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): All health boards provide treatment and support to women following a miscarriage. Health boards will provide information and will often signpost women to third-sector partners for further support. I thank James Dornan for raising this question during baby loss awareness week, which we are supporting in a number of ways, including by lighting up Scottish Government buildings in pink and blue to show our support.

Yesterday, I visited the offices of SANDS Lothians to hear more about this important subject, and to talk to members of the charity and bereaved parents. I was very impressed with the commitment and level of support that Nicola Welsh and her team provide to parents who have sadly experienced the loss of a pregnancy or a baby.

James Dornan: Many of those who have contacted me on this matter are concerned about having to walk through existing maternity departments where new mothers are either going through successful pregnancies or have just given birth. That can often cause great upset for parents who are still in mourning for their lost child.

Can the minister therefore provide an update on the progress of the national bereavement care pathway? Can he tell us whether there is a provision in it to ensure that those who are suffering such a loss do not have to walk through maternity wards, with all the reminders of what they have just lost, when they are going for support?

Joe FitzPatrick: I understand the stress that that can cause. We would of course expect that, wherever possible, hospitals treat women with compassion and understanding and continue to look at and improve their services to meet the needs of all maternity service users.

The development of the five different bereavement pathways that James Dornan mentioned is progressing well. SANDS UK is leading that work, in collaboration with other baby loss charities and health professionals, to ensure that the pathways are suitable for Scotland. I

expect the pathways to launch in the five early adopter sites in the first quarter of 2020.

Black History Month

2. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government how it is marking black history month. (S5O-03660)

The Minister for Older People and Equalities (Christina McKelvie): The First Minister and I both attended the launch of black history month in Parliament on 24 September, hosted by the Coalition for Racial Equality and Rights. Tomorrow, I will be participating in a black history month tour of Glasgow, exploring the city's historical ties with slavery.

Scottish Government race equality officials will also be attending black history month events during October. The Scottish Government race equality staff network also has a series of internal events planned to mark the month. Just last week, I met with the African Council in Aberdeen to discuss many issues facing our citizens, and how it uses black history month to tackle racism.

Ruth Maguire: There is a rich and long black history in Scotland, with some sources stating that the first man who was arrested for wearing a kilt after Culloden was a black man. Does the minister agree that black history is Scottish history, and that we should not only celebrate it for one month a year, but do all that we can to integrate it and learn about it all year round?

Christina McKelvie: Yes—I am delighted to agree absolutely with my colleague Ruth Maguire on that point. We are a culturally enriched nation; some of the colours of our tartans express the fact that we have a very rich and colourful cultural background.

I will give Ruth Maguire a wee bit of an update. Race equality officials and I have on-going meetings with many organisations. In 2019-20, we have allocated more than £2.3 million to fund those organisations to advance race equality all year round, not in black history month alone. In February 2019, the Respect Me anti-bullying service published an anti-racist bullying resource that addresses inclusion and how to challenge racism in schools effectively. We continue to support and fund Respect Me to do that work.

In "A fairer Scotland for all: race equality action plan and highlight report 2017-2021", the Scottish Government committed to increase the number of teachers from underrepresented groups at all levels of Scottish schools. I hope that that will encourage and reassure Ruth Maguire that we take our cultural enrichment from black history month and promote it all year round, in every single month of the year.

National Thrombectomy Service (NHS Greater Glasgow and Clyde)

3. Bob Doris (Glasgow Maryhill and Springburn) (SNP): To ask the Scottish Government what contribution NHS Greater Glasgow and Clyde will make to the proposed new national thrombectomy service. (S5O-03661)

The Cabinet Secretary for Health and Sport (Jeane Freeman): Before the introduction of the thrombectomy service, it is imperative that proper clinical planning for such a highly specialised intervention is undertaken. The programme for government commits to ensuring that a national planning framework is in place in order to provide a high-quality and clinically safe thrombectomy service.

NHS Greater Glasgow and Clyde sits on the directors of planning thrombectomy advisory group. The group is currently developing a national framework for the introduction of the service. Once the framework is finalised, appropriate thrombectomy service sites will be approved. It is currently anticipated that the service may be available in at least one board area by 2020.

Bob Doris: I recently met a constituent of mine whose husband is making a strong recovery from a stroke thanks to a thrombectomy procedure that is not, as we know, available in Scotland as yet. He underwent that procedure while on holiday in Majorca. I understand that the national planning board may sign off a national service imminently, but I seek reassurance that the Scottish Government will ensure that NHS Greater Glasgow and Clyde will offer that service as soon as possible, as concerns have been raised with me that it could be another year before it is implemented.

Jeane Freeman: The Glasgow and Clyde area, which is covered by that health board, is certainly a significant area in respect of the incidence of strokes. The west of Scotland is one of the areas in which there are the highest incidences of strokes. Our intention is to provide a thrombectomy service that covers the whole of Scotland, including the north in particular, and we will work to ensure that when the service is introduced, it will be on a phased basis, as it is being introduced in England. At this point, it is not possible to say which part of the country will be in the initial phase but, once we have clearer information on that, we will certainly ensure that Mr Doris is advised.

Monica Lennon (Central Scotland) (Lab): Can the cabinet secretary give a commitment on when thrombectomy will be available to patients in every health board area, including Lanarkshire, and say

whether funding for each health board has been identified yet?

Jeane Freeman: The national planning framework is, of course, part of the overall stroke pathway and the additional work that has been committed to in the programme for government, which includes the appointment of a clinical medical specialist on stroke to look at the whole pathway across Scotland. Until the planning framework is finalised, it will not be possible to give a commitment on the final date when it will cover the whole of Scotland or to know what the additional resource will be. However, we have made the commitment to deliver that service, so the resource will be made available to deliver it once the planning framework is in place. At that point, we will know the timescale for the phasing in of thrombectomy across Scotland. I will ensure that, like my colleague Mr Doris, Ms Lennon is aware of how that will be phased in across Scotland.

Tobacco (Joined-up Approach)

4. Alexander Stewart (Mid Scotland and Fife)

(Con): To ask the Scottish Government what its response is to the call by ASH Scotland for a joined-up approach to services relating to tobacco and other health-harming substances. (S5O-03662)

The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick): We welcome the fact that ASH Scotland continues to raise awareness of the fact that smoking remains the single biggest avoidable cause of death in Scotland, killing more than 9,000 people each year. Through the partnership approach that we take to tackling the use of and harm from tobacco in Scotland, that figure continues to decline each year.

In June 2018, we published our public health priorities. They include a joined-up priority of reducing the use of and harm from alcohol, tobacco and other drugs. It is the responsibility of health boards and integration authorities to decide how best to join up their services to deliver on that priority. The Scottish Government continues to encourage boards and authorities to take a joined-up approach to services that are aimed at tackling the effects of health-harming substances.

Alexander Stewart: I note my interest in the subject as a British Lung Foundation smoking cessation champion.

According to data in the 2018 Scottish health survey, smoking prevalence rates across Scotland have flatlined, and there has been a concerning increase in the number of smokers in Scotland's most deprived communities. What new steps are

in the respiratory care action plan to increase the number of people quitting smoking?

Joe FitzPatrick: Obviously, Alexander Stewart is aware that the action plan will be published in due course and that it continues to be worked on. However, I will talk about some of the actions that we are taking.

This week, we launched a consultation that paves the way for removing smoking outside hospital buildings. Later this year, we will consult on restricting the advertising and promotion of electronic cigarettes. Those are the kinds of actions that we will take.

We are keen that overall smoking trends continue to decline. I am aware of the statistics that Alexander Stewart mentioned, which we need to be mindful of. However, the trend continues to be down, and it is particularly good to see the level of smoking among the youngest remaining at a historic low. We need to see about the slight blips, but it looks like there has been an increase in adult smoking from 18 to 19 per cent. I think that rounding largely accounts for that—18.4 was rounded down and 18.7 was rounded up. We need to keep looking at that, particularly in deprived communities, where there has been an increase in uptake of services for cessation. That is a good thing and we need to keep working on it. I appreciate Alexander Stewart's continued support on that matter.

David Stewart (Highlands and Islands) (Lab):

Does the minister share ASH Scotland's assessment of the link between smoking and health inequality? Does he agree that we need a national strategy that tackles smoking cessation and poverty alleviation?

Joe FitzPatrick: David Stewart makes an important point, which he has made many times before. The Government will not argue against the link between health inequality and poverty and deprivation. We need to continue to work on that. The member will continue to get my support for his interventions in the matter.

Gourock to Dunoon Ferry Service

5. Donald Cameron (Highlands and Islands)

(Con): To ask the Scottish Government whether it will provide an update on any planned upgrades to the Gourock to Dunoon passenger ferry service. (S5O-03663)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): We have started a project that will consider the long-term requirements of the Gourock to Dunoon passenger ferry service, including vessel and infrastructure upgrades. We will also consider opportunities for shorter-term improvements in passenger facilities.

The recent linkspan issues at Gourrock and the inconvenience that has been caused to passengers are regrettable. However, that challenging situation has been managed effectively by Caledonian Maritime Assets Ltd and CalMac Ferries, with minimal disruption to passengers using the Gourrock to Dunoon service.

Donald Cameron: The minister might be aware that recent media reports revealed that, since they came into service, the two vessels that currently operate the route have racked up over 2,000 cancellations. Given the unreliability of those ferries, does he agree that the people of Dunoon and the Cowal peninsula deserve an urgent and effective solution to a situation that has gone on for too long, rather than to see it kicked into the long grass yet again?

Paul Wheelhouse: Donald Cameron will accept that, in the engagements that I have had with him, I have recognised that there have been challenges in the Gourrock to Dunoon service. As he knows, we are trying to move to a position where we have longer-term stability and reliability for the service.

I have frequent discussions with Mr Cameron and others who have an interest in the route, such as Mike Russell, who is one of the constituency members affected. I hope that Mr Cameron welcomes the fact that there has been an increase in passenger traffic on the service, notwithstanding the disruption. We recognise that the vessels are not ideal for the route. Through the project that I outlined in my first answer, we are working with CalMac, Strathclyde Partnership for Transport and Clyde Marine Services to make sure that the necessary arrangements are put in place to support the revised service timetables that have been used recently. We will also make sure that the project takes on board the views of passengers who use the Gourrock to Dunoon service, the trade unions and the local authorities in relation to the harbour facilities. As we take the work forward, I am happy to engage with Donald Cameron and other members who have an interest in that issue. We recognise the challenges, but we are working on providing a long-term solution for the service.

Housing (Kirkcaldy)

6. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government how many local authority and affordable houses have been delivered in the Kirkcaldy constituency since 2012. (S5O-03664)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Since 2012, through our affordable housing supply programme and open-market shared equity programme, the Scottish Government has delivered 893 local authority and affordable houses in the Kirkcaldy constituency. Our support aims to deliver a range

of housing in a mix of affordable tenures, primarily focusing on social rented housing. That is a key Government priority. As part of our 50,000 affordable homes programme, which is backed by record investment of £3.3 billion, we aim to deliver 35,000 social rent homes in Scotland.

David Torrance: Does the minister agree that Brexit will have a devastating impact on the availability of skilled workers in the construction industry and could damage the good results that the Scottish Government has achieved in delivering new housing programmes?

Kevin Stewart: I agree with David Torrance. I am concerned that a no-deal Brexit could undermine all our good work on increasing Scotland's housing supply. In 2017, 7,000 European Union nationals were employed in the Scottish construction sector. A no-deal Brexit would pose a significant risk to the Scottish construction workforce and to builders' supply chains.

The United Kingdom Government's immigration plans will be disastrous for keeping and attracting people with the necessary skills and will have a huge impact on the availability of the EU-national workforce in the construction and house building industry. Private house builders are particularly vulnerable to the implications of Brexit, because, in 2018, 60 per cent of construction materials were imports from the EU. Members should be in no doubt that a Tory no-deal Brexit would be a disaster for many areas of life in Scotland; that is just one of them.

Reaching 100 Per Cent Programme

7. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government when it expects to set out a clear timetable for the delivery of the R100 programme. (S5O-03665)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): Our £600 million R100 programme is a vital investment in our digital infrastructure. It will help to deliver a future-proof network, making Scotland one of the best-connected places anywhere in Europe.

Procurement for R100 has been split into three lots, covering north, central and south areas. Final tenders were submitted on 23 August, and detailed evaluation is currently in progress. I can confirm that BT was the only bidder for the central and south lots and that, subject to due diligence and governance, we intend to proceed to contract with BT as soon as possible. More than one bid was received for the north lot, and we will announce a preferred bidder for the north lot in due course.

Liam McArthur: In September 2018, Audit Scotland told the Scottish Government that it

needed to publish clear timetables by summer 2019. A year on, in the programme for government statement, the First Minister conspicuously dropped the earlier 2021 deadline for delivery of R100. When can my constituents in Orkney, which still has the lowest coverage rates in Scotland, expect to get access to long-awaited and much-needed high-speed broadband?

Paul Wheelhouse: Just before the recess, we set out a timetable, which we are trying to stick to, to achieve the securing of contracts to be signed by the end of this calendar year, and we are still on course to achieve that. That will provide certainty for all areas that are affected by R100 as to the degree of coverage to be provided under the programme and as to those properties that may need to be picked up through aligned interventions.

I would stress this to Mr McArthur. I appreciate that there are still customers in Orkney waiting to have a service. As Mr McArthur knows from correspondence, this is a reserved matter, but we are making great progress in delivering for Orkney. For example, in January 2014, only 12 per cent of premises in Orkney had access to fibre broadband; by February this year, that figure was up to 81.9 per cent. That is an increase of 69.9 percentage points, and there has been an increase of 54 percentage points in superfast access over the same period.

I hope that Mr McArthur will welcome the progress that has been made. We need to work together to deliver for those remaining properties—I recognise that. I hope that he will soon see progress from R100 that will benefit his constituents.

First Minister's Question Time

12:02

Transvaginal Mesh Implants (Removal)

1. **Jackson Carlaw (Eastwood) (Con):** Does the First Minister agree that, in Scotland and beyond, mesh has become the greatest medical scandal of modern times?

The First Minister (Nicola Sturgeon): In general terms, yes, I share the concern that Jackson Carlaw has articulated today and on previous occasions.

There have been two on-going priorities for the Scottish Government, which I hope have the support of members across the chamber. The first was to ensure that there was a halt to new mesh procedures. Earlier this week, we saw statistics that show that there have been no such procedures in Scotland since the Cabinet Secretary for Health and Sport took action to draw a halt to them.

The second priority, which is certainly on-going, is to ensure that women who have suffered complications from mesh procedures that were done in the past get the care and treatment that they need and to which they are entitled. The Scottish Government takes that extremely seriously, and will continue to take the appropriate steps.

The wider matters around mesh that we have discussed in the chamber previously—approval of the particular procedures and of what is used in those procedures—are governed by the Medicines and Healthcare products Regulatory Agency. They are not within the responsibilities of the Scottish Government. However, with the support of members from across the chamber—including, I think, Jackson Carlaw—we have urged action at United Kingdom Government level.

Jackson Carlaw: The First Minister is right. There has been an heroic and successful effort by Scottish mesh survivors to secure a moratorium on the practice. We were delighted by the action of the Cabinet Secretary for Health and Sport, and by the fact that statistics this week show that there no further procedures have been done.

We had hoped that Scotland would, for the women who are in desperate need of mesh removal surgery, welcome the pioneering American surgeon Dr Dionysios Veronikis to undertake mesh removal, which would change hundreds of lives. We now learn, however, that Dr Veronikis has called off—mostly, it seems, due to a co-ordinated attempt to block him by powerful

people within the national health service and the medical hierarchy.

My constituent Lorna Farrell raised thousands of pounds to travel to the United States to be operated on privately to have her mesh successfully removed by Dr Veronikis. Surely the First Minister will agree that it is unacceptable that women who have been harmed, however inadvertently, by our Scottish NHS, should have to raise thousands of pounds to undergo a horrendous journey, while enduring severe pain and difficulty, in order to have that wrong righted privately in the United States.

The First Minister: I have enormous sympathy with the sentiments that Jackson Carlaw expressed on behalf of his constituent. Of course, those sentiments could be expressed on behalf of any woman who has suffered complications, and who is suffering from a mesh procedure.

Let me address very directly the issue of the specialist from the United States, Dr Veronikis. It remains the case that the Scottish Government wants him to come here. However, if he is to be able to treat patients here, certain General Medical Council requirements must be met, which the Scottish Government has no discretion to waive.

One of those requirements is the need for a contract of employment from the national health service, which necessitates clinicians from here going to see him in the United States. Although we had hoped that that would happen in August, it had to be postponed because of the clinical commitments of clinicians here. Clinicians will visit the United States in November—next month—and remain willing to meet Dr Veronikis, if he agrees to reconsider his position. I respectfully concede that that is entirely a matter for him.

Jackson Carlaw talked about efforts by senior influential people. Let me make it very clear that I am not aware of any such efforts. It would not be acceptable for anybody in the medical community here to seek to block Dr Veronikis. My understanding is that that is not the case; indeed, the chief medical officer personally invited Dr Veronikis to come to Scotland. As I said at the outset of my answer, it remains our wish that that will happen.

Jackson Carlaw: The clear suspicion of many people is that there is a professional and institutional campaign to frustrate Dr Veronikis's involvement. It is the view of many people that establishment figures in the NHS are trying to protect their own backs. I exclude from any blame or suggestion of it the Cabinet Secretary for Health and Sport.

Last night, I contacted Dr Wael Agur, who is the leading mesh expert in Scotland, and one of my

constituents. This is what he had to say about Dr Veronikis's visit:

"I can confirm that surgeons here felt deeply threatened by Dr Veronikis' offer to visit Scotland. No doubt there is a professional conspiracy against his visit. The surgeons suggested another US surgeon instead: Howard Goldman—who is one of the most prominent proponent of the continuing use of mesh. In addition, he promotes partial (rather than total) mesh removal, the complete opposite of Dr Veronikis. Inviting Dr Goldman would undoubtedly support the local surgeons in their efforts to reintroduce mesh procedures in Scotland."

If that is true, it is an outrage. Will the First Minister now personally intervene?

The First Minister: As Jackson Carlaw and others would expect, I have already looked very closely at the matter. If there is the suspicion that Jackson Carlaw described, I will not stand here and second-guess it. If that is what people feel, it is a suspicion that requires to be addressed. However, I say genuinely to Jackson Carlaw that I am not aware of evidence that backs that up. If there is evidence, I certainly want to see it, and to be in a position to take action on it.

I have set out—I have tried to do so very clearly and calmly—the requirements that need to be met before somebody from outside the UK can treat and practice in the UK. They are set not by the Scottish Government but by the General Medical Council. Those requirements require clinicians from here to go the States. It is regrettable that the visit that was planned for August had to be postponed. However, a visit will take place, and if Dr Veronikis is prepared to reconsider his position, it will be an opportunity for that requirement to be fulfilled.

I want—as everybody wants—patients to have the treatment that they need. Let me make the point very clearly that that means treatment that is considered to be clinically right for them, in which they have confidence, and of whose efficacy they can be assured. As First Minister, I am prepared to consider all options to make sure that women get that treatment. We will continue to do that, because I do not underestimate in any way, shape or form the suffering, stress, pain and anxiety that many women have suffered as a result of mesh.

Jackson Carlaw: I thank the First Minister for that. I can say that the women have complete confidence in Dr Agur, who is acting in the Scottish Government's review group. The women also have complete confidence in Dr Veronikis—especially my constituent, who is a living example of the success of his mesh-removal procedures. Her life has been transformed, and it is hugely emotional to meet her and see that.

My principal concern remains firmly the women who have been affected. The moment for a public inquiry might, depending on events, be coming.

However, during this decade-long scandal, many of the affected women feel that they have been unable to meet and discuss their experience directly with the First Minister. They feel that the urgency of their situation now needs the direct support and engagement of the head of their Government. So, will the First Minister agree today to meet, together with MSPs from across the chamber, the affected women directly in early course, to listen to them and to give them the personal commitment, leadership and attention of the First Minister to get their lives sorted?

The First Minister: Yes, I will. However, in doing that, I also want to make it very clear to the women who have been affected that the matter has my personal attention and the close personal attention of the health secretary. That has been demonstrated by the actions that have been taken; it will continue to be demonstrated by actions that will be taken.

I obviously understand the deep emotion that many people feel about the issue. Obviously, the women who have been affected do, but so do people who have been in direct contact with the women.

I also understand the scepticism and concerns about how it is perceived that elements within the medical community in Scotland are addressing the issue. We must tackle that and take action systematically to ensure that that perception is not the case.

I want any patient who considers it best—and where there is a clinical view that it is best—to be treated by somebody like Dr Veronikis to have that available. I obviously cannot stipulate that he agree to come here, but if he is willing to reconsider his position, steps are in progress to fulfil the requirements that would allow that.

Beyond that, we will openly consider any other options to ensure that women get access to the care and treatment that they need. That is a commitment that the health secretary and I have given previously, and which I have no hesitation in giving again today.

Transvaginal Mesh Implants (Removal)

2. Richard Leonard (Central Scotland) (Lab): I remind the First Minister that the mesh-injured women have suffered years of pain and injustices, so when she meets them, will she apologise to them? One woman who contacted us spoke of having six surgeries, including a hysterectomy. She states that the surgery was necessary to

“rid me of the daily pain. I now live with a prolapsed bladder, bowel and vaginal vault. I need to take a cocktail of medication daily—18 tablets.”

She contacted us this week because she was so deeply upset to learn that Dr Veronikis is not coming to Scotland. She is concerned that without his treatment she may lose her job. What does the First Minister have to say to her?

The First Minister (Nicola Sturgeon): As I have said in the chamber previously, I, as First Minister, apologise to any patient who suffers in the national health service—people have a right to expect such an apology. There is a long history in terms of mesh procedure, some of which we have often rehearsed in the chamber. The approvals for the procedure and the equipment used are matters that are outwith the Scottish Government’s responsibility, but we have come together as a Parliament to demand action where it can be taken.

However, on the treatment that is provided in the health service and the actions that we have taken, first, the moratorium to halt mesh procedure is, in itself, an indication of how seriously we treat the issue. Secondly, on the issue of women who are suffering from complications, in the interests of time I will not run through again all the requirements around the doctor from the United States coming here, but I stress again that it is my desire to enable him to come here to allow patients to have access to his specialism without having to travel. Beyond that, we remain open to any options that are right for women both clinically and in order to give women the peace of mind that they want.

One of the things that distresses me when I read the material and the personal testimonies is that, as First Minister, I have been advised that full mesh removal has been carried out on many patients in Scotland.

Neil Findlay (Lothian) (Lab): It has not.

The First Minister: I am about to address the very point that Neil Findlay seems to be making.

I also understand that many women believe that, although they were told that they were to have full mesh removal, that was not undertaken. There are real issues that we need to get to the heart of; I am determined to do that and so is the health secretary. Many members of the Parliament have been incredibly constructive in their approach to this issue. I hope that, together—taking the full responsibility of Government, as it is incumbent on me to do—we can ensure that some of the historic issues are fully looked into and that, in the here and now, women who are suffering get access to the treatment that they need.

Richard Leonard: There was indeed cross-party support for the moratorium and this week’s figures are welcome.

Earlier, the First Minister spoke of looking for evidence of obstruction. In a letter to Labour's Neil Findlay, Dr Veronikis explained why he has rescinded his offer. He cited "delays and disrespectful behaviours". However, he also raised a matter of serious concern that reflects the point that the First Minister has just mentioned. He said:

"The Scottish mesh injured women are vindicated in what they presented to Minister Freeman in March 2019. What has been recorded in their medical records as a 'full removal' was not. It was a partial removal."

Why have those women been misled and what will the First Minister do about it?

The First Minister: I alluded to that point very openly—it causes me deep concern and we are determined to help women get to the bottom of that. I stand to be corrected if I am wrong, but I understand that last night, at the cross-party group on chronic pain, an issue was raised about access to scans for women who feel that they have not had the full mesh removal that they were told that they had had. That is one of the things that we want to consider fully. We are determined to ensure that, as far as we can, we get to the bottom of where women have been given treatment that has damaged them, or where treatment that was meant to rectify that damage was not what they were told it was and to explore where they can get access to the treatment that they need now.

I have set out clearly and openly some of those issues. I regret the delays around trying to meet the requirements to have Dr Veronikis come here, but the Scottish Government was not able simply to waive those requirements—they are the requirements of the General Medical Council. However, clinicians from Scotland will be visiting the United States next month. If Dr Veronikis is willing to reconsider his position—that is entirely a matter for him, although I would very much welcome it if he were to do so—those requirements can be met and I still hope that he will come to Scotland.

Dr Veronikis has also written to the health secretary. If there is information in the letter that Richard Leonard has referred to that we do not have, I would be very happy to look at that—Richard Leonard could pass that letter on to us, if he has not already done so.

I cannot stress enough the determination on my part, and on the part of Jeane Freeman and the entire Scottish Government, not just to get to the bottom of why women are in this position, but to ensure that we are giving women access to the treatment that will bring an end to the pain and suffering that they are so unjustly experiencing.

Richard Leonard: It is such an important issue. Dr Veronikis offered those women the first glimpse of hope that they might get their lives back. The

fact is that the Cabinet Secretary for Health and Sport looked Scotland's mesh-injured women in the eye and gave them a commitment to a course of action that could give some of these women their lives back. The world-leading, pioneering surgeon, whom the health secretary invited to come here, now feels that officials and senior surgeons in Scotland—working for our NHS and accountable to the Scottish Government—obstructed that course of action. At the centre of all that are women who have been left languishing in pain.

The Government has lost the confidence of the mesh-injured women and the health secretary appears to have lost control of the situation. Will the First Minister now step in and take the decisive action that is needed?

The First Minister: I am closely involved in ensuring that we take the action that we are required to take, as is the health secretary. It is because of Jeane Freeman's action that the moratorium or halt was put in place and that no more of the procedures are taking place. It is not because of Jeane Freeman that Dr Veronikis is not coming to Scotland. I have set out the requirements that have to be met, which are not Scottish Government requirements, and how we are trying to meet them. I am more than happy to speak to the doctor personally. I say openly that, if anybody has evidence of the kind of obstruction that is being talked about, I want to know about that. However, based on the information that I have, attempts to get the doctor here have been and will continue to be made, if he remains willing.

I cannot be any clearer. There is an absolute determination to ensure that we take the necessary action. I hope that we continue to have the constructive support that we have had in the past from members from across the chamber, including Jackson Carlaw and Richard Leonard, because this is not a matter of party politics; it is a matter of doing the right thing, and we are all determined to do that.

Her Majesty's Prison Inverness (Staff Safety)

Edward Mountain (Highlands and Islands (Con): The new Highland prison has been delayed for years and the current prison is no longer fit for purpose. It is overcrowded, and 200 prisoners from the Highlands and Islands have been dispersed elsewhere. Seizures of drugs, weapons and mobile phones have increased. Today, thanks to the work of *The Press and Journal*, we learned that key areas of the prison are without closed-circuit television, which endangers prison staff. Is it not time that the safety and welfare of our Highland prison staff was made a top priority? Will the First Minister or her Cabinet Secretary for

Justice meet me and prison staff to try to resolve the safety issues at HMP Inverness?

The First Minister (Nicola Sturgeon): The Cabinet Secretary for Justice would of course be happy to meet members to discuss issues in our prisons. We are committed to on-going investment in our prison estate and to modernising and improving it. Security, not just in terms of prisoners but for the staff who work in our prisons, is extremely important. CCTV is important, but the Scottish Prison Service has measures beyond that for the staff and people in the service's care in HMP Inverness in particular. We will continue that work, and we are happy to discuss the plans in more detail.

We will also continue to take action to reform our justice system to tackle the fact that, although crime levels are among the lowest for 40 years or more, we have proportionately the highest prison population in the western world. That is why we are taking action to introduce a presumption against short sentences and more alternatives to custody, which are better for rehabilitation and reducing reoffending. To the best of my memory, the Conservatives have opposed every single one of those reform proposals. The issue is serious and, if the Conservatives were to engage with it a bit more seriously and constructively in the round, we might make more progress than we have to date.

Gambling Advertisements (Glasgow)

John Mason (Glasgow Shettleston) (SNP): The First Minister will be aware that Glasgow City Council has expressed concern about the level of gambling adverts that young people in particular are exposed to. Has she had discussions with the council about that, or will she do so?

The First Minister (Nicola Sturgeon): That is an important issue. I am aware of recent discussions in Glasgow City Council about problem gambling in the city and the impact that advertising is having on it. I understand that the council plans to hold a summit to develop plans to ensure that people are aware of the risks and harms that are associated with gambling. Although advertising is the responsibility of the United Kingdom-wide Advertising Standards Authority, we are committed to exploring what more we can do to help deal with the problem of gambling. Of course, it would be more effective if all powers associated with gambling were devolved to the Parliament so that Scottish solutions could be taken forward more quickly.

Her Majesty's Prison Barlinnie (Overcrowding)

James Kelly (Glasgow) (Lab): This week, the chief executive of the Scottish Prison Service, Colin McConnell, told the Justice Committee that a

replacement for Barlinnie prison in Glasgow will not be operational until 2025, which is six years later than planned. Audit Scotland deems the building "high risk". Barlinnie is 50 per cent over capacity, with many prisoners having to share cells. Of the cells that are shared, 92 per cent were designed for single occupancy. The chief executive also stated that current contingency plans in the case of an emergency involve simply moving prisoners to another location, with mattresses on the floor, which is unacceptable and unsustainable.

What steps will the Scottish Government take to address the chronic position of Barlinnie prison? What plans will the Scottish Government put in place to address the overcrowding, underfinancing and staffing crises of the Scottish Prison Service?

The First Minister (Nicola Sturgeon): Those are serious issues to which the Government pays close and regular attention at Cabinet level. A replacement for Barlinnie prison is one of our key infrastructure priorities. The SPS is progressing with plans for the development of the new prison in Glasgow, and negotiations for the purchase of an identified site are under way.

However, we acknowledge that, as a result of the recent rise in the prison population, interim measures are needed to improve current conditions at Barlinnie. Action will be taken in that regard. We are working closely with the Scottish Prison Service to ensure that robust measures are in place to ensure the safety of staff and the prisoners who are in the care of Barlinnie.

In addition to my point about investment in our prisons being important in response to an earlier question, it is worth pointing out that we have a challenge as a country to rebalance our justice policy, so that we do not have as many people going into our prisons when more effective sentences are available that could be served elsewhere.

It is also worth pointing out that, since 2007, the Scottish Government has invested almost £600 million in the prison estate for three new prisons—Low Moss, Addiewell and Grampian—and the refurbishment of the existing prisons at Polmont, Edinburgh, Glenochil, Shotts and Perth. We will continue to ensure that such investment is made, so that we ease the pressure on the prison estate overall and, in particular, on Barlinnie.

Lord Provost of Glasgow (Expense Claims)

Adam Tomkins (Glasgow) (Con): The Scottish National Party's Lord Provost has ripped off the people of Glasgow. Is it not time that she went?

The First Minister (Nicola Sturgeon): Eva Bolander, who is an excellent Lord Provost for the city of Glasgow, has rightly and frankly reflected

on some of the expense claims that she made. All the claims were within the rules; nevertheless, she has reflected on them and decided that she should not have made certain claims. I think that that was the right decision.

As elected politicians, we all have to be careful and considered about our expense claims, but none of us wants a situation in which the only people who can take on roles—in particular, roles such as Lord Provost, which require attendance at a lot of formal functions—are those who can afford to equip themselves.

The Lord Provost has herself reflected, and I think that she was right to do so.

Prestwick Airport Service Fees

3. Patrick Harvie (Glasgow) (Green): I hope that the whole chamber will join me in expressing solidarity with the Kurdish people, who have been betrayed and abandoned by the US, and are now enduring an assault by Turkey, which is a NATO member. I hope that the First Minister will join me in condemning those actions.

Ministers have been aware for more than a year that the US military is getting a seven-figure discount to refuel at Prestwick airport, which is owned by the Scottish Government on behalf of the public. It is a growing scandal, and there is already a US Congress inquiry into the relationship. If the First Minister is against Scotland being used as a nuclear submarine base for the United Kingdom, why should we be any happier about being used as a cut-price petrol station for the US Air Force?

The First Minister (Nicola Sturgeon): Earlier this week in the chamber, in response to a topical question, the Cabinet Secretary for Transport, Infrastructure and Connectivity outlined the position with regard to Prestwick airport.

Prestwick airport is state owned, but it runs commercially completely independently of the Scottish Government. That is the case not just for convenience; it is essential that there is an arm's-length relationship for us to be compliant with state aid rules. If we were to interfere in the running of Prestwick airport, we would put in jeopardy the future operation of the airport. For those who want to see the airport continue and have a future, and for those who want to see the jobs that are dependent on the airport continue, I think that that is the right and responsible thing to do.

In terms of Patrick Harvie's question about Syria, I say very clearly and strongly that I and the Scottish Government are deeply concerned about and are strongly opposed to Turkey's unilateral military action in northern Syria. We are also extremely concerned by Donald Trump's decision to withdraw support and leave Kurdish allies to the

mercy of whatever Turkey chooses to do. That is particularly reprehensible, given the sacrifices that Kurds have made in helping to defeat Isis.

I hope that there is a very strong response from the international community to the action that Turkey has taken—we have seen on previous occasions the consequences and implications for Kurds of Turkish action of this nature. I therefore hope that there is strong opposition to Turkey's action, and that there is strong international support for Kurds as well.

Patrick Harvie: The First Minister is keen to tell us about the arm's-length relationship with Prestwick airport, but the Prestwick governance structure clearly shows that two of the First Minister's officials sit on the board of the holding company. That is supposed to provide a line of democratic accountability, so that we are not reliant on investigative journalists to uncover the facts of what is going on. The Scottish Government should be giving us updates.

Will the First Minister update us now? Is there any business plan for Prestwick, other than to provide a bargain service for Trump's military and book its taxis to Turnberry? Will the Scottish Government and the First Minister stop ignoring the nature of the scandal, accept responsibility for ensuring that our public assets are not used to support the military operations of a dangerous, far-right regime, and end the relationship between Prestwick and the US military?

The First Minister: I have set out the situation in terms of state aid requirements. If we want to ensure that Prestwick airport has a future, we have to comply with those requirements.

The sources of revenue for Prestwick airport are laid out in the accounts that Prestwick airport publishes. The last set of accounts cover the period to the end of March 2018, and the accounts are published annually. Beyond that, with regard to the future for Prestwick airport, as we have always said, we want to return it to the private sector as soon as we are able to do so.

The senior management team at the airport has continued to engage with potential buyers and investors, and we will continue to take the action that we require to take to ensure that the airport has a future. That is what is important for the economy in that part of Ayrshire and for the many jobs that depend on Prestwick airport having a future.

National Health Service (Waiting Times)

4. Alex Cole-Hamilton (Edinburgh Western) (LD): A year ago, the Scottish Government published its waiting times plan. It said that nothing that had happened before should count against its record now, and the Parliament

swallowed that. Since then, accident and emergency targets have been missed every week—all summer, performance was worse than last year. There are more young people waiting more than a year for mental health treatment. We have seen the worst ever performance against the treatment time guarantee and, this week, we learned of a patient who waited four years for dental surgery.

The situation is causing people pain, anxiety and suffering. Will the First Minister take the opportunity to apologise to them?

The First Minister (Nicola Sturgeon): Our national health service is seeing and treating more patients than ever before. If we take accident and emergency, for example, this year, more than 1.5 million patients have been treated within the four-hour target, which is the highest number in any year since 2012. We are seeing more cancer patients treated within the target times, and our investment in the waiting times improvement plan is helping to ensure that the investments are in the right places in order to see waiting times continue to come down.

Demand in our NHS is rising, which is why we are building the capacity to meet that additional demand.

Although there remain big challenges for our national health service, not least at the front line in our accident and emergency units, Scotland's core A and E service performance was 10.5 percentage points higher than that of A and E units in England and 17.6 percentage points higher than in Wales. There are big challenges for everybody's NHS, but the evidence suggests that this Government is making the investments and taking the actions that are right for patients across the country.

Alex Cole-Hamilton: I am sure that the comparison with other nations is cold comfort to people who are waiting, and those people are still waiting. In fact, the Government is not even meeting the one cancer target that it was meeting before the recovery plan any more. The reason why those people are not being seen is that there is nobody there to see them. In mental health, psychiatry vacancies hit crisis levels this week and the workforce plan has been delayed yet again by the Government; it is nearly a year late. When will we see it? When will A and E targets and mental health targets start to be met? On world mental health day, is the First Minister really going to tell those patients to sit back, shut up and wait for another year?

The First Minister: No; I would never tell anybody to do that. I should, of course, have welcomed Alex Cole-Hamilton to his place for First Minister's questions. He is covering for Willie Rennie, who is on holiday.

Alex Cole-Hamilton mentioned a number of areas in the health service, including psychiatrist vacancies. I point out to him that, since we put additional funding in place, the number of child and adolescent mental health service psychiatrists has increased by 15 per cent, our accident and emergency departments are performing better than any others in the United Kingdom and we are investing to make sure that across our national health service we are building the capacity to meet the increased demand. Cancer has been mentioned, too, and we are seeing more cancer patients within the target times than previously. We will continue to make those investments so that we have a health service that is delivering the excellent treatment for patients that the vast majority of patients across the country already consider that our national health service is delivering.

The Presiding Officer: There is not much time today, but I will squeeze in a couple of constituency questions.

No-deal Brexit (Medicine Supplies)

Clare Adamson (Motherwell and Wishaw) (SNP): This weekend, I received at my home a handwritten note from an elderly constituent who is deeply worried about the impact of Brexit on her health. I kept her informed of the ministerial statement on Tuesday and hope that she takes some comfort from the work that the Scottish Government is doing to mitigate any circumstances. However, is the First Minister aware of the comments of Dame Sally Davies, the outgoing chief medical officer of England, who this morning said of medicine supply in the event of a no-deal Brexit that

“there may be deaths, we can't guarantee there won't”?

The First Minister (Nicola Sturgeon): I have seen the comments that Dame Sally Davies made this morning. They are absolutely horrifying. She said that lives are at risk and it cannot be guaranteed that people will not die because of potential medicine shortages and the impact of a no-deal Brexit. If nothing else that has been said over recent weeks and months about the consequences of a no-deal Brexit has made any difference to the United Kingdom Government, I really hope that those comments today will make that difference.

I know that Michael Gove is in Scotland for meetings later today and the question for him has to be: do people have to die before this UK Government comes to its senses and rules out a no-deal Brexit completely? It is absolutely unconscionable that it is still being contemplated and that at times it appears to be the desired policy of the Prime Minister and others. It is beyond belief, particularly in light of the comments

from Dame Sally Davies, that Jackson Carlaw and the Scottish Conservatives seem happy to back Boris Johnson in taking the UK out of the European Union with no deal. I do not think that people in Scotland will readily forgive them for that.

Alesha MacPhail

Liam Kerr (North East Scotland) (Con): On 11 September, the Cabinet Secretary for Justice tweeted that he would meet Alesha MacPhail's family to discuss their concerns with the justice system. As of yesterday, the family was very upset that they have had no contact, not even a phone call. Will the First Minister tell her justice secretary to get in touch with the family without further delay?

The First Minister (Nicola Sturgeon): I will continue to support my justice secretary in taking the appropriate, sensitive and right action that he is taking. I make it clear that the justice secretary made a commitment to meet Alesha MacPhail's mum before meeting any other members of the family. Unfortunately, for entirely understandable reasons, that meeting had to be postponed by Alesha's mum.

The justice secretary will honour that commitment to meet the little girl's mum and, when he has done so, he will—as he said he would—meet other members of the family. I honestly do not think that we should be trying to make party-political points on such a tragic case.

Challenge Poverty Week

5. Tom Arthur (Renfrewshire South) (SNP): To ask the First Minister how the Scottish Government is marking challenge poverty week. (S5F-03635)

The First Minister (Nicola Sturgeon): Challenge poverty week is very important. It is a reminder that we must continue with the actions that we are taking to tackle poverty. Our current actions are supporting low-income households. Last year, we provided targeted support of £1.4 billion. In addition, we have delivered more than 87,000 affordable homes since 2007. Our increase in early learning and childcare will be transformational in supporting parents, and we are investing in new parental employment support. Through our new Scottish child payment, we will lift 30,000 children out of poverty.

Of course, it is clear that the biggest danger as regards increasing poverty is presented by the UK Government's continued welfare cuts and the risk of a no-deal Brexit, which could push 130,000 people in Scotland into poverty.

Tom Arthur: Parliament will be aware that, last week, the United Nations special rapporteur said

that Scotland is on "a very different trajectory" from the rest of the United Kingdom. He also said that the spirit of the welfare state is "alive and humming" in Scotland but is "waning" elsewhere. The introduction of the new Scottish child payment shows that this Scottish National Party Scottish Government is determined to do things differently in Scotland. The policy will be transformative.

What impact could the Scottish Government make if it did not have to spend millions mitigating the most harmful UK Government policies, such as welfare cuts and a no-deal Brexit?

The First Minister: Right now, even before we contemplate a no-deal Brexit, we are spending £100 million every year to protect people from the UK Government's welfare cuts. The UN special rapporteur described that as an outrageous situation, and I thoroughly agree with that. I think that all of us would rather be investing those funds in our own policies to tackle poverty.

We are taking bold and radical action. The new Scottish child payment was described by poverty campaigners as "a game changer". We will continue to take such action to make sure that we are doing everything that we can to tackle poverty.

The continuation of the seemingly rapid acceleration towards a no-deal Brexit makes it all the more obvious that we need to get powers out of the hands of Boris Johnson and his ilk and into the hands of this Parliament so that we do not have to put up with Tory welfare cuts any more, because we can take the right decisions here in the first place to help to lift people out of poverty and to create a better, fairer country for everybody.

Psychiatric Services (Staffing)

6. Brian Whittle (South Scotland) (Con): To ask the First Minister what action the Scottish Government is taking to address the reported staffing shortfalls in psychiatric services, particularly those for children. (S5F-03631)

The First Minister (Nicola Sturgeon): We are investing £54 million in a package of support to improve access to mental health services for adults and children, providing funding for additional staff and workforce development. In 2018, there was an improvement in recruitment to psychiatric specialities. There has also been an increase of 15 per cent in the number of child and adolescent mental health services psychiatrists since additional funding was put in place in March 2016. In addition, we have provided funding of more than £12,000 to the Royal College of Psychiatrists for its choose psychiatry campaign to promote psychiatry as a career in Scotland.

Brian Whittle: I was interested to listen to the First Minister's answers to Alex Cole-Hamilton's

questions, because I received correspondence from the Royal College of Psychiatrists that stated that more than one in six consultant child and adolescent psychiatrist posts are vacant. To compound that pressure on services, according to the report on CAMHS, it is anticipated that 40 per cent of child and adolescent psychiatrists will retire within five years. It takes six years' training for a junior doctor to gain consultant status, and a decrease has been reported in the number of people who are choosing to progress from core to higher psychiatric training.

We have a growing demand and an already high vacancy rate compounded by a large number of psychiatrists approaching retirement age. When will the Government produce a realistic workforce plan that can meet those escalating challenges and ensure that our children receive the mental health care that they deserve?

The First Minister: We are already taking action and, as I am about to set out, that action—although there is still work to do—is already having an effect. There are challenges in recruiting to a number of medical specialties, which are not unique to Scotland—they are experienced in other parts of the United Kingdom and, indeed, other parts of Europe and the world—and those challenges are not made easier if we make it harder for people to come here as a result of Brexit or Tory crackdowns on immigration. Those are points that we should not stop making.

On psychiatry, as I said in my original answer, we have seen an increase in the number of CAMHS psychiatrists since we made additional funding available in 2016. Consultant psychiatrist vacancies remain unfilled in a number of health boards, but over the past five years, we have increased the number of psychiatric posts by 8.5 per cent. In 2018—this is important—we saw a significant improvement in recruitment to psychiatric specialties, with a fill rate of 72 per cent compared with 55 per cent in the year before that.

Those are important steps, but there is still work to be done and we remain focused on ensuring that the investment and plans are in place to do that work and to make sure that we have the right medical specialists in place where they are needed.

The Presiding Officer: That concludes First Minister's questions. There is no members' business today, so I suspend the meeting. We resume at 1.30.

12:46

Meeting suspended.

13:30

On resuming—

Portfolio Question Time

Education and Skills

The Presiding Officer (Ken Macintosh): Good afternoon. Our next item of business is portfolio questions. I remind members that questions 4, 5 and 7 will be grouped together.

Dyslexia (Learning Support)

1. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government how it is supporting learners who have dyslexia. (S5O-03651)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): We want all children and young people to get the support that they need to reach their full potential. We support education authorities in meeting their duties under the Education (Additional Support for Learning) (Scotland) Act 2004 to identify, provide for and review the additional support needs of their pupils, including pupils with dyslexia.

We have provided free professional learning opportunities for practitioners that support them to further develop their knowledge, understanding and skills in supporting learners with dyslexia. Those include the refreshed addressing dyslexia toolkit and the dyslexia and inclusive practice online professional learning modules.

Emma Harper: It is estimated that around one in 10 of us have dyslexia in some form, making it crucial to ensure that there is appropriate support. As this is dyslexia awareness week, does the cabinet secretary agree that businesses and employers must also take proactive steps to implement policies and practices that ensure that employees with the dyslexia have the support that they require?

John Swinney: I agree with Emma Harper's point. It is important that individuals with additional support needs are able to make a full contribution to our society. That may, in certain circumstances, require adaptations in educational practice and support; equally, it may require adaptations and revisions in the world of work. That aspiration will certainly be reflected in the approaches to employment support that are available through Skills Development Scotland and other organisations, including our college sector. There are obviously opportunities for us support that work through dyslexia awareness week.

Daniel Johnson (Edinburgh Southern) (Lab): Learners with neurodevelopmental conditions such as dyslexia, autism and attention deficit

hyperactivity disorder have particular support needs, and teachers need skills to support them. The National Autistic Society Scotland recently suggested that there should be a minister for neurodiversity. Does the cabinet secretary agree with that suggestion, and will he consider it?

John Swinney: I will certainly consider the suggestion but, as Mr Johnson will appreciate, ministerial responsibilities are not entirely my responsibility—the First Minister has a very significant say on those questions. I will reflect on what is an interesting and helpful suggestion. I reassure Daniel Johnson that the neurodiversity issues that he has raised are very much uppermost in ministers' minds as we try to ensure that practice is in place to support individuals and that the appropriate training and education are in place for staff to deliver that support. However, I will consider his suggestion as part of our on-going dialogue about meeting the needs of individuals with additional support needs.

I was very pleased to be able to appoint Angela Morgan to lead the review of additional support needs provision. I had the pleasure of meeting her yesterday to discuss how she intends to take forward the review.

Teacher Reductions (Impact on Curriculum for Excellence)

2. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government what its response is to reports that reductions in teacher numbers have impacted on the implementation of the curriculum for excellence. (S5O-03652)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I am pleased to advise Mr Balfour that the Government's actions to boost teacher recruitment are working. There are now more teachers than at any time since 2010, and the pupil teacher ratio is at its lowest since 2013. Primary teacher numbers are now at their highest level since 1980. Schools and local authorities continue to ensure that curriculum for excellence, in both the broad general education and the senior phase, is delivering the best possible opportunities for young people. I welcome the fact that, last year, a record proportion of pupils went on to positive destinations such as work, training or further study.

Jeremy Balfour: If the cabinet secretary looks at the Scottish Government's recent headteacher survey on implementing the senior phase of the curriculum for excellence, he will see that 75 per cent of respondents said that the availability of teaching staff was a factor that limited headteachers' ability to ensure a broad general education at the senior phase.

Is it not the case that Scottish National Party cuts to teacher numbers in previous years have prevented headteachers from being able to successfully implement the curriculum for excellence?

John Swinney: I do not accept that view. Over the past few years, we have worked hard to boost teacher numbers, and the data speaks for itself—teacher numbers are rising. I accept that there were challenges in relation to teacher numbers, and we have acted to address that issue.

We must ask why there was such pressure on teacher numbers. A lot of that was down to the financial constraints within which we have had to operate as a consequence of the austerity that we have had to endure under the Conservative Government since 2010.

We have worked hard to boost teacher numbers. I am delighted that they are the highest that they have been since 2010, which is enabling our headteachers to make choices about how they can deliver an effective education for young people across our country.

Iain Gray (East Lothian) (Lab): One consequence of reduced teacher numbers is the systematic use of multilevel teaching in the senior school. What is the cabinet secretary's response to evidence that was published in *The Ferret* this week that that is more prevalent in schools serving poorer communities, and that, in some schools, most senior classes are taught using multilevel teaching?

John Swinney: There will be a variety of factors that lead to the existence of multilevel teaching. Some of that will involve the number of pupils who have a desire to take particular courses and the desire of schools around the country, which I recognise, to ensure that provision is as broad as possible.

Mr Gray will realise that, in some schools that operate in deprived areas, the cohort size may be smaller than it is in other parts of the country. In general, pupil numbers in secondary schools in deprived areas result in generally smaller cohorts than in other secondary schools. Those factors will obviously have an effect on the provision of particular courses.

What I do not think that schools and headteachers should be criticised for is trying to maximise the opportunities that are available to young people, which is what they are doing. That might contribute to the use of multilevel teaching, which, of course, as Mr Gray knows, has long been a feature of Scottish education.

School-based Counsellors

3. **Monica Lennon (Central Scotland) (Lab):**

To ask the Scottish Government, further to the commitment in its 2017-18 programme for government, what progress it has made with the appointment of school-based counsellors. (S5O-03653)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The Government is taking forward its proposals on child and adolescent mental health, which we take seriously, and the investment in providing access to counsellors in every secondary school is part of a package of measures to ensure that children and young people get the support that they need.

We are delivering the commitment in partnership with local authorities, which are responsible for the recruitment of counsellors. To support local authority partners, we have agreed the distribution of funding to implement the service, a set of aims and principles to underpin development and delivery and a process for local authority reporting on implementation and progress.

Monica Lennon: Constituents have raised with me concerns about the number of young people who have considered, attempted or completed suicide, and there is disappointment at the fact that the planned roll-out of school-based counselling in South Lanarkshire has been delayed. Does the cabinet secretary share my disappointment at that, and can he outline further what steps the Scottish Government will take to support councils across Scotland to ensure that the commitment to school-based counselling is being fully fulfilled?

John Swinney: I want to reassure Monica Lennon that we are taking forward our proposals in partnership with local authorities. We have gone through the process of agreeing the distribution arrangements. In 2019-20, South Lanarkshire Council, which Monica Lennon mentioned, will receive £709,000 from the Scottish Government to support the school counselling service, and that will rise to £961,000 in 2020-21.

Obviously, we want to make swift progress on the issue, and a lot of good work is going on in individual schools around supporting the mental health of young people. I completely accept the importance of the issue that Monica Lennon raises.

This morning, I visited the Royal high school of Edinburgh, where young people have been involved in a bibliotherapy exercise, which is about identifying works of fiction and other books that can help young people who are wrestling with mental health challenges to find empathy and

support when they participate in reading exercises. The approach has borne significant fruit in the school. It is the product of a lot of welcome collaboration with City of Edinburgh Council library services and it is supported by the Government's school library improvement fund.

Schools are taking a variety of steps—not to mention what is being done through pupil equity funding—to provide mental health support. I completely accept the importance of the issue that Monica Lennon raised and I assure her that, with our local authority partners, we are pursuing the implementation of the commitments that we have made to the Parliament.

The Presiding Officer: Questions 4, 5 and 7 are grouped. I remind members that if they want to ask a supplementary on any one of those questions, I will take their supplementary after question 7.

Additional Support Needs

4. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what support it provides for pupils with additional support needs. (S5O-03654)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): We want all children and young people to get the support that they need to reach their full learning potential. Under the Education (Additional Support for Learning) (Scotland) Act (2004), education authorities have duties to identify, provide for and review the additional support needs of their pupils.

The Scottish Government funds a number of services to provide advice and support to children, young people and their families, to ensure that they are fully informed of their rights to additional support and can access support and guidance that enables them to be involved in any decisions that are made about that support.

Jackie Baillie: This year, the Scottish Children's Services Coalition highlighted a fall in the number of specialist teachers who support young people with additional support needs. A decline of something like 403 over the past six years takes the number of specialist teachers to a new low.

I welcome funds being made available for pupil support assistants, but will the Deputy First Minister say how much money the Government is allocating to plug the hole in the number of specialist teachers?

John Swinney: A range of specialists provide support and assistance to young people with additional support needs, and although teachers make a huge contribution, I think that, in her

question, Jackie Baillie acknowledged the importance of other members of staff who contribute to the process.

On financial support, the most recent data that is available shows that local authorities have increased the amount that they are spending on education in general. There is a real-terms increase of 1 per cent, or 3 per cent in cash terms. On additional support for learning, local authorities have increased the support that they make available by 0.9 per cent in real terms, or 2.9 per cent in cash terms.

In addition, the Government has made available an extra £15 million in this financial year to expand the range of pupil support assistants. When I discussed the issues at a gathering on additional support needs that the Government convened in Edinburgh last week, the Government's initiative to support provision at local level received a warm welcome.

Children with Additional Support Needs (School Location)

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what its position is on whether children with additional support needs should be educated at the nearest appropriate school to their home. (S5O-03655)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): Children and young people should learn in the environment that is best suited to their individual needs. It is for education authorities to determine the most appropriate provision for children and young people with additional support needs, taking account of their legislative responsibilities and the individual circumstances and wishes of children, young people and their families.

Guidance for education authorities is provided through the statutory code of practice on supporting children's learning. Authorities are further supported in their decisions by the refreshed guidance on the presumption of mainstreaming, which was published in March 2019.

Kenneth Gibson: I thank the cabinet secretary for his comprehensive answer. Does he agree that local authorities should be flexible enough to allow children to be educated near their home, even when that means going to school in a neighbouring local authority?

John Swinney: Such a circumstance might well be appropriate for a young person. I certainly do not think that local authorities should feel constrained by a necessity to operate within their electoral boundaries in the context of provision to meet the needs of young people with additional

support needs; nor should a local authority feel obliged to move outwith its area. The key decision making should be about the needs of the child, after good dialogue with the child and their family. I encourage local authorities to exercise their legislative responsibilities in the context of understanding and accepting the important point that Mr Gibson made.

Additional Support Needs Assistants

7. Alison Johnstone (Lothian) (Green): To ask the Scottish Government what action it is taking to ensure that assistants in schools for pupils with additional needs have the appropriate training or qualifications. (S5O-03657)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): In line with legislation, education authorities must ensure that they have appropriately trained and qualified staff in place to support pupils in their learning.

We are exploring with key stakeholders how we can further enhance the support that is offered to wider education staff, including classroom assistants, to ensure that all children and young people get the support that they need to reach their full learning potential.

Alison Johnstone: The cabinet secretary will appreciate that assistants who support pupils with ASN are not general classroom assistants and that supporting ASN pupils requires specialist knowledge and training; we do not leave it up to individual local councils to manage the registration of ASN teachers and having 32 different registration schemes would not be feasible. Will the Government step in to ensure that ASN assistants are properly supported to assist pupils in order to make sure that the highest standards apply across Scotland?

John Swinney: I will certainly consider the issue that Alison Johnstone has raised and feed it into the review of ASN provision that Angela Morgan is leading for the Government. I accept the principle that it is vital that the needs of young people are appropriately met and that the training of staff is effective in ensuring that that is the case.

Alison Harris (Central Scotland) (Con): Last year, there were almost 200,000 pupils with additional support needs in Scotland's schools. Although training for classroom support staff is important, teachers are crying out for specialist ASN teachers after their numbers fell by over 10 per cent between 2012 and 2018. What action is the cabinet secretary taking to address that reduction in specialist ASN teachers, especially as the identification of special needs is improving all the time?

John Swinney: From the data that I have, there are 51,253 teachers—forgive me, I will leave that point; I misread the column in front of me.

On the point that Alison Harris raises, there is a fundamental issue around the principle of mainstreaming—our mainstream teaching population must be able to properly support young people in their requirements. Local authorities must make a judgment about whether they have all the teaching complement in place to adequately meet a young person's needs. A young person should not be placed in mainstream education unless the local authority is satisfied that there is appropriate trained support available for the education of that young person.

Fundamentally, it is the responsibility of local authorities to make that judgment and to ensure that the appropriate support is in place for a young person. We are seeing a growth in the number of staff supporting pupils with additional support needs. That number will be boosted by the announcements that were made in the programme for government. That is the route that we are taking to ensure that the needs of individuals are met appropriately.

Modern Apprenticeships

6. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government what schools are doing to encourage fifth and sixth year leavers to pursue modern apprenticeships, particularly in more affluent catchment areas. (S5O-03656)

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Apprenticeships are promoted to teachers, young people and their influencers through a range of regular campaigns and activity across digital channels, social media, events and traditional media, as well as through careers information and advice.

The introduction and promotion of foundation apprenticeships embeds the apprenticeship offer into the senior phase of secondary schools and further supports career paths into modern and graduate apprenticeship jobs.

Rona Mackay: In my constituency of Strathkelvin and Bearsden, a high proportion of school leavers go on to university, which of course I welcome. Does the minister agree that apprenticeships and skills training is an equally positive destination and should be encouraged by all schools?

Jamie Hepburn: I welcome the fact that so many young people go on to university across Scotland. We will continue to support that opportunity; we provide over £1 billion to the higher education sector. However, I agree with Rona Mackay on that point; we are working to try

to get parity of esteem between vocational and academic education. We are doing that through the developing the young workforce initiative.

We will provide 29,000 apprenticeship opportunities this year. I am sure that Ms Mackay will welcome the fact that, last year, approximately 400 apprentices started training in East Dunbartonshire, the local authority area in which her constituency is located. Skills Development Scotland reports that it expects to see a significant increase in the number of foundation apprenticeship starts this year.

Much is happening in Strathkelvin and Bearsden, and much is happening across Scotland, and we will continue to promote apprenticeships as an invaluable part of Scotland's skills and training system.

Business Motion

13:50

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-19379, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Transport (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Transport (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when these groups begin 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 proceedings being called) or otherwise not in progress:

Groups 23 to 26: 1 hour 15 minutes.—[*Maurice Golden.*]

Motion agreed to.

Transport (Scotland) Bill: Stage 3 (Day 2)

13:51

The Presiding Officer (Ken Macintosh): The next item of business is continuation of stage 3 consideration of the Transport (Scotland) Bill. I will not repeat the procedural advice, because I think that members are familiar with it. However, the division bell will sound before we have the first division of the afternoon and Parliament will be suspended for five minutes to allow members to come to the chamber.

Section 58L—Application of net proceeds of workplace parking licensing schemes

The Presiding Officer: Group 23 is on the workplace parking levy and the application of net proceeds. Amendment 171 is the only amendment in the group.

Dean Lockhart (Mid Scotland and Fife) (Con): I will try to be brief and use the notes that I abbreviated at 9 o'clock last night.

As it is drafted, section 58 requires local authorities to apply proceeds from the workplace parking levy only for the purpose of facilitating local transport policy. The purpose of amendment 171 is to require the proceeds that are raised under the levy also to be used for supporting local business improvement districts, including town centre and high street regeneration projects in the local authority area.

The Scottish Conservatives fundamentally disagree with the workplace parking levy, but if it is to be introduced, the proceeds should be used in a way that directly benefits our high streets and town centres. High streets across Scotland are facing unprecedented pressure, with an average of five shops closing each week according to a recent survey. Parliament needs to take action to revive our high streets. Ring fencing the proceeds from the levy for investment into high streets would be a positive first step.

I therefore encourage members to support their local high streets and support the amendment.

I move amendment 171.

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Amendment 171 concerns the application of net proceeds from a workplace parking licensing scheme. As drafted, the bill requires funds that are raised to be used for activities to achieve policies in a local authority's local transport strategy, or in the strategy of local

authorities with which it is working jointly for transport purposes.

The local transport strategy will be developed to address local circumstances, and may, at the local authority's discretion, include transport-related policies to strengthen business improvement districts or any other locally significant initiatives. Rather than seeking to determine the initiatives to be supported at national level, it is appropriate to allow local authorities to determine how funds are allocated through their transport strategies. As a result, I do not support the amendment and I ask members to reject it.

Dean Lockhart: I appreciate that the cabinet secretary is keen to increase funding for transport, especially given the dismal performance of ScotRail. However, Scotland's high streets face unprecedented pressure from increasing business rates and a stagnant economy under the Scottish National Party. Amendment 171 would give the high street a much-needed boost, and it would give local authorities full discretion over how to use the money for the benefit of town centres.

I therefore encourage members to support their local high streets, and to support amendment 171.

The Presiding Officer: The question is, that amendment 171 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

This is the first division of the day, so I suspend the meeting for five minutes while we summon members to the chamber.

13:54

Meeting suspended.

13:59

On resuming—

The Presiding Officer: We move to the division on amendment 171.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 44, Against 59, Abstentions 0.

Amendment 171 disagreed to.

Amendment 12 moved—[Neil Bibby].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)

Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (Green)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 47, Against 55, Abstentions 0.

Amendment 12 disagreed to.

Section 58M—Accounts

Amendment 110 moved—[Michael Matheson].

The Presiding Officer: The question is, that amendment 110 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)
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)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (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)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Lennon, Monica (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Jenny (North East Scotland) (Lab)
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)
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)
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)
Todd, Maree (Highlands and Islands) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wightman, Andy (Lothian) (Green)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Bowman, Bill (North East Scotland) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Chapman, Peter (North East Scotland) (Con)
Corry, Maurice (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (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)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lockhart, Dean (Mid Scotland and Fife) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Tomkins, Adam (Glasgow) (Con)
Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 76, Against 26, Abstentions 0.

Amendment 110 agreed to.

Amendment 13 moved—[Neil Bibby].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 55, Abstentions 0.

Amendment 13 disagreed to.

Section 58N—Penalty charges

Amendment 111 moved—[Colin Smyth]—and agreed to.

Amendment 14 moved—[Neil Bibby].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)

Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 54, Abstentions 0.

Amendment 14 disagreed to.

Section 58O—Evidence from approved devices

Amendment 15 moved—[Neil Bibby].

The Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)

Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 55, Abstentions 0.

Amendment 15 disagreed to.

Section 58P—Enforcement powers

Amendment 16 moved—[Neil Bibby].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

Whittle, Brian (South Scotland) (Con)
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)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Finnie, John (Highlands and Islands) (Green)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Johnstone, Alison (Lothian) (Green)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
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)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robison, Shona (Dundee City East) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Todd, Maree (Highlands and Islands) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wightman, Andy (Lothian) (Green)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 47, Against 54, Abstentions 0.

Amendment 16 disagreed to.

Section 58Q—Enforcement powers: warrants

The Presiding Officer: We turn to group 24, which is on enforcement powers: workplace

parking levy and road works. Amendment 112, in the name of Colin Smyth, is grouped with amendments 113, 115 to 118 and 177.

Colin Smyth (South Scotland) (Lab): Amendments 112, 113 and 115 to 118 seek to tidy up the bill's provisions on the issuing of warrants to access private premises for the purposes of enforcing the workplace parking levy and conducting inspections relating to road works. At points, those powers seem unnecessarily broad, so the amendments in my name would add small but useful caveats.

Amendments 112 and 117 clarify that warrants should be obtained only where attempts to enter the premises with permission from the owner have been unsuccessful. The bill as it is currently drafted says that a warrant can be granted if the sheriff reasonably expects to be denied entry. It is not clear what that means or what purpose that provision serves, so I do not see any reason to have it in the bill.

Amendments 113 and 118 place a time limit of 28 days on the execution of warrants. Warrants should not be open ended, so those amendments simply clarify the timeframe within which they should be used. I believe that 28 days is a reasonable period of time for that purpose.

Amendments 115 and 116 clarify that the inspection powers in relation to road works, which the bill introduces, must be used only within reason. Specifically, those amendments would make it clear that the person undertaking the inspection could retain relevant information only for as long as they reasonably consider necessary, and could require the provision of facilities and assistance only as they reasonably consider necessary. Those are small but important changes that make it clear that the powers granted under this part of the bill are not without restriction.

I move amendment 112.

The Presiding Officer: I call Graham Simpson to speak to amendment 177 on behalf of the Delegated Powers and Law Reform Committee.

Graham Simpson (Central Scotland) (Con): As you said, Presiding Officer, I speak on behalf of the committee.

Section 58N(1) was inserted at stage 2 and provides the Scottish ministers with the power to make provision to impose penalty charges connected with workplace parking licensing schemes. As the bill is currently drafted, such regulations would be scrutinised by the Parliament using the negative procedure. The Government has said that that form of procedure would be appropriate as the power is procedural and technical in nature. It added that it is equivalent to other powers relating to the penalties in the bill on

low-emission zones and the parking prohibitions that are also subject to the negative procedure

The committee agrees with the Government that much of the detail of the power, which relates to

“the notification, payment, adjudication and enforcement of penalty charges”,

is better suited to the negative procedure.

However, part of the power in section 58N extends beyond merely technical and procedural matters; it includes the power to define the circumstances in which a penalty charge may be imposed. The power is therefore wider than the powers relating to penalties in respect of low-emission zones and the parking prohibitions, for which the circumstances in which a penalty would apply are set out in the bill. The ability to define in regulations the circumstances in which a penalty is payable is a substantive power, and as such it requires enhanced parliamentary scrutiny. The committee considers that the affirmative procedure is the most appropriate vehicle for this part of the power.

Jamie Greene (West Scotland) (Con): We had some reservations about Colin Smyth’s amendments 112 and 113, and his amendments 117 and 118. In the beginning we were unsure, and we were hoping that Colin Smyth would clarify exactly why those amendments are important. I am open to hearing what the cabinet secretary has to say about the matter. However, my concern is that, if we start to shift the terms of warrants that are issued under this legislation, it may have a knock-on effect on other pieces of legislation with regard to the enforcement of other types of offences.

To be fair, if it is deemed to be of merit to access a property for which a warrant is required, those in enforcement should be afforded all due law to enable them to carry out that act. I have slight worries about the consequence of Colin Smyth’s amendments altering the terms of such warrants. However, we are pleased to support amendments 115 and 116, which insert an element of protection for the general public in respect of what is, and what may not be, reasonable.

Michael Matheson: I am happy to support amendments 115 and 116, which make it clear that enforcement officers must act reasonably in the exercise of their enforcement function in respect of road works. Although, in my view, the amendments are not strictly necessary, I am happy to make that requirement explicit in the bill.

I am also content to support amendments 113 and 118. In practice, warrants for the exercise of enforcement powers in relation to workplace parking and road works are unlikely to be needed

for more than 28 days, so the amendments would cause no practical difficulties.

However, I cannot support Colin Smyth’s amendments 112 and 117, which would undermine the effective exercise of workplace parking and road works enforcement functions. By requiring enforcement officers to apply to gain entry to the premises, even in cases in which they know that the application will be refused, the amendments would effectively offer organisations under inspection a window during which they could take action to frustrate the inspection. Powers of this kind are commonly found in comparable statutory enforcement regimes, and a warrant is granted only where a sheriff is reasonably satisfied, on the basis of evidence, that entry will be refused.

Graham Simpson’s amendment 177 would change the procedure under which certain regulations on penalty charges, in association with the workplace parking licensing scheme, are made. Although I appreciate the point that Graham Simpson has made, the approach that amendment 177 takes would potentially give rise to confusion as to when the affirmative procedure was applicable and when it was not, and would lead to very technical provisions being subject to an inappropriate level of parliamentary scrutiny. For those reasons, I cannot support amendment 177.

I urge members to support amendments 113, 115, 116 and 118, but I ask Colin Smyth and Graham Simpson not to press amendment 112 or move the other amendments in the group. Otherwise, I ask members to reject them.

The Presiding Officer: I call Colin Smyth to wind up, and to press or withdraw amendment 112.

Colin Smyth: My amendments all make what I believe are relatively simple but important changes to the bill’s provisions on warrants and inspections. I think that we all recognise the need for those enforcement powers, and I am not looking to hinder them in any way. Rather, I am looking to clarify in law the expectation that they will be used in a responsible and reasonable manner. On that basis, I am happy to press amendment 112.

14:15

The Presiding Officer: The question is, that amendment 112 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 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)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 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) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 23, Against 78, Abstentions 0.

Amendment 112 disagreed to.

Amendment 113 moved—[Colin Smyth]—and agreed to.

Amendment 17 moved—[Neil Bibby].

The Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 55, Abstentions 0.

Amendment 17 disagreed to.

Section 58R—Enforcement powers: further provision

Amendment 18 moved—[Neil Bibby].

The Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 47, Against 56, Abstentions 0.

Amendment 18 disagreed to.

Section 58S—Power of entry: Crown land

Amendment 19 moved—[Neil Bibby].

The Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 47, Against 56, Abstentions 0.

Amendment 19 disagreed to.

Section 58T—Interpretation of Part

Amendment 20 moved—[Neil Bibby].

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

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 54, Abstentions 0.

Amendment 20 disagreed to.

Section 58U—Application of Part

The Presiding Officer: Group 25 is on the recovery of unpaid parking charges. Amendment 172, in the name of Pauline McNeill, is grouped with amendments 173 and 114.

Pauline McNeill (Glasgow) (Lab): Amendment 172 would leave out section 58U(2), which says:

“It is immaterial for the purposes of this Part whether or not the vehicle was permitted to be parked (or to remain parked)”.

Amendment 173 would leave out the word “conveniently” from section 58Z1.

I have concerns about the precedent that is being set in the parliamentary process, because there was no committee scrutiny of this part of the bill. I acknowledge that it began as one of many members’ bills and that it had a consultation, but it probably passed many members by because they were busy with their own bills. I agree with many aspects of what Murdo Fraser has tried to achieve here, but I am concerned about the practice of inserting members’ bills into bills at stage 2. I note

that only 35 per cent of the respondents to his consultation were in favour of the concept of keeper liability. There did not seem to be a majority for it.

It is extraordinary that the Government was prepared to accept the concept lock, stock and barrel, on the basis that it already exists in this form in England and Wales. That is not a satisfactory test. England had wheel clamping, which we did not have in Scotland. England has trespass laws, which we do not have in Scotland. There is a debate to be had about whether Scotland has been getting things right while England has been getting things wrong. That also concerns me. There is also a debate to be had about access by private companies to car registration information, but that might be for another day.

I am grateful to Paul Wheelhouse, who wrote to me after stage 2, on behalf of Michael Matheson, in an attempt to clarify the points that I had raised. Section 58U, which is in part 4B, states that

“It is immaterial for the purposes of this Part whether or not the vehicle was permitted to be parked ... on the land.”

It makes it clear that the keeper liability provisions are to apply irrespective of whether the vehicle was permitted to be parked on the land or whether the driver of the vehicle had a contract in place with the landowner. That creates a clear liability on the keeper of the vehicle. If there is a contract in place, surely the driver should have the permission of the landowner.

In his letter, the minister gave the example of non-residents in a parking bay in a residents-only parking area. Does that mean that, if a person has rights over a parking bay, they cannot let their son or daughter use the space that is allocated to them? If a person owns a parking bay in a residents-only parking area, why would we need a subsection that says that it is “immaterial” whether permission was given? We should strive for clarity in the law and not confusion. Having read this subsection several times, I am confused as to why it is needed.

Another example is that owners of flats in city centre developments with parking spaces find it impossible to enforce their rights. However, if a city centre owner wants to give their friend the right to park in their parking bay, I do not see why it should be “immaterial” that that permission was given. If I have misunderstood that, I will be glad to be corrected.

Amendment 173 deals with the word “conveniently”. That is where my more serious concern lies. It clarifies that the keeper of the car can be held liable for charges incurred by the driver only where

“the creditor does not know ... the name of the driver”

and either the driver's address or

"an address at which the driver ... can conveniently be contacted."

That provision is in place to facilitate options for the driver to be pursued before the creditor moves to pursue recovery from the vehicle keeper. I seek to remove the word "conveniently" because I am not clear why it is there.

In essence, my concern is about the meaning of "conveniently". Does "conveniently" mean that the creditor attempted to contact the driver, or the person who was allegedly driving at the time? Does it mean that they knocked on the door of the driver or turned up at the driver's place of work? Of course, there are huge issues about that concerning data protection.

I must draw Parliament's attention to my serious concerns. I know that members have dealt with the overexuberance of private companies that have issued parking notices unfairly and unlawfully, and we do not even know about the code of practice, which is not in force yet. We do know, however, that the issuing of parking notices is of great interest to some overexuberant private companies. My experience of that has not been good.

We should not let the provisions pass without further scrutiny, or at least without accepting these amendments. Let us not forget that, when a parking notice is issued—I am not talking about a parking offence—it is only an allegation that the person was in breach; they might not have been. We are giving huge powers in this part of the bill to private companies that will go after the keeper of the car, not the driver. Lots of ordinary people will be caught out by that. At the very least we should pass my amendments so as to clarify the law, but I am unhappy about the whole matter.

Elaine Smith (Central Scotland) (Lab): Could Pauline McNeill confirm for the Parliament that the word "conveniently" is not at all defined in the bill?

Pauline McNeill: My understanding is that it is not defined. That is what my concern is. What the bill is driving at, as I read it, is that, if it is convenient to go and find the driver, the creditor should go and do that. However, we do not know what that means.

I honestly do not trust these private companies to use the legislation. They will go after the keeper, because we have made it easy for them to do so. I do not know whether the bill goes even further than the English and Welsh legislation, because we have not had a chance to test it.

I move amendment 172.

Michael Matheson: Amendment 172 seeks to remove subsection (2) from section 58U. The

removal of that subsection would significantly limit the reach of the keeper liability provisions, as it would leave considerable doubt about whether they apply to instances of drivers parking in parking areas that they are not permitted to park in and to instances where an allocated parking time has been exceeded. Those practices are precisely the sorts of irresponsible parking that the keeper liability provisions attempt to address.

Amendment 173 seeks to amend the first condition that must be met before a creditor can rely on the keeper liability provisions in the bill. Creditors have the right to enforce against the driver, but they cannot, as they do not know the driver's name or address. The bill says that the latter is

"an address at which the driver for the time being resides or can conveniently be contacted."

In this context, the word "conveniently" limits the potential addresses that can be caught by the provision. If the word is removed, the potential addresses at which the driver could be contacted could be very far reaching. That amendment could also lead to confusion as to what addresses could be caught, and it could ultimately reduce a creditor's ability to rely on the keeper liability provisions.

Elaine Smith: I pose the same question to the cabinet secretary that I asked Pauline McNeill: how do we define "conveniently" in the law?

Michael Matheson: The point that Pauline McNeill did not refer to is that the provisions of this element of the Transport (Scotland) Bill tie into the Parking (Code of Practice) Bill, which was taken through the UK Parliament by Greg Knight, and the statutory code of practice, which sets out that any company using the process must apply the rules, including on how it would see "conveniently" applied to an address. For the first time, there is a statutory code of practice that deals with the type of rogue companies that are misusing the system as it stands. The new arrangements make it more suitable to prevent those types of rogue companies from exploiting the loopholes that we have in the law at present.

14:30

Mike Rumbles (North East Scotland) (LD): Will the cabinet secretary confirm to whom it is convenient?

Michael Matheson: In law, it is convenient in that it does not allow them to look for any address that relates to the particular person. The statutory code of practice will set out how it is to be applied in order to obtain the information.

Amendment 144, in my name, relates to section 58Z4. It sets out the circumstances under which

the keeper of a vehicle may be contacted if a fine remains unpaid by the driver of a vehicle. As it is currently framed, the keeper may be contacted

“within the period of 28 days beginning within the day after that on which the notice to driver was given.”

That is not quite how the provision should operate. Instead, in line with the provisions that have been made in England and Wales, it should operate so that it is only once the driver has been given a period of 28 days within which to make payment but has not done so that the notice to the keeper may be issued. The purpose of amendment 144 is, therefore, to give effect to that intention.

Finally, keeper liability is not a new process in Scots law. It is presently used in Scots law in a number of areas, including in road traffic legislation. Therefore, it is important to recognise that the provisions help to address loopholes in the law that can be used by unscrupulous companies that seek to exploit individuals.

As each of Pauline McNeill’s amendments is significantly detrimental to the success of the operation of the keeper liability regime, I urge members to reject amendments 172 and 173, and to support amendment 144.

Elaine Smith: I will speak in support of amendment 173, in the name of Pauline McNeill. It is worrying that there has been little scrutiny of this particular issue, which is a point that also applies to other parts of the bill. Giving more power to private parking companies to track people down is not something that I would support. Many of those companies operate deeply concerning practices. As far back as 2009, I lodged a motion about their charges, which I entitled “Highway Robbery”. I spent a lot of time challenging the so-called fines that they hand out to my constituents, particularly elderly and disabled constituents, who feel threatened and worried by the aggressive letters that they receive—often for simple errors such as displaying their disabled badges upside down. Many of my constituents simply cannot afford the exorbitant charges.

I wrote to the Driver and Vehicle Licensing Agency to ask why it sells driver information to those private companies, and—indeed—about how the general data protection regulation affects that practice. What it said is very relevant to the word “conveniently”, which Pauline McNeill’s amendment seeks to remove. It said:

“Information about the registered keepers of vehicles can be released by the DVLA under Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2002 and does not require the consent of the individual concerned. This legislation allows vehicle keeper details to be disclosed to third parties who can demonstrate that they have a reasonable cause to receive it. Although reasonable cause is not defined in legislation, the Government’s policy is clear. Requests should relate to the vehicle or its use

following incidents where there may be liability on the part of the driver.”

As Pauline McNeill said, how do we even know that there is liability?

Michael Matheson: The Greg Knight bill that was taken through the UK Parliament is about tackling specifically the issue that Elaine Smith highlighted. That is why the provision that is created in this bill is about hooking it into that legislation in order to deal with those companies that might misuse the system. As part of that, the DVLA will provide information only to companies that have signed up to the statutory code of practice and apply the rules, which will prevent rogue operators from getting access to the information.

Elaine Smith: Although the letter goes on to say some of that, it still says what I read out—that is, that there has to be “reasonable cause”, which is not defined in legislation. Therefore, no matter the code of practice, the companies can still be given the information.

I am sure that nobody in the chamber condones irresponsible or selfish parking, but there is no doubt that some private companies harass and frighten vulnerable people, which certainly should not be condoned. Amendment 173 would at least assist in ensuring that some protection exists for keepers of cars. We should have further debate and discussion about the provision in section 58U and it should not be rushed through the parliamentary process. I support amendment 173.

Neil Findlay (Lothian) (Lab): I support Pauline McNeill’s amendments 172 and 173. If we do not support them, we will give a free hand to owners of private parking facilities to pursue the owner of a car, rather than the driver at the time of an offence, for the value of a fine. The driver at the time of the offence could be a family member, friend, colleague or anyone else who was insured and had permission to drive the car. Their deliberate or inadvertent parking on a site might result in a parking ticket being issued. However, if the perpetrator could not be identified, the vehicle owner would cop for the cost of the fine.

No one is saying that no one should be held accountable for an infringement, but the right person has to be held accountable. If it is not the right person being held accountable, that is fundamentally wrong. It is like saying that we could not identify the bank robber but we know who owns the getaway car, so they are going down for the crime. That is fundamentally wrong.

The cabinet secretary rightly complained about Jeremy Balfour not lodging his amendment at stage 2, but the provision in section 58U did not exist at stage 1, but came absolutely out of the blue through Murdo Fraser introducing a

members' bill into this bill with no scrutiny whatsoever, which is ludicrous.

I ask members to support Pauline McNeill's amendments to remove a potentially bad piece of law from the bill. If we do not, all MSPs will be approached by constituents with cases of their being held liable for offences that they have not committed.

I ask Scottish National Party members in particular whether they will join the Tories today to give the power in question to owners of private companies. Will they support—of all people—Murdo Fraser? That is what they are being asked to do. I ask them to support the amendments in Pauline McNeill's name and to throw out the provision in section 58U.

Jackie Baillie (Dumbarton) (Lab): I, too, support amendments 172 and 173, because section 58U of the bill will give effect to a members' bill from stage 2 that was not scrutinised by the committee or Parliament at stage 1, which means that there might be unintended consequences, as has been illustrated by Pauline McNeill.

Members have addressed the substance of section 58U, but I want to consider the process, because the Scottish Government has created a precedent in something that it usually resists vigorously. Should a back-bench member of a different party, or even of the same party as the Government, attempt to bring to Parliament, for consideration, a proposal that was not included at stage 1 of a bill, they are shouted down by Government ministers and its party's MSPs. However, lo and behold, the Scottish Government is now guilty of not practising what it preaches, and SNP members are silent about the matter.

Many members will note the precedent that is being created today by the Scottish Government. Henceforth, it will not be able to use that position as an excuse to thwart members' ambitions in forthcoming bills. This is not a party-political issue; it is about good parliamentary practice, with which we should not be so cavalier.

We do not have a second revising chamber, so we need to be careful about the scrutiny that we undertake. However, the current process falls well short of what is required.

The other point of note is that the provision that has been transposed into the bill relates to an English act and code of practice. Far be it from me to second guess the cabinet secretary, but I hope that he has had that tested against Scots law.

Pauline McNeill was right to point to the potential for confusion and to the lack of certainty and clarity. All law that we pass should be clear, but the provision in section 58U is not clear, and

might therefore have unintended consequences, despite the cabinet secretary's good intentions.

I urge the cabinet secretary to support Pauline McNeill's amendments 172 and 173.

Murdo Fraser (Mid Scotland and Fife) (Con): I was not intending to speak on group 25, but such has been the sound and fury—and wilful ignorance—of Labour members on the issue, that it is worth making a brief comment on it.

I do not need any lessons about dealing with unscrupulous car parking companies—hundreds of constituents have contacted me about the issue over the past four or five years, which is what led me to run a member's bill consultation on how the law in that area might be improved. The consultation suggested five reforms, all of which had majority support from all those who responded. I welcomed the opportunity to work with the Scottish Government to insert some of the reforms into the Transport (Scotland) Bill, which is the appropriate vehicle, given that the public had already been consulted on the issues.

What Pauline McNeill seems to have missed—the point was made by the transport secretary a moment ago—is that in tandem with the bill, we have Sir Greg Knight's private member's bill at Westminster, which has become the Parking (Code of Practice) Act 2019. That act had unanimous support at Westminster—including from the Labour Party—and has introduced a statutory code of practice for private car parking companies. That means that, for the first time, private companies that do not adhere to the statutory code of practice will not be able to access from the Driver and Vehicle Licensing Agency the records that they require to enforce notices. That is the important and essential point.

Pauline McNeill: If I heard Murdo Fraser correctly, he said that the "majority" of respondents were in favour, but at stage 2, he said:

"In the consultation that I ran as part of my member's bill proposal, 35 per cent of respondents were in favour of keeper liability, 33 per cent were opposed".—[*Official Report, Rural Affairs and Connectivity Committee*, 26 June 2019; c 8.]

It is not the case that a majority of respondents were in favour of the proposal. I understand why: people are not in favour of keeper liability because they are frightened of what it actually means.

Murdo Fraser: I accept Pauline McNeill's point. The majority of those who expressed a view were in favour—I appreciate that there is a slight difference.

Nevertheless, the package of reforms is sensible, balanced and fair to all. It is worth remembering that the provisions in the bill will not

be brought into force until the provisions in the Parking (Code of Practice) Act 2019 are brought into force: it will all happen on the same date.

It is also worth remembering that many people have a legitimate interest in trying to protect their parking rights. I have been approached by the owners of flatted developments in town centres, who are absolutely fed up with their inability to stop members of the general public using their parking spaces, because the law is currently not sufficiently clear.

The same applies to owners of businesses that have allocated parking for workers or customers. It is very difficult to enforce that against members of the public who park without permission. There is legitimate interest in protecting people's interests in their parking spaces. We can protect those interests only in a balanced and sensible way. What is proposed in the bill, coupled with the Parking (Code of Practice) Act 2019, is a package that is supported by groups including Citizens Advice Scotland, the British Parking Association and a range of other stakeholders who see it as a balanced and sensible way to proceed.

I encourage members to support the bill and to reject amendments 172 and 173.

John Finnie (Highlands and Islands) (Green): I hear the concerns of my colleagues. Ordinarily, I would not get up to speak in support of Mr Fraser, but his proposals and the provisions in the bill have brought some welcome clarification, so I am happy with them.

The Presiding Officer: I call Pauline McNeill to press or seek to withdraw amendment 172.

Pauline McNeill: I intend to press amendment 172.

The Presiding Officer: The question is—

Pauline McNeill: Do I get to sum up?

The Presiding Officer: Yes—but very briefly please.

Pauline McNeill: I do not wish to detain members unnecessarily, but I do not think that we have had answers to some of the questions that I asked, such as in relation to land owners who give permission.

I take Murdo Fraser's point about the statutory code of practice, but we do not yet know whether it will deal with rogue companies. Legislation was taken through Westminster, but my point is that separate legislation should also be taken through the Scottish Parliament. We should remember that the charges exceed local authority charges—I have seen charges of £80 or £90.

14:45

As the cabinet secretary said, keeper liability already exists, but that is in our public and criminal law. We are being asked to give private companies the power to use the concept of keeper liability. Neil Findlay was absolutely right that some people inadvertently park in contravention of the rules. I know people who did not realise that parking at 9 o'clock in a town centre on a dark night when everybody else had gone was a contravention of a parking notice. Will the code of practice deal with that? I would like to know for sure.

I will go back to points that Elaine Smith and Jackie Baillie made. It is not clear what the bill means by "conveniently". I read that straightforwardly. I do not understand how the cabinet secretary can clarify the meaning of something when he did not actually write the provision—it was written by Murdo Fraser. It seems to be odd that the cabinet secretary can clarify that when the Government has done no scrutiny of the provisions.

Must a record be shown? Perhaps at some point the cabinet secretary will say whether creditors will be required to show what efforts they have made to find the drivers. I would have been happier if we could at least have inserted something like that.

The Presiding Officer: I am sorry about the confusion, Ms McNeill.

The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 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)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 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) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 23, Against 80, Abstentions 0.

Amendment 172 disagreed to.

Section 58Z1—First condition: lack of knowledge of driver's name and address

Amendment 173 moved—[Pauline McNeill].

The Presiding Officer: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 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)
 Rumbles, Mike (North East Scotland) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 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) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)

Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 80, Abstentions 0.

Amendment 173 disagreed to.

Section 58Z4—Giving of notice to keeper following giving notice to driver

Amendment 114 moved—[Michael Matheson]—and agreed to.

Section 60—Inspection functions

Amendments 115 and 116 moved—[Colin Smyth]—and agreed to.

Amendment 117 moved—[Colin Smyth].

The Presiding Officer: The question is, that amendment 117 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (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)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 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) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bowman, Bill (North East Scotland) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 22, Against 81, Abstentions 0.

Amendment 117 disagreed to.

Amendment 118 moved—[Colin Smyth]—and agreed to.

Section 64—Fencing and lighting of obstructions and excavations

Amendment 119 moved—[Colin Smyth].

The Presiding Officer: The question is, that amendment 119 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)
 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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 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)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 77, Against 25, Abstentions 0.

Amendment 119 agreed to.

Amendment 120 moved—[Colin Smyth].

The Presiding Officer: The question is, that amendment 120 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)
 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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 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)
 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)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)

Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Bowman, Bill (North East Scotland) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Chapman, Peter (North East Scotland) (Con)
Corry, Maurice (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (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)
Lockhart, Dean (Mid Scotland and Fife) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Tomkins, Adam (Glasgow) (Con)
Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 77, Against 25, Abstentions 0.

Amendment 120 agreed to.

Section 68A—Health boards: duty to have regard to community benefit in non-emergency patient transport contracts

Amendment 121 moved—[Michael Matheson]—and agreed to.

Section 68B—Health boards: duty to work with community transport bodies

Amendments 122 to 125 moved—[Michael Matheson]—and agreed to.

After section 70

The Presiding Officer: Group 26 is on road orders. Amendment 174, in the name of John Finnie, is grouped with amendment 175.

John Finnie: I think that members agree that we need more active travel—walking and cycling—and that one of the biggest barriers to that is a lack of infrastructure, such as wider pavements or segregated cycle lanes.

To deliver that safe infrastructure, local authorities must pursue a legal process called a redetermination Scotland order, or RSO. At present, if objections have been made to such an order and are not withdrawn, the matter must be referred to the Scottish ministers. That can delay a new cycle path, for instance, by up to 18 months. I

lodged an amendment on the matter at stage 2, but I did not proceed with it.

Amendment 174 does not seek to alter the process for redetermination orders. Rather, it seeks to transfer the management of the orders from primary to secondary legislation so that any agreed changes to the RSO process could be made in due course by statutory instrument, once further consideration and, if necessary, consultation with stakeholders has taken place. As we know, secondary legislation is a lot quicker and easier than waiting for a new parliamentary bill.

Amendment 174 has the support of the Convention of Scottish Local Authorities and Age Scotland.

I apologise to members, because amendment 175 was incorrectly drafted. I will not move it.

I move amendment 174.

Claudia Beamish (South Scotland) (Lab): I support John Finnie's amendment 174, which would simplify the RSO arrangements to remove overtly difficult barriers to active travel. We should simplify such processes, because active travel uptake is in need of a boost.

The Edinburgh west to east city centre cycle route Government inquiry is still under way after a year, after there were formal objections to the council scheme. The City of Edinburgh Council responded to the inquiry and refuted all the objectors' arguments, showing the scheme to be in line with council and Government policies. That has taken up a vast amount of the City of Edinburgh Council's time and effort. Furthermore, I understand through Spokes Lothian that the same delay is expected to the second phase of the project.

That key example is in Edinburgh and, although the position often depends on whether there is a determined local objector, it is notable that Glasgow City Council and the Convention of Scottish Local Authorities, as John Finnie highlighted, are also in support. Such problems and inconsistencies can have a big impact on cycling infrastructure projects and are often about very localised decisions, which should, in our view, be sorted out through secondary legislation.

As co-convenor of the cross-party group for cycling, walking and buses, and a wary urban cyclist, I support the amendment.

Edward Mountain (Highlands and Islands) (Con): I thank John Finnie for not moving amendment 175, although I do not fully understand why.

Amendment 174 builds on amendment 321 that John Finnie lodged at stage 2. I looked back to what the cabinet secretary said about taking the

provisions of that amendment and putting them into the traffic regulation order process, which I believe is the intention. I would like confirmation from the cabinet secretary that, under the new subsection 3 that is proposed by amendment 174, there will be sufficient consultation with those people who are involved. I would also like to know whether that consultation will form part of the notification once the order has been made. Subject to those confirmations, the Conservative Party is prepared to accept amendment 174.

Colin Smyth: I welcome John Finnie's amendment 174, which will lay the groundwork for much-needed simplification of the TRO and RSO processes. An onerous TRO process can often act as a barrier to a range of positive measures, from lowering speed limits to developing active travel infrastructure. Simplifying those processes will reduce the burden on local authorities at a time when resources are already incredibly stretched, and help to facilitate the changes that are needed to encourage a modal shift in our transport system. The Government has repeatedly stated that it intends to review the TRO process and amendment 174 aligns well with that plan. Labour will vote for amendment 174 when the time comes.

Michael Matheson: Amendments 174 and 175 by John Finnie relate to the order-making process for redetermining the means by which the public right of passage over a road may be exercised.

Amendment 174 amends the Roads (Scotland) Act 1984. It replaces the existing power to make procedural regulations for redetermination orders—which is subject to a requirement for a local roads authority to refer an order to which objections are made, but not withdrawn, to the Scottish Ministers—with a wide power to make procedural regulations that is not subject to that requirement. I hope that members are still with me.

As I said during the stage 2 debate, any changes to the procedural requirements for such orders would require careful consideration of the balance between the needs of road users and maintenance of a robust and fair procedure for considering public objections. It is not considered appropriate to make any such changes at this particular point.

The Scottish Government has, however, committed to reviewing the procedures attaching to traffic regulation orders and roads orders. It is considered that the wider power conferred by amendment 174 would provide greater flexibility to respond to the outcome of that review—whatever that may be—than the existing power. It should be noted that the existing procedural regulations would remain in place during the review process and until any new regulations were made.

Therefore, the content of any new regulations would be subject to consultation and would also be considered by the Parliament.

I therefore support amendment 174 and urge members to do likewise. Given that Mr Finnie does not plan to move amendment 175, I will refrain from making any comment on it.

Amendment 174 agreed to.

Amendment 175 not moved.

Section 72—Regulations

15:00

Amendments 126 and 176 moved—[Colin Smyth]—and agreed to.

Amendment 22 moved—[Graham Simpson]—and agreed to.

Amendment 127 moved—[Michael Matheson]—and agreed to.

Amendment 21 moved—[Neil Bibby].

The Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)

Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 55, Abstentions 0.

Amendment 21 disagreed to.

Amendment 177 moved—[Graham Simpson].

The Presiding Officer: The question is, that amendment 177 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 48, Against 55, Abstentions 0.

Amendment 177 disagreed to.

The Presiding Officer: Does any member object to a single question being put on amendments 128 to 134?

Jamie Greene: Yes.

The Presiding Officer: Will Mr Greene clarify which amendments are a concern?

Jamie Greene: If it is helpful, I am happy for amendments 128 to 133 to be considered en bloc.

Schedule

Amendments 128 to 131 moved—[Michael Matheson]—and agreed to.

Long Title

Amendments 132 and 133 moved—[Michael Matheson]—and agreed to.

Amendment 134 moved—[Michael Matheson].

The Presiding Officer: The question is, that amendment 134 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)
 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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 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)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 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)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 73, Against 30, Abstentions 0.

Amendment 134 agreed to.

The Presiding Officer: That ends the consideration of amendments.

Point of Order

15:05

Jamie Greene (West Scotland) (Con): On a point of order, Presiding Officer. I appreciate that members have had a long couple of days considering the Transport (Scotland) Bill, but I want to make a point of order that relates to chapter 9, “Public Bill Procedures”, of the standing orders. We are just about to have the stage 3 debate on the Transport (Scotland) Bill, which has been curtailed to just 45 minutes. Our party will have only three speakers in it, and other parties have had their allocations curtailed.

We are about to have a debate on whether to pass a fairly substantial piece of legislation. I do not feel that 45 minutes is an adequate amount of time to properly debate—[*Interruption.*] I am surprised that members disagree. I know that the argument has been presented that the business managers have agreed the timetable for today’s proceedings—indeed, the Parliament voted for it at 11.40—but that does not make it right. This is not the way to make good law in this place, and I would like to express my concern to you, Presiding Officer.

The Presiding Officer (Ken Macintosh): I thank Mr Greene for giving me advance notice of his point of order.

The point is noted. A similar point was made by Murdo Fraser earlier in the day. It picks up on similar points that were made by members yesterday. Such matters are taken into consideration by the business managers and the Parliamentary Bureau. They take a lot of time to consider the balance of members’ needs.

The bill process at stage 3 is supposed to be comprehensive, but that does not mean to say that every member should get to speak for as long as they want as often as they want. The process should be exhaustive but not exhausting. In this case, bureau members took all factors into account and decided that we would be able to curtail the stage 3 debate on the Transport (Scotland) Bill. That was put to the chamber and members agreed to the proposal. However, the point is noted and will be considered by the Parliamentary Bureau in future.

Transport (Scotland) Bill

The Presiding Officer (Ken Macintosh): As members will be aware, at this point in proceedings, I am required under standing orders to decide whether any provision in the bill relates to a protected subject matter—that is, whether it would modify the electoral system and franchise for Scottish parliamentary elections. In my opinion, no provision in the Transport (Scotland) Bill would do any such thing. Therefore, the bill does not require a supermajority in order to be passed at stage 3.

The Deputy Presiding Officer (Christine Grahame): We come now to the stage 3 debate on motion S5M-19335, in the name of Michael Matheson, on the Transport (Scotland) Bill. I say to members that there is not an inch of time in hand.

15:08

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The Transport (Scotland) Bill is an ambitious and broad piece of legislation to develop cleaner, smarter and more accessible transport networks and systems. Its provisions include measures to improve bus patronage and air quality in our towns and cities, to increase the safety and efficiency of road works and to address antisocial parking. They also make some necessary technical improvements in quite specific areas. For example, they ensure that there will be more appropriate financial flexibility and governance arrangements for some public bodies. In addition, the Government's transport strategy amendments that were agreed to yesterday help to frame the bill around a wider set of outcomes. That builds on the measures in the bill to help Scotland to reduce emissions and to play its part in addressing the global climate emergency.

The bill received a lot of attention at stage 2. More than 400 amendments were considered by the Rural Economy and Connectivity Committee. Given that the bill's contents are not only wide ranging and aspirational, but quite technical and complex in some areas, overseeing such scrutiny is no mean feat. I thank the committee and its clerks for their work and the long hours on stage 2 before the summer recess. I thank the stakeholders and individuals who submitted evidence at stage 1 and who were engaged in the pre-consultation process that shaped the bill. I also thank my bill team for their outstanding work over a number of months to ensure that the bill was prepared properly for presentation to the Government and for consideration at committee and in the chamber.

The Government's vision is for Scotland to have the cleanest air in Europe. The low-emission zone provisions in the bill are a key pillar of our commitment to improving air quality as quickly as possible. LEZs have the potential to interact with a host of other transport issues, such as congestion, active travel and encouraging the uptake of ultra-low emission vehicles. We are working closely with local authorities to put in place low-emission zones in Scotland's four largest cities by 2020.

A range of views have been expressed on LEZs in Parliament. Many of those are to do with matters that will be addressed in regulations at a later date rather than in the bill. I am confident that, should Parliament see fit to pass the bill this evening, the constructive dialogue that we have had through stages 1, 2 and 3 will continue, as I am keen for that to help to shape the regulations.

The draft national transport strategy clearly states that buses are a key part of the sustainable public transport system in helping to address the climate emergency. The bill offers an ambitious new model for improving bus services and will ensure that there will be sustainable bus networks across Scotland.

Parliament has now agreed measures that will enable local transport authorities to operate their own public passenger transport services, should they choose to do so. We will work with local transport authorities, the Competition and Markets Authority and others to develop clear guidance on the matter. Moreover, the bill will improve the information on the bus services that are available to passengers, helping them to plan their journeys; it will also accelerate the implementation of smart ticketing across Scotland.

The prohibitions on pavement parking and double parking will help to ensure that our pavements and roads are accessible for all, particularly those with mobility considerations. I particularly welcome the cross-party approach that we have had on parking reforms, and I believe that we have struck the right balance in the bill to tackle that issue.

The Green Party's amendments on workplace parking levies have generated considerable debate. The measures give a discretionary power to local authorities—I emphasise that it is a power, not a duty. Such schemes can help to reduce congestion and tackle emissions by influencing travel behaviour, and they have the potential to be a valuable tool in delivering local measures to address the global climate emergency and tackle climate change.

The bill's provisions on road works will enhance our current framework and improve quality, safety and performance. The bill also gives flexibility to

regional transport partnerships and the Scottish Canals Board.

For all those reasons, I urge members across the chamber to support the bill this evening.

I move,

That the Parliament agrees that the Transport (Scotland) Bill be passed.

15:13

Jamie Greene (West Scotland) (Con): I thank members of the Rural Economy and Connectivity Committee and the committee's clerks; I also thank the parliamentary clerks who helped to draft amendments, which was quite an onerous process. I thank my staff members, who have had many late nights drafting amendments at stages 2 and 3. I also thank the cabinet secretary and his team for their fairly constructive approach throughout the process.

A large number of external organisations have taken great interest in the bill, for the obvious reason that the bill's contents are of great interest to people outside this building. I have met many external organisations and councillors, and even members of the public have contacted us in great numbers with their own views and concerns about the bill.

Overall, I think that the bill process has been positive; equally, I am disappointed in the final direction that the bill has taken. There is a lot to be positive about in the bill. The Scottish Conservatives support a lot of the measures in it, and I will address some of those.

First, I have perhaps shifted from where I stood on low-emission zones when I joined the Parliament, because I now see the good in them. I have gone through a journey in understanding what they will do to improve air quality in our cities. We tried to amend the bill as best we could to get it into better shape, but I wish the cities that choose to set up low-emission zones the very best. I hope that, in the future, there will be no need for LEZs because they will have fulfilled their objectives. I hope that we all share that aspiration.

Through the bill, we have worked to improve parking in our towns and cities. Pavement parking is a scourge in our towns and needs to stop, and I hope that the bill will address that. However, I voiced concerns about the approach that is taken in the bill. The plans to ban pavement parking completely that were presented to us seemed impractical and unworkable, and, following stage 3, I am not convinced that people outside this building will fully understand the consequences of the ban. Further, I am not entirely convinced that local authorities are aware of the exemption process and how it will work, nor am I confident

about the enforcement that will take place. Where on earth are all the cars going to go once they are moved off the pavements? I do not have an answer to that question—I am not sure that any of us do. That is a problem that the bill presents.

Bus franchising is another major aspect of the bill. I support local authorities having the ability to run bus services if they choose to do so. Again, Conservative members have had what might seem to be a surprising shift in opinion from the views that we have expressed historically. We supported Labour on the issue at stage 2 because that seemed the right decision to take. However, as I said yesterday, we also created a bit of a mess in the bill at that stage. I hope that the end product is provisions that allow those who currently operate in the commercial environment to be able to do so fairly and transparently, but which give local authorities the extra power that we all, I think, want them to have.

Alas—this is my final point, given the short time, unfortunately, that I have to speak—I come to the workplace parking levy, on which there has been a lot of debate. The Conservatives lodged a series of very sensible and reasonable amendments to exempt a series of workers from the tax, but every single one of them was voted down by the Government. The Parliament did not endorse the policy at stage 1, and I would not have signed up to it if it had been in the stage 1 report. I accept that the issue was always going to be controversial, but I do not think that taking the approach that has been taken is how good law is made. It has undermined the parliamentary and committee processes and, structurally, it is not how bills should be presented.

It is with huge regret that I say that, because of the inclusion of the car park tax, Conservative members will vote against the Transport (Scotland) Bill at decision time. Given everything that I have heard from members of the public in the past 24 hours, those who support the car park tax today will rue the day that they did.

15:17

Colin Smyth (South Scotland) (Lab): I, too, place on record my thanks to the Rural Economy and Connectivity Committee, its clerks and assistants, the many stakeholders who gave their views on the bill, the Parliament's legislation team for its outstanding work, and the cabinet secretary's staff, who discussed a number of issues with me and my team.

The bill was an opportunity to transform our transport system and to lay the groundwork for the greener, fairer and more accessible transport system that we need. However, in many ways, the bill has been a missed opportunity. The proposals

on low-emission zones introduce a much-needed framework that will contribute to meeting our climate change aims, and they are very welcome. However, given that the bill will shape LEZs for the foreseeable future, it needs to be fit for purpose, and the final proposals, in my view, are not.

The bill provided the Scottish Government with a chance to move forward with its commitment in the programme for government to

“make the transformative shift to zero or ultra-low emission city centres by 2030”.

However, the Scottish National Party, the Conservatives and the Liberal Democrats voted down an amendment in my name that would have allowed for the creation of ultra-low-emission zones. It is therefore hard to see the pledge in the programme for government as anything other than empty words. The grace period that the bill sets out fails to recognise the urgency of our climate crisis and means that LEZs might not be fully up and running for six years after they are introduced. It might be a climate emergency when it comes to the Government’s rhetoric, but it is certainly not an emergency when it comes to its actions.

The bill is a missed opportunity to deliver a more equal Scotland. I attempted to amend the bill to require bus service improvement plans and franchises to meet the needs of people who are living in poverty and those with protected characteristics. I also sought to ensure that companies that receive taxpayers’ money to provide services make those services open to all, by providing information in accessible formats on request, such as bus timetables in Braille for the blind. I also tried to ensure that drivers would be required to undergo regular disability awareness training. All those measures are entirely within the powers of the Parliament but, shamefully, they were voted down by the SNP and the Tories, which was a real betrayal of disabled people.

The ban on pavement parking is welcome, but it could have been stronger. Parking on pavements is not just a nuisance; it is a hazard. My proposal to move the exemption regarding deliveries from primary to secondary legislation would have closed a potential loophole in the ban by making it easier to adjust if required.

The failure of the SNP and the Tories to support my amendment to close a loophole that still allows parking in cycle lanes has rightly been described by Cycling UK in Scotland as “a squandered opportunity”. No wonder the Government’s record on promoting cycling in Scotland remains so woeful.

The one area in which we have seen progress since stage 1 is bus ownership. The bill originally tinkered around the edges of our failed deregulated system. My amendment to the bill at

stage 2 brought an end to the ban on councils setting up local bus companies, giving councils the power to help end the dismantling of lifeline bus routes and put a stop to rip-off fares. I welcome the Government’s support for that move through its amendment at stage 3. I also pay tribute to everyone who has so successfully campaigned for the measure: our trade unions, such as Unite; the Scottish Co-op Party; Get Glasgow Moving; Friends of the Earth; and colleagues such as Iain Gray, who previously proposed a member’s bill with the aim of lifting the ban.

However, if we want such a power to become a reality, and if we are serious about improving our environment, we must provide support for our councils to establish municipal bus services and invest in public transport—and not keep cutting the council budgets that are needed to make such investment.

What will not protect our environment is the ill-thought-out, short-sighted workplace parking levy. The fact that the SNP and the Greens voted against exempting electric vehicles and exempting people who live in poverty from that attack on workers shows that it has nothing to do with emission lowering and everything to do with revenue raising. However, that sticking plaster will not cover the gaping wound in local council budgets. It is no wonder that every trade union is opposed to the workplace parking levy. Labour makes no apology for being on the side of workers and making it clear that it cannot and will not support it.

15:21

John Finnie (Highlands and Islands) (Green):

The bill is a very positive piece of legislation. As other members have done, I thank the committee’s staff, the civil servants, those who have provided briefings and all those who have contributed to our work on it—not least the long-suffering Archie Stoddart, one of the Scottish Government’s transport officials, who I hope will now get his life back.

At the outset of the debate, the cabinet secretary said that the bill is all about strategy and framing. That is how it should be seen: we are responding to climate breakdown and a global emergency over the state of our climate, and the bill is but one small part of that response.

The creation of the low-emission zone is a positive step. It is not just a paper exercise but will address the plight of the several thousand folk each year in Scotland who die because of poor air quality. As I keep saying in the chamber, that is not a matter that is restricted to our major cities. The town that I live in has a zone with poor air quality. The approach should be quite the reverse

of encouraging people to come into town centres: we should be encouraging them to keep their vehicles out of them.

Such an approach is partly about providing good public transport. I know that a lot of people campaigned in different ways, and my colleague Colin Smyth has just mentioned some of them. I thank everyone who contributed to the Scottish Greens' better bus campaign. Especially during our consideration of the amendments to the bill at stage 3, there was a lot of discussion about how the mechanics of the bill played together, and criticisms have been levied. In relation to buses, there was a situation to which the Government responded. I appreciate that it felt that it had to carry out checks, but we are not in a position in which all the parties in the chamber support our local authorities having the opportunity to run buses. The previous situation, in which there was no commercial profit to be made, was never going to be an attractive option, so that is a positive step.

My colleague Jamie Greene was very frank and honest in saying that he had gone on a personal journey in relation to the progress of the bill. I understand that: I am a car owner, too. The idea that some of these policies attack car owners is incorrect. We cannot have a situation in which everyone is content to say that although there is an emergency the status quo should prevail. I suspect that many members will now go on similar journeys.

Of course, the Scottish Greens would like to see a lot more folk going on free journeys through the extension of concessionary travel to people aged under 26. I have often mentioned Lothian Buses moving into East Lothian and arresting the decline in passenger numbers there by targeting young people.

We need to get people into the habit of using public transport. We also need to encourage people to get involved in active travel. I am therefore pleased at the support from members on all sides of the chamber for road orders, which Age Scotland and the Convention of Scottish Local Authorities both want. I appreciate that—as we know—the cabinet secretary will undertake a review in that area.

In the short time that I have left, I will keep my comments positive. I could have said many negative things about the conduct of the debate, but it is important that all of us in the chamber, regardless of the position that we take on certain matters, understand and respect that other members have strongly held views.

I urge members to have a look at the work of the UK Parliament Transport Committee—I read a news report just before I came to the chamber. It said:

“Ministers consider pay-as-you-go road pricing to fill car tax black hole.”

The committee is also looking at charging for emission zones and introducing something called the workplace levy. Let us see what happens with those options. There is nothing new in what we have done in the bill, and it is fairly modest, but I think that it is a good piece of legislation. I will leave it there.

15:25

Mike Rumbles (North East Scotland) (LD):

When the Rural Economy and Connectivity Committee produced its stage 1 report on the bill, we were heartened by the cabinet secretary's response. We felt that there had been major improvements to the bill, such as the changes that were made to ensure that our local authorities would be able to establish their own bus companies in such a way that they would not be subject to running buses only on unprofitable routes. What company has ever been set up on that basis? Michael Matheson responded in the right way and amended the bill.

I worked with the cabinet secretary to see whether we could reach a reasonable compromise on pavement parking. We did, and the Government supported my amendments to ensure that a minimum width of 1.5m would be left clear. That is a real improvement—I say, as I said yesterday, well done to the cabinet secretary for listening, taking note of and supporting the correct action to improve the bill. That is how legislating in the Parliament is supposed to work.

Improving the Transport (Scotland) Bill was going very well until 20 completely new sections, on the workplace parking levy, were just dumped on us at stage 2. To use a familiar analogy, the bill process seems to have been a game of two halves. We all have our differences on the need for the new levy. The two nationalist parties want it, and the non-nationalist parties do not want it. [*Interruption.*] I have no time for an intervention—we are short of time.

It is absolutely right and proper to lodge amendments to take that new measure out of the bill completely, and equally it is right and proper for the two nationalist parties to vote against those amendments. The attempt to remove the measure from the bill failed. Once that had happened, we moved on to other amendments on the subject, with the aim—in the opinion of Liberal Democrat members—of making a bad measure better. However, every single amendment—every single one—to the 20 new sections of the bill was voted down. All Opposition amendments were voted down by the two nationalist parties. Here is my point. No amendments were even lodged by back-bench nationalist MSPs to improve those 20

sections of the bill—those MSPs would not even seek to amend the bill themselves.

It is apparent to me that there have been two approaches to the bill. First, the Scottish Government recognised that it was not the fount of all knowledge and was amenable to amending the bill. However, when we came to the 20 new sections, on the workplace parking levy, suddenly the bill could not be improved. That is amazing—the Government is obviously infallible.

It is a disappointment to me to see such naked tribalism in action. I well remember the first three sessions of Parliament, from 1999 to 2011, when although parties had major differences, they could at least work together to produce good law. I was not here in the previous session; I am glad that, if I had to miss one session, it was to be that one. Why? It is because I was told, and I could see from afar, that pushing through legislation without full scrutiny and amendments produced bad law. Here we are again, it seems. This time, it is the two nationalist parties pushing through the workplace parking levy without amendments that are making bad law.

There are good measures in the bill, such as enabling our local authorities to set up unfettered bus companies to run profitable routes as well as unprofitable ones; a much-needed ban on pavement parking; and the creation of low-emission zones. Those are all very good things, but the Liberal Democrats cannot support the creation of a bad law, and we will vote against the bill at decision time.

The Labour Party's saying that it is against the workplace parking levy and then voting for it at decision time says everything about the Labour Party. Far be it from me to intrude on personal grief in the Labour Party, but the correct course of action would be MSPs voting against the bill at decision time and asking the Scottish Government to bring back a new transport bill with the good measures that we could all have supported.

15:30

Sandra White (Glasgow Kelvin) (SNP): I hope that I can bring some joy to this debate on the Transport (Scotland) Bill.

I thank the members of the Rural Economy and Connectivity Committee and its convener for allowing me to attend that committee, and I thank its clerks for all the work that they have done in a mammoth task that has covered many issues.

I will concentrate on pavement parking, double parking and dropped footways. I mentioned the committee's mammoth task. That was nothing compared with the years that it has taken to get responsible parking legislation through the

Parliament. Believe it or not, I brought forward my bill in 2012. I sincerely thank Ross Finnie, who was a Lib Dem MSP, and Joe FitzPatrick MSP for introducing bills and for all the work that they did. It was an honour for me to take matters forward in my bill in 2012.

I also thank the Guide Dogs for the Blind Association, Living Streets and all the other individuals and groups that have helped to bring the legislation to fruition.

I will be appalled if the Conservatives and Lib Dems vote against the bill. We are talking about years to get something that will give people justice in relation to responsible parking, and they will vote against that just because of certain aspects of the bill. It really pains me to say that.

Jamie Greene: Will the member give way?

Sandra White: I have only four minutes. I am sorry.

We heard real horror stories during the consultation, when we went out to meet people and when we met people in the Parliament. Every MSP from all the parties—not just me—heard the story of the blind gentleman who was walking along a pavement. His stick snapped against a lorry that was parked on the pavement, and he was absolutely stranded on the pavement for hours, until somebody came along and asked whether they could help him off it.

We heard horror stories involving people with their kids in buggies and prams who had to go off pavements to walk along streets.

I thank the Government, including the cabinet secretary's predecessor, for looking at my bill and taking it on board, because the issue matters to every single person. It matters more to vulnerable, disabled and older people and people with young families. The bill gives them the independence to be able to move about that every single one of us has. It makes them the same as us and ensures that those people can get out and about.

We heard horror stories of people not being able to get out of the house because they were frightened. People with wheelchairs would get out of the house and come to a dropped kerb with a car parked in front of it. They could not even get to the shops.

Members should look at the bill in its entirety, please. They might not like some of it—indeed, I do not particularly like some of it—but it is important for ordinary people out there to get justice for a change.

We have talked about car owners. I do not want punitive measures; I want education for car owners, because I am sure that they do not want to punish vulnerable people and people who

cannot get on to or off pavements. We see people outside with guide dogs with obstacles in their way. Pavements should be for people.

We have worked for years to get the legislation through the Parliament. Please vote for it and ensure that people out there who are suffering and have horrific stories to tell us can get about and say, "I can go out today, and I know that I won't be stuck on a pavement and that I won't have to go on the road."

I cannot wait to see the bill enacted.

15:34

Edward Mountain (Highlands and Islands) (Con): I have watched and worked on the Transport (Scotland) Bill from the moment it was introduced in Parliament. As a member of the Rural Economy and Connectivity Committee, I worked to rectify its limitations with the rest of the committee. I thank all the members of that committee and the clerks for their diligence.

Many of the provisions regarding LEZs, bus franchising and pavement parking have been improved, so that they will work for Scotland and improve our streets, roads and environment. My Conservative colleagues and I support them.

There were high expectations for the bill. However, suddenly, at stage 2, came the Greens' workplace parking levy—a proposal that was the result of backroom dealing with the Government. It was a deal that was done in order to get the Government's budget through, at the expense of people who work to support their families and Scotland.

I live in a rural area; I know that transport is critical. People want properly maintained roads, more reliable buses, trains that run on time and do not skip their stations, new and reliable ferries that are built on time and on budget, and airports that do not close before the last flight has landed. This Government, which has been in power for 12 years, has not delivered those things. However, it has delivered a charge that, due to the lack of central Government funding, many councils will be forced to use.

The car parking tax is a tax on workers: it is a regressive tax that will hurt low-paid people. It will hit shift workers, the police, fire and rescue staff, charities, health and care workers, residential home workers and vets, to name but a few. It will not hit high-paid workers, but everyday normal Scots who go to work to support their families. The Government cannot hide behind the fact that whether to impose a levy is a decision for local authorities. If we do not fund authorities, they will have no option but to use it.

Many SNP members feel as uncomfortable about the tax as I do. Initially, they were prepared to speak out, but where are they now? They are invisible and are not on the side of the people who will face paying that tax.

The hypocrisy is that the tax is being sold as an environmental tax, when it is not. Will those who can afford to pay the tax and who ride around in company cars that are driven by others change their behaviour? I think not.

The people of Scotland wanted better roads and better transport networks, but the Transport (Scotland) Bill, which promised so much, instead punishes them with an unfair tax.

The Scottish Conservatives would have supported the bill. I wanted to support it, until it was hijacked by people who want to punish workers. The public transport system that those workers rely on is not working

We lodged amendments that would have reduced the harm that would be caused by the workplace parking levy, but the heartless Government voted against every one of them. The SNP Government is intent on introducing an unfair and regressive tax, and it does not care about the damage that it will do.

I will not support policies that penalise hard-working Scots. For that reason, sadly, I will be forced to vote against the Transport (Scotland) Bill.

15:37

Pauline McNeill (Glasgow) (Lab): At committee stage and in the Parliament, the bill's passage has been a marathon. I wonder what we have ended up with.

I thank the committee's convener and the committee for their incredibly hard work. I also thank Colin Smyth and Jamie Greene for championing the cause against the workplace parking levy.

There are things in the bill that I agree with—for example, municipal bus ownership and the importance of improving air quality. I would have liked my amendments at stage 2 to have been accepted. They included amendments on the extension of half fares on buses and trains to 16 and 17-year-olds, but that was not to be.

My most serious concern about the bill is the lack of scrutiny of some provisions. That has exercised me, and we will be the poorer for it. It was a mistake in respect of the reputation of Parliament. It might also have consequences for some of the provisions. Two members' bills have been made into one piece of legislation—for one

of which no stage 1 evidence was taken, and with only a few weeks to hear evidence at stage 2.

There is a completely new section on the workplace parking levy. That is an unfortunate precedent; I appeal to ministers not to allow it to happen again. There will also be consequences of both the issues that I raised earlier in relation to keeper liability. I will not cover all the points that I made previously on exemptions to the workplace parking levy, which is a tax that is designed to get people out of their cars. The inconsistency in exempting national health service workers but not police officers is extraordinary. The inconsistency in having a national anti-poverty strategy but not exempting the people whom we are trying to help is beyond me.

I do not think that due regard has been given to shift workers or women workers. The evidence shows that women will probably fare worse from a workplace parking levy being introduced. Helen Martin from the Scottish Trades Union Congress said in evidence:

“As a working mother ... I was always chasing my tail; I was always working through my lunch ... The idea of suddenly adding in a train journey or getting a train ... and then a bus would have been untenable for me.”—[*Official Report, Rural Economy and Connectivity Committee*, 29 May 2019; c 13.]

I would like to hear some clarification from the minister at the end of the debate. I have asked him about this before. Will money that is raised by local authorities be ring fenced for public transport projects? I think that the minister said that it would be ring fenced for public transport strategies. As I have said previously, I would have had at least some respect for the policy if the money that is raised was to be ring fenced.

In the case of Glasgow, it will be decades before we have a transport system that is really fit for application of a workplace levy. In previous forums I used the example of a constituent of mine who cannot get a bus from the Queen Elizabeth university hospital at 6 o'clock at night, after visiting her daughter, to go home to the south side of Glasgow. That is the state of the public transport system in Glasgow—it is not ready, and there are not choices for people.

Even Sustrans Scotland came to the committee and said that there should be exemptions for low-paid workers from the levy. But not this Scottish Government—it does not think that there should be exemptions for low-paid workers. The levy is a tax on workers.

I do not think that local authorities are likely to make any further exemptions, because they have been advised to make the scheme a simplified scheme.

The Parliament will regret putting the keeper liability provision in the bill. There will be casualties from that, because we did not scrutinise that provision properly, I am sad to say.

The Deputy Presiding Officer: I call Colin Smyth to wind up for Labour. [*Interruption.*] I beg your pardon. I have forgotten somebody. No, I am right and the clerk is wrong. I ask you. We can't get the staff. Colin Smyth will wind up for Labour, please.

15:41

Colin Smyth: The debate has done little to allay Labour's concerns that the Transport (Scotland) Bill is, in many ways, a missed opportunity.

We support the introduction of low-emission zones, but an opportunity was missed to strengthen them. We support the ban on pavement parking but, again, an opportunity was lost to close potential loopholes.

Labour has worked hard to improve the bill. I place on record my thanks to my researcher Meg for her amazing work in developing our positive and constructive alternatives. It is her birthday today—what a way this is to spend it.

Labour made sensible and constructive proposals—for example, to make public transport more accessible to disabled people and to properly enforce a ban on parking in mandatory cycle lanes. On the day when the SNP voted for a car parking tax, it voted against making cycling to work safer. Go work that one out.

As I said in my opening speech, Labour welcomes the decision by the SNP to drop its opposition to Labour's call to lift the ban on councils running bus services, thereby empowering our local authorities to play their part in stemming plummeting passenger numbers and rocketing fares. The potential to expand municipal ownership is one of the most important changes that the bill will now make, thanks to pressure from Labour. It is a chance to move away from the fragmented privatised bus system and for councils to take services back into public hands, so that they are run for passengers, not profit.

We now need the political will to put into practice those powers and others that are being introduced through the bill, such as for bus service improvement plans and franchises.

We in Labour will play our part through local councils right across Scotland, and I hope that others—including the SNP Government—will do the same, by properly resourcing our councils to deliver bus services for our communities, instead of voting through budget after budget that cuts those resources.

If we really want people to use cars less, we need transformational change in public transport. That is how less car use will be achieved. It will not be achieved by a regressive car park tax, which was an afterthought in the bill—a proposal that the Government tried to sneak through as a late amendment, thereby igniting a backlash that I believe will undermine public support for proper environmental action for decades to come.

No wonder people are angry. What signal did it send when, fresh from voting for a car park tax on workers, SNP ministers went home from Holyrood last night in their fleet of chauffeur-driven cars parked outside the Parliament that were paid for by the same workers? Between them, the MSPs who voted against Labour's amendments to scrap the tax last night have claimed £304,342 from the taxpayer in car hire, mileage, taxis and car parking. Yes. Car parking.

Even though they were determined to drive through the tax, those MSPs could have tried to make it fairer. They could have supported Labour's amendments to exempt electric cars and low-paid workers. Instead, as things stand, a company boss could be asked to pay the same as a company cleaner. A chief executive of a health board, who is on more than £100,000 a year, will be exempt, but a carer who works for a charity on the minimum wage will have to stump up. That is simply not fair.

Many of my constituents travel to cities for work from rural areas that have poor transport links. Under the car park tax, they will pay hundreds of pounds to a neighbouring council—Glasgow City Council or the City of Edinburgh Council—but not a penny will be spent on improving public transport in the council area where they live, and where they do not have transport, because of a lack of strategic thought by the Government.

That is why Labour lodged amendments to the bill to scrap the car park tax. And it is why, when the bill passes—as it will, with the votes of the SNP and Greens—we will make it clear that, in our manifesto for the next Scottish Parliament election, there will be a clear commitment: Labour will scrap the car park tax.

17:45

Liam Kerr (North East Scotland) (Con): I close for the Scottish Conservatives on the Transport (Scotland) Bill with a sense of disappointment, as we will not be able to vote for it. Fundamentally, it is a good bill, improved by the extensive amendment that has taken place. We believe that low-emission zone schemes are a good thing, and that they could prove fundamental in tackling climate change. We are supportive of local franchising, but believe that it should be done

in a considered manner, with local authorities being clear with their electorates about what the long-term impact on local public transport links and council budgets will be. We support smart ticketing, but feel that ministers could have taken a more ambitious approach. And I am pleased to see Parliament taking action on tackling obstructive parking, which is detrimental to local residents and particularly affects people with disabilities or visual impairments. Those are positive provisions that could have a significant impact on our transport framework.

However, we cannot vote for a bill in which a car park tax has appeared. I choose my words, because of course the provision was not there originally. Questions have to be asked about a process that sees Parliament agree to the principles of a bill that then has an entire tax regime inserted into it.

Incidentally—to pick up on Jamie Greene's point of order from earlier, which was spot on—I have four minutes to speak on primary legislation to which hundreds of amendments were lodged, into which a whole new tax was inserted without evidence to support it, and on which the final debate has been significantly curtailed. If there is no time for interventions and challenges, can we really say that we are debating?

The car park tax is a measure that has simply not been thought through, with no economic analysis or consultation with businesses or stakeholders before it was proposed. Yesterday, Murdo Fraser flagged that although the amendment that introduced it looks like a Green amendment, it appears that the idea was first put on the table by the finance secretary. That makes sense, because it appears from Mike Rumble's comments that if evidence been taken at stage 1, we would have learned that the tax does not lead to the behaviour change that is, apparently, the underlying principle. In fact, the evidence suggests that it might lead to increased congestion. The clear implication is that it is revenue generation dressed up as green virtue signalling.

As Edward Mountain said, that is, of course, the answer to why the Government is so keen to get the provision through, and to say that it is a local authority power. It allows the SNP to make ever more swingeing cuts to local authority funding and to say, "Well, we gave you the power to raise taxes on your people, so you can't complain." Although, as Alexander Burnett pointed out yesterday, it is not necessarily "your people", because, for example, many people in Aberdeenshire drive to work in Aberdeen, where any parking levy would be collected and spent.

As Pauline McNeill said in her powerful contribution, the people who will be affected are those who, perhaps because of shift patterns or

the nature of their work, may not have a safe, reliable and affordable public transport alternative. They have no option but to use their cars, and yet, for the privilege, they will get hit with a tax of £500 per year.

Mike Rumbles was right to say that it is the SNP's right to team up and vote it through. However, that is why we lodged amendments to exempt various groups. I find it utterly shameful that not one—not one—SNP member agreed that we should exempt the police from a tax on doing their job, and that not one felt that teachers or, for that matter, school caterers or teaching assistants should not have to pay, even where they drive in from outside of a city because the public transport is insufficient. Yesterday, Gillian Martin intervened on me. I know that she knows, and cares deeply, about the lack of teachers in the north-east, yet she voted not to exempt them. Not one SNP member felt that we should exempt the military or Royal National Lifeboat Institution volunteers. That is staggering, because, surely, they cannot believe that an RNLI volunteer should pay £500 per year to save lives at sea.

This is a good bill, but in one of its most fundamental, far-reaching and prejudicial provisions, it falls woefully short. For that reason, we cannot support it at decision time.

15:49

Michael Matheson: I have listened with interest to the contributions to this debate on what is a significant piece of legislation. The bill will give provision to a range of important policy areas—for example, low-emission zones, which will help to drive up air quality improvement, particularly in our cities. John Finnie highlighted the health challenges associated with poor air quality that we must tackle. We want Scotland to have the best air quality of any European country, and low-emission zones have an important part to play in achieving that. I am delighted by the way in which Glasgow City Council has shown leadership by creating the first low-emission zone, which has been in operation since the turn of the year and is demonstrating already the benefits that can come from the LEZ approach. The bill's new provisions will give further support to that approach.

The bill also has provisions for improving bus services and driving up bus patronage through the bus service improvement partnerships and franchising. There is cross-party support for empowering local transport authorities to be able to look at how services should be delivered in their communities and giving them the discretionary powers to provide passenger services themselves. The bill also has provisions to improve smart ticketing and ensure that we have a transport system that can adapt and manage new

technology in a way that helps to improve connectivity and journeys.

Of course, the bill's provisions around parking will provide significant improvements. The issues addressed by the bill on which I have had most contact from constituents are those of pavement parking and double parking, which have been a problem for people for decades. I acknowledge the tremendous, concerted work that many MSPs have done on those issues but acknowledge in particular the work that Sandra White has done over the years in pushing for solutions to the problem. In addition, the amendments that Mike Rumbles introduced at stage 2 improved the bill's provisions on parking. The bill has been strengthened by the parliamentary process and members' willingness to work on improving the its provisions and ensuring that it is aligned with the key principles set out in the draft national transport strategy, which will take forward our transport priorities for the next 20 years.

There is also provision in the bill for traffic regulation matters. The cycling sector and local authorities raised issues regarding difficulties with the existing system, which is unduly bureaucratic and compromises progress. I will use the proposed review to consider how to improve that situation.

The bill also provides a modest discretionary power for local authorities to look at the provision of workplace parking. Many members sought to introduce exemptions to the workplace parking provisions, but the reality is that they were not concerned about the substance of the exemptions but simply trying to make the proposed system unworkable in order to frustrate it. The key element is that the bill will allow local authorities to apply every discretion to workplace parking provisions that the Tories, the Labour Party or anyone else might want. In fact, it is a bit rich for the Tories to portray themselves as standing up for the workers. There is one thing that the Tories do not do and that is stand up for the workers.

Voting against the bill means that members will be voting against all the improvements that will come from it. It is a good bill and it deserves the support of Parliament tonight.

Non-Domestic Rates (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-19336, in the name of Kate Forbes, on the Non-Domestic Rates (Scotland) Bill.

15:54

The Minister for Public Finance and Digital Economy (Kate Forbes): I am pleased to open the debate on the general principles of the Non-Domestic Rates (Scotland) Bill, which was introduced to Parliament on 25 March 2019. I will set out the background to the bill and then move on to its substance, although I will keep my remarks short because I recognise that members want as much time as possible to offer their views.

The Government is committed to using the limited economic powers at our disposal to create a tax environment that supports economic opportunity. As Scotland's second-largest tax, non-domestic rates plays a key role in balancing the need to deliver a competitive and sustainable taxation environment, while ensuring that we have sufficient resources to fund the public services that we all rely on.

The remit of the independent Barclay review was to ensure that the rates system supports business growth and long-term investment, as well as better reflecting changing marketplaces. The Barclay review made 30 recommendations. As our implementation plan outlined, we accepted the majority of the recommendations and have already made moves to implement them, including the recommendations on the business growth accelerator, which was warmly welcomed by the business community, and the fresh start relief to support town centres.

We said that we would introduce primary legislation by 2020 and the bill that we are debating today fulfils that commitment. The bill contains meaningful reforms to the rates system, with the notable inclusion of a three-year revaluation cycle. That has been welcomed by many, including the Royal Institute of Chartered Surveyors and the Scottish Retail Consortium, because it delivers justice by more closely aligning valuations with the market. The bill also gives new powers to assessors, local authorities and ministers to improve the administration of the system and to tackle tax avoidance.

A lot of hard work has been undertaken by a range of stakeholders prior to today's debate. I pay tribute to the members of the Barclay implementation advisory group, the sub-groups

that looked at billing and appeals and the working group that considered sports club relief guidance. Members of those groups have given, and continue to give, freely of their time to help ensure that these rates reforms—subject to the will of Parliament—can be implemented as efficiently and effectively as possible.

I turn to what is perhaps the most important area of the bill, which is the appeals system. Our proposed reforms to the appeals system are the most important and ambitious of the reforms that we are implementing, but they are also the most complex. If we fail to reform the appeals system effectively, we risk negating any benefit from all the other proposed rates changes.

I understand that the recent reforms to the appeals system in England have delivered a system that is bogged down in bureaucracy and red tape, resulting in possibly millions of ratepayers being unable to access a fair rates hearing. We must learn from that and make every effort to get our reforms right.

The report of the appeals sub-group, which was established to inform advice to the Scottish Ministers, was published today and offers views on the potential design of a new appeals system. I received the report this morning and a copy has been sent to the lead committee considering the bill. I look forward to reading the report and reflecting carefully on its contents.

It is fair to say that not all the provisions in the bill have been universally welcomed; I refer specifically to the removal of charitable rate relief from mainstream independent schools. I recognise that the independent school sector is a well-established part of the Scottish education system that promotes choice for parents. However, we agree with the Barclay review that the current difference in rates treatment between independent and local authority schools is unfair and must end. I stress unequivocally that that is a change to rating and not to charity law.

I am grateful to the convener and members of the Local Government and Communities Committee for their scrutiny of the bill at stage 1. I welcome the committee's support for the general principles of the bill. This morning, I wrote to the committee to respond to the various issues that were raised in its report. I will comment briefly on some of those points.

I welcome the committee's recognition that the bill's provisions aim to address weaknesses in the current appeals system. I agree with the committee's view that getting the detail of the new appeals process right will be critical in enabling the move to three-yearly revaluations. That is why I wrote to the committee on 3 September to say that, towards the end of this year, we will produce

a set of illustrative draft appeal regulations, which will allow the committee and other stakeholders to see and comment on our detailed draft proposals.

The committee considers that fees should be introduced at both the proposal and appeal stage of the new appeals process. Although I have yet to reach a conclusion on the matter, I welcome the committee's position and views. I will reflect further on the matter, and I am sure that I will also be informed by the comments of the appeals sub-group.

I will touch briefly on assessor and local authority information-gathering powers, on which the committee supports the bill's overall direction of travel. It is important to say that the issue is not all one-way traffic. Assessors accept that they need to get better at providing information to ratepayers in the first place to help them better understand how the valuation assessment has been derived.

The committee's report comments on the divergence of views expressed on some key issues, such as the level at which civil penalties have been set. We recognise that, and I look forward to further discussions on those important issues during the bill's amending stages.

I will end there to give back some time to the debate.

I move,

That the Parliament agrees to the general principles of the Non-Domestic Rates (Scotland) Bill.

The Deputy Presiding Officer: Thank you—you caught me on the hop, there.

I call James Dornan to open on behalf of the Local Government and Communities Committee, as that committee's convener.

16:01

James Dornan (Glasgow Cathcart) (SNP): I thank the Local Government and Communities Committee clerks and the staff from the Scottish Parliament information centre for all their support. I also thank the minister and the Scottish Government for their generally supportive response to our stage 1 report. Most of all, I thank the committee members—those who are presently on the committee and previous members—who worked hard to produce the report.

The committee began its scrutiny of the bill during the spring of this year. We took evidence at five meetings and our call for views generated a high volume of responses. The committee went on three visits. One visit was to an independent school and the other two were to Kilmarnock and Stirling high streets, where we met local businesses, charities and other employers to get a

snapshot of local views on the rates system. The high level of informed engagement helped the committee enormously in our role of reporting to the Parliament on the general principles of the bill.

Turning to the report, I say at the outset that the committee unanimously endorsed the bill's general principles. We took that position because of the clear support from diverse sectors—the public and private sectors and from business and the third sector—for the overall direction of travel.

I will single out two reforms for comment. The first is the proposal to speed up the revaluation cycle from five to three years and to bring the date at which revaluations are calculated—the tone date—one year closer to the date on which revaluation actually takes effect. Put simply, that means that, for those who pay rates, the amount that they pay should more closely reflect the actual current value of their property. It is hoped that that will result in fewer appeals against revaluations. Just about everyone agreed that there are far too many appeals at present and that they clog up the system, eating into the resources of councils and assessors. Appeals can take an extraordinary amount of time to resolve, which of course does not help ratepayers either.

The second reform that I want to mention relates to the appeals process. Those new provisions, too, were generally welcomed. There was a general consensus that the current system is unsustainable. However, the committee had some caveats of which the Parliament should be aware, and I will mention two. First, the switch to a three-year cycle will undoubtedly mean more work for assessors, and the profession already has a recruitment problem. That needs urgent attention, so we have asked the Scottish Government what plans it has to address the issue. Secondly, the new appeal provisions simply create a framework for a revised process but leave the details for later. The committee understands why the Scottish Government has taken that approach but, as the minister said, it means that the next steps will be crucial to ensure that we end up with an appeals system that is more efficient than the one that we have now.

I do not say this lightly—because the committee, like the Government, appreciates the importance of access to justice, especially for smaller enterprises—but, given the evidence that we received, we ask the Government to give careful consideration to introducing fees for appeals. I am delighted that the minister said that she will give the matter serious consideration. It became clear to us that the absence of fees is one of the primary factors contributing to a climate in which speculative appeals have become normalised.

The most contentious proposal is in section 12, which removes from most independent schools

the right to claim mandatory charitable relief. I expect that issue to be widely discussed today, so my comments on it will be brief. The majority of responses to our call for evidence were about section 12; generally, they were from parents, teachers and, occasionally, young people with a direct connection to an independent school. They expressed their views with sincerity and strength of feeling, and set out their concerns about what they felt the change could mean for their school.

I want to mention the visit by committee members to George Watson's college in June. I thank the college for hosting a discussion with representatives of the independent sector. As members will imagine, they put their views across to us forcefully, clearly and courteously; by the end of the meeting, the committee knew well where the independent sector stands on the issue.

However, it is important to be clear that there was a strong welcome for the proposal, including from councils. They shared Barclay's view that the change would bring to an end an anomaly and help to level the playing field between independent and state schools. In the end, a majority of committee members were more persuaded by the latter point of view. The independent sector has been around for a long time and has always shown an ability to adapt to change. It did so last decade when the Scottish Parliament agreed reforms to charity law. Most of us believe that this is another change that the sector will adapt to.

I want to expand on the committee's comment in its stage 1 report that the bill is "inevitably piecemeal". That was not intended as negative commentary, but as a simple reflection on the fact that, of the 27 Barclay recommendations that the Scottish Government has largely accepted, most do not require legislative intervention. The bill is limited to those recommendations that do.

We should all take note that the bill is just one part of a wider effort to meet the Barclay goal of having a ratings system that is fairer, more efficient and more business friendly. Much of the evidence that we received was about the bigger picture beyond the parameters of the bill. The committee agrees that there is benefit in continuing the debate about how well the current rates system, including its supporting architecture of reliefs and supplements, reflects modern commercial realities.

To pick one example, we might ask whether there are aspects of the ratings system that could be re-engineered to address the problem of struggling high streets and to enable a town centre renaissance. Perhaps that is a discussion for another day, but we should keep the bigger picture in our sights over the coming months and years as we judge the effectiveness of the whole package

of reforms that has emerged from the Barclay review.

Given the tightness of time today, I merely repeat that the committee welcomes the bill. I look forward to the rest of what will be a very interesting debate, particularly for the members of my committee.

The Deputy Presiding Officer: Members are all being very generous with their time. Mr Dornan had another minute, as did the minister, but there you go.

16:07

Murdo Fraser (Mid Scotland and Fife) (Con): I feel that I must reiterate some of the comments that I made this morning in the chamber about the timing of this debate, because we have been left with one hour and 20 minutes for a stage 1 debate on an important bill, which a large number of people outside the Parliament—stakeholders, businesses and those involved with independent schools—are concerned about. It is an issue that we need to address as a Parliament. The primary purpose of Parliament is to scrutinise legislation—we are here to make laws. We do many other important things, but they are not as important as that, and Parliament needs to learn a lesson about timetabling debates such as this one.

Having got that off my chest, I want to give a general welcome to the Non-Domestic Rates (Scotland) Bill. In some areas, it does not go far enough, and we have concerns about what is being proposed in other areas but, overall, its measures are welcome.

As we have heard, the bill seeks to implement the findings of the Barclay review on non-domestic rates. It does not implement all the Barclay review recommendations. For example, Barclay recommended a change in the tax treatment of arm's-length external organisations—ALEOs—whereby local authorities provide leisure and cultural services by means of an independent vehicle, thus making a business rates saving. The Scottish Conservatives vigorously opposed the original plan to remove that tax concession and, last year, I was pleased when the Scottish Government announced that it would not proceed with the introduction of what we called the swim tax. I am proud of that particular slogan.

There is much in the bill that we welcome. We welcome the move from five-year to three-year revaluations, which is supported by the business community. All members will have had the experience of hearing the concerns of businesses about the increases in business rates through revaluations that are set five years apart. Although there is an appeal process in place, that has led to specific reliefs being introduced to deal with the

changes arising from revaluations. Reliefs were introduced for the hospitality sector, for example, and for premises in Aberdeen and the north-east. A move towards a three-year revaluation schedule should reduce the demand for specific reliefs in the future.

The Barclay review's proposals for a business accelerator, which would create an incentive for businesses to expand and remove the existing disincentive for speculative development by landlords, is also a positive step. The relief is intended to stimulate growth and investment and it is one that we very much welcome.

However, we have concerns about certain areas of the bill. The first is the fact that the date of the next revaluation is set at 2022, which leaves a five-year gap since the last one. It is at least worth exploring whether the next revaluation can be brought forward a year, to 2021, which would bring us into line with the situation south of the border. If it is technically possible, that move would be welcomed by business.

Kate Forbes: Will the member take an intervention?

Murdo Fraser: If it is brief.

The Deputy Presiding Officer: There is time for interventions, if you wish to take them.

Kate Forbes: Does Murdo Fraser accept that, in respect of the tone date, if we are to deliver all the Barclay recommendations, we must allow adequate time to implement the reforms correctly?

Murdo Fraser: I am sympathetic to that view, but I think that there is interest in the business community in exploring how achievable it would be to bring forward the date of the next revaluation.

The second area of concern is the tax treatment of independent schools. My colleague Liz Smith will say more about that later in the debate, but I will highlight three concerns that I have about the measure. First, there seems to be a degree of inconsistency in proposing the removal of a charitable relief from independent schools, which are constituted as charities and do not make profits—indeed many of them are in a precarious financial position—and, on the other hand, granting a new relief to private nurseries, which do make profits. There is a clear inconsistency, in that charities that are running a nursery as part of an independent school will have their relief removed, while other profit-making charities will have a new relief granted to them.

Secondly, the Office of the Scottish Charity Regulator has made very clear its strong opposition to what is being proposed. It stated in evidence to the committee that it has

“a long held general concern that treating any group of charities in a differentiated way for tax or other purposes, as proposed by the Barclay Review and now the Bill, introduces the potential for confusion in the minds of the public as to what it means to be a charity.”

If the Scottish Government wants to review the charitable status and tax treatment of independent schools, in my view, it should be doing so as part of a wider review of charity law, and not in the context of the bill. I know that my view is shared by OSCR.

Finally on this point, I simply cannot believe that the financial memorandum that is attached to the bill makes the assumption that there will be no additional cost to the public sector from introducing this tax grab of £7 million a year from independent schools. That money will be found only by increasing fees to parents, by cutting bursaries, or by a combination of both, which is bound to impact on the number of parents who choose to send their children to independent schools, which will put an additional burden on local authorities. That will particularly be the case in areas such as Edinburgh and Perth and Kinross, which I represent, where relatively high proportions of the pupil population are currently in the independent sector.

The last area that I will talk about is the large business supplement. The Barclay review recommended that the LBS, which is currently set at a rate that is nearly double that set south of the border, should be made competitive with the rest of the United Kingdom, to ensure that Scotland is the best place to do business. Barclay recommended that the LBS be reduced in 2020-21, or sooner if affordable.

It is disappointing that the measure is not addressed in the bill. We consistently hear from the business community that it is a major disincentive for businesses to invest in Scotland. In a parliamentary written answer that I received last week, it was revealed that there are more than 5,000 retail businesses in Scotland paying the LBS and cumulatively contributing nearly £14 million annually. It is a tax that is payable on business in Scotland and is not payable elsewhere in the UK. As David Lonsdale of the Scottish Retail Consortium stated in *The Herald* two days ago, it is a levy that

“sticks out like a sore thumb.”

I hope that the issue can be addressed either in the bill or separately.

We have therefore identified those three issues as problems with the bill. More generally, business rates continue to be a major source of complaint, and it remains our view that there should be a broader look at the business rates regime and business taxation. I was encouraged by the

remarks of the committee convener that perhaps we need to consider whether a tax that is based purely on property values is still appropriate when so much business is conducted in cyberspace.

We welcome the bill overall. We have some reservations about it, but we will support it at stage 1 to allow it to continue through the parliamentary process, during which we will look to see how it might be improved.

16:14

Sarah Boyack (Lothian) (Lab): Non-domestic rates are a vital part of the funding that enables our local authorities to deliver the local services that people rely on. In the Local Government and Communities Committee's evidence gathering in advance of this year's Scottish Government budget, a key issue that was raised by witnesses was the financial cliff edge that local government faces. Therefore, ensuring that non-domestic rates are effective, that they enable funding for local services and that they are fair for our businesses and those organisations in the public sector that pay them is crucial.

Scottish Labour welcomes the broad thrust of the legislation, because it will make the system more effective and fairer in terms of its coverage. However, we believe that the legislation is a missed opportunity. It could have delivered more to incentivise culture change and address the challenges that our businesses and communities are facing.

The majority of the provisions in the bill are welcome: for example, the move to three-year valuations; the removal of charitable relief from independent schools; and measures to cut down on speculative appeals. However, the details of many of those areas will be left to Government to develop and implement after the bill has been passed, and their success will depend on consultation right across Government and with stakeholders, and on joint working with local authorities.

In some instances, the Government has given itself too much power and Scottish Labour believes that the bill should be amended at stage 2 to allow Parliament to scrutinise any further actions that are taken on business rates. Furthermore, we think that the bill represents a disappointing lack of ambition from the Government. It is limited to the scope of the Barclay review, which was itself too narrow.

I highlight that the bill should have engaged further with the current struggles that our high street is facing and evidence from the business community that aspects of the rating system deter growth. I particularly commend the representations of the Union of Shop, Distributive and Allied

Workers—USDAW—to the minister. Those are worth taking on board.

Kate Forbes: Will the member take an intervention? It is a constructive one.

The Deputy Presiding Officer: Oh! Who could resist?

Kate Forbes: There are many recommendations from the Barclay review—ones that support the high street, for example—that have already been implemented because they do not need primary legislation. Is Sarah Boyack making the point that there is further work that we can do outwith the legislative process, or more that we can do that requires to be in the law?

The Deputy Presiding Officer: Ms Boyack, you will get your time back.

Sarah Boyack: We can do both, I think, and I thank the minister for her constructive intervention.

Another area is the urgent need for incentives for low-carbon investment. We urgently need to see new infrastructure for local heat and power schemes to create new opportunities for investment and to deliver new affordable low-carbon heat projects. Last month, Glasgow's Councillor Anna Richardson made the point that

"the way district heating systems are treated in the local tax system acts as a deterrent to them being used more widely. Unfortunately, under present rules, installing district heating systems brings in significant new non-domestic rates and that adds unduly to the cost of heating homes."

Her point is that homes that are heated by a district system are penalised in effect. How can it be right, when we need low-carbon community networks that are affordable, that there are disincentives that make them uncompetitive with the higher-carbon technologies that we are trying to move away from?

The Barclay review called for an examination of the effectiveness of the small business bonus scheme. I understand that work on that is now being carried out. It would be helpful to hear from the minister when that will be published.

There are key reforms that Scottish Labour supports. I have already mentioned moving property revaluations from five to three years; increasing the relief available to properties that have undergone improvement or expansion; reforming the appeals system to try to cut down on speculative appeals and enable earlier resolution; and removing charitable relief from most independent schools.

We also welcome sections 23 to 27, which give the Scottish ministers the power to introduce general anti-avoidance provisions for non-domestic rates. As the committee has noted, tax avoidance corrodes public confidence in the tax

system and the shared sense that everyone plays by the same rules, especially when it is carried out openly and blatantly. We need to see clarification from the Scottish Government on whether it has considered the amendment of reliefs or the small business bonus scheme to ensure that we have an approach that prevents repeat offenders from acting, and we need to see what conclusions were reached.

We also want to see implementation of the change to the revaluation cycle from five to three years. That is a business-friendly change that, if implemented effectively, could also lead to a reduction in the number of speculative appeals against revaluation. A critical issue that has emerged is that the benefits of that proposal will be realised only if the Government has a plan to address problems of recruitment and retention in the assessor profession. That came through loud and clear in the evidence that the committee received.

We are also supportive of reforming the appeals process. The current system is unsustainable and leads to lengthy and resource-sapping backlogs that are not in the interests of ratepayers or administrators. We need more action to ensure that we have the staff to deliver the changes that are required.

The committee accepted that there is no good reason in principle why businesses in most public parks should continue to enjoy automatic exemption from the business rates regime. However, there are uncertainties about the scope of section 4 and how it will be implemented, and more clarity needs to be provided when we reach stage 2.

We agree with the committee that the ending of mainstream independent schools' eligibility to claim charitable relief is to be supported. We believe that it is crucial that there is a level playing field for the state and independent sectors. The proposal will also generate more revenue for councils. We also support the intentions behind section 5, which seeks to close the loophole that enables some second home owners to avoid council tax and rates, and section 12, which seeks to address the problem whereby an empty property is purportedly being used for a particular purpose simply to allow relief to be claimed. There is much in the bill that we support, but more detail needs to be provided when we come to stage 2.

I want to end by commenting on the discretionary powers that are aimed at granting relief to sports clubs. It is good to see acknowledgement of the positive role of sports clubs in our communities, but there needs to be parliamentary scrutiny of the guidance that the Scottish Government intends to produce.

Given the range of issues on which further clarity is required, it is crucial that stage 2 is handled in a constructive way and that ministers can answer a lot of our questions. If that is not the case, there will be a great deal of uncertainty for business. There is much that we can support in the bill, but there are changes that need to be made and opportunities that can be taken.

The Deputy Presiding Officer: You must end there.

Sarah Boyack: I thank the witnesses who gave evidence to us and those who supported the committee's evidence-gathering work.

The Deputy Presiding Officer: I call Andy Wightman to open for the Green Party.

16:21

Andy Wightman (Lothian) (Green): Thank you, Presiding Officer. Do I have five minutes or six?

The Deputy Presiding Officer: You have five minutes and a wee bit extra, but do not overplay your hand.

Andy Wightman: I will not. Thank you, Presiding Officer.

I note that this is the first time that the Scottish Parliament has considered primary legislation on non-domestic rates. Indeed, there has been no reform in more than a quarter of a century, since the Local Government Finance Act 1992. That is very telling. It demonstrates how little interest there has been in Parliament in local tax and how much power the 1992 act gave to the Secretary of State for Scotland—that power now lies with the Scottish ministers—in relation to detailed design of the non-domestic rating regime, including the rates themselves, the reliefs and other details, all of which are pushed through Parliament in secondary legislation. For a tax that, as the minister pointed out, is the second-highest-yielding tax under devolved powers, that is a remarkable state of affairs.

Therefore, the fact that we have a bill is welcome, but it is not welcome that it is so narrowly focused on a series of technical measures and that it leaves a vast number of questions unanswered. It is worth briefly reflecting on why that is. In September 2013, Derek Mackay—who was in the chamber a few moments ago—the then Minister for Local Government and Planning, published a response to a consultation document in which he said that the Scottish Government would

“conduct a thorough and comprehensive review of the whole business rates system”

by 2017, which would deliver

“a fairer, simpler and more efficient business rates system.”

That review never took place. Instead, we had the Barclay review, which asked only one question:

“How would you redesign the business rates system to better support business and incentivise investment?”

That is why OSCR, for example, never paid much attention to the review. It was only after the review had been completed that organisations such as OSCR suddenly realised that the findings had some relevance to them. The review was instructed on the basis that its recommendations would be revenue neutral. In practice, that meant that any proposals that were made to reduce liabilities in any way had to be balanced by measures that would make up for the lost yield. It is no coincidence that many of the measures that are in the bill to make up for the lost yield were plucked from thin air—the Government simply looked at a list of reliefs to find out where it could get the money to pay for the review’s recommendations.

The Barclay review was not the comprehensive review that was promised in 2013; that review has still to take place. It is in that context that Green members approach the bill. I will outline our key objections and proposed reforms before concluding with a more fundamental objection. At stage 2, Green members will lodge amendments, on all of which I undertook a consultation in the summer recess. I will say a few things about some of them.

First, members will be aware that non-domestic rates are a local tax, and yet, in 1992, Mrs Thatcher’s Government removed councils’ powers to set the rate. Since then, the rate has been set by negative instrument with next to no parliamentary scrutiny. We will lodge amendments to return the rates to the level of government to which they belong—local government. There will be issues of timescales and all sorts to debate in relation to that.

Secondly, it is bizarre that we have an incomplete tax base. Barclay recommendation 28 is that all property should be on the valuation roll and those currently exempt could then be granted reliefs, which would increase the transparency of, for example, the unjustifiable tax breaks afforded to agricultural holdings.

That recommendation was made as far back as 1976 by the Layfield committee, the Mirrlees review drew Government’s attention to the issue in 2011 and the land reform review group made a very clear recommendation on that topic in 2014.

In the past two years, more than 13,000 new entries have been added to the valuation roll, to cover shootings and deer forests. The vast majority of those will be registered agricultural

holdings. We are well on the way to a complete roll, and we should commit to completing the task.

Thirdly, the non-domestic rate is a flat-rate tax—it has one rate of 49p or thereabouts—that is applicable to all properties, regardless of their value. We propose that there be a progressive rate, with a tax-free allowance, just like we have for income tax.

Other changes that we will be seeking include either removing the exemption that is granted in the bill for specialist music schools that are in the private sector, or retaining it but also applying it to the four specialist music schools that are in the public sector, such as the City of Edinburgh music school.

We also want the localisation of reliefs, and the provision of backstop powers to force owners to pay, rather than forcing occupiers to pay where the owners cannot be found. We also want there to be reforms to stop multibillionaires such as Sheik Mohammed bin Rashid Al Maktoum, the ruler of Dubai, being eligible for the so-called small business bonus scheme, and to ensure that all ratepayers pay something, which would eliminate what Barclay calls the “rates deserts”.

We have one major concern: the removal of the NDR tax base from the control of its historic owners—local government—is, in our view, a violation of international law. That breaches article 9 of the Council of Europe’s European Charter of Local Self-Government, which provides legal protections for the autonomy of the tax base of the local state. This situation cannot be allowed to persist. However, because it does—at the moment, anyway—we cannot support the bill; neither will we stand in its way, so the Greens will abstain on the motion this evening.

The Deputy Presiding Officer: I call Liam McArthur to open for the Liberal Democrats. You also have a generous five minutes, Mr McArthur—that is so that I am fair to everyone, as I always am.

16:27

Liam McArthur (Orkney Islands) (LD): As you always are, Presiding Officer—thank you very much, indeed.

I, too, thank James Dornan and his colleagues on the Local Government and Communities Committee for their work to date; I also thank those who contributed to the consultation.

I find myself in agreement with Andy Wightman’s analysis and many of his concerns. The bill includes a set of fairly modest proposals stemming from the Barclay review. That, too, was hobbled in terms of its breadth and its scope. We have been left with a bits-and-pieces bill.

I understand that we are dealing with a policy area that is uncomfortable territory for this and previous Governments. I remember well the business rates revaluation in 2010, which left many businesses, particularly in the hospitality sector, facing massive increases of up to, I think, 1,000 per cent in some cases, with no transition. At the time, ministers seemed largely unconcerned, and they were not concerned enough to delay the revaluation until 2016. In the bill, however, we see the imperative for having regular revaluations.

After 2010, we had the business rates incentivisation scheme, which got off to a fairly inglorious start. The Government and the Convention of Scottish Local Authorities were still arguing in 2014 about what the baseline for 2012 should be and about what the outcomes, performance and payments for any year should be.

Eventually, ministers had to fiddle the figures, short-changing Aberdeen to the tune of millions of pounds. Then they cancelled the scheme anyway. The risk in trying to fake localism is that more of a mess is created. I would rather this bill set about giving control of business rates to local authorities, for many of the reasons that Andy Wightman set out, which would give them the opportunity to form meaningful and strong partnerships with businesses in their area.

Linking to the existing roles in economic development and to business support into local colleges, each authority would have the clout to shape a more successful community. I accept that the same economic and taxation blueprint does not necessarily work in every region, and the bill does not provide for that.

The Scottish Government is scrabbling around to work out how to avoid taxing people who improve their properties, invest in machinery and install renewable energy. All those issues are inherent problems in the business rates system, and it is fundamental that the system be based on rental value.

Andy Wightman: This might seem to be a pedantic point, but the member has persistently referred to “business rates”. He and I are members of the Scottish Parliamentary Corporate Body, and I do not think that he regards us as business people in that respect. I have just looked it up and found that this building has a rateable value of £6,965,000. The non-domestic rating system is a rating system of the occupational value of non-domestic property. Conflating the system with the interests of business has been damaging to the debate that we have had over the past decade. I am sure that the member agrees with me.

The Deputy Presiding Officer: It is all right, Mr McArthur—you will get your time back.

Liam McArthur: I am happy to take Andy Wightman’s reprimand in the spirit in which it was intended. Having been a member of the corporate body for some eight years, I certainly bear the scars of the impact of the non-domestic rates of this building.

The issues that I mentioned are not tackled in the bill, which is why the Scottish Liberal Democrats believe that a move to a land value system could generate economic advantages and Government efficiencies, if it is linked to council tax reform. However, we do not have a major bill before us; we have a small bill.

Scottish Lib Dems hope that the bill, if it progresses, will close the loophole that allows second home owners to declare themselves a business and get rewarded with a Government tax cut. Willie Rennie has spoken strongly about concerns that holiday rental owners in parts of the east neuk of Fife are not paying their fair share.

Some of the consultation responses are right to point to the large burden that will be placed on local authorities to police the bill’s provisions, as they are currently worded. The respondents suggest making changes to the small business bonus, and I hope that the minister will respond to that. I would like to know how the review of the small business bonus and the review of micro-letting will impact on the ground. The Scottish Government has chosen one approach in the bill, while embarking on two reviews of two other approaches. Ministers are not so much putting the cart before the horse as setting three carts rolling downhill, all of their own accord. I would be interested to learn what timetable the Scottish Government thinks will best allow the three processes to be considered together.

I wish James Dornan and his colleagues on the committee all the best as they take forward their stage 2 scrutiny of the bill.

The Deputy Presiding Officer: We move to the open debate. I ask for speeches of a generous four minutes.

16:32

Kenneth Gibson (Cunninghame North) (SNP): I agree with Liam McArthur about the loophole in relation to second homes.

The bill will update Scotland’s non-domestic rates system and create a more modern and equitable ratings structure. In terms of revenue, non-domestic rates are the second most important devolved tax, behind income tax. In 2018-19, non-domestic rates accounted for £2,847 million; by comparison, last year’s council tax income was

£487 million less than the revenue from non-domestic rates.

The Barclay review outlined 30 recommendations that were intended to make the ratings system fairer, make the ratepayer experience better and enable economic growth. I am pleased that the Scottish Government accepted the majority of the recommendations—not least, the one on three-year revaluations—and acted decisively to implement those that do not require primary legislation.

The business growth accelerator should be welcomed across the chamber. Under the current system, when a new property is built, or when an improvement or expansion of an existing property takes place, the rateable value increases. A key business objective is to grow, which is often done by improving or extending premises, but a property expanding so that it had a rateable value of £15,001 to £18,000 would result, in effect, in a payment of rates at 36.75 pence in the pound, and 49 pence in the pound if the rateable value was more than £18,000. Therefore, if the rateable value is £15,000, nothing is paid, but if the rateable value is £18,001, £8,820.49 is paid. That cliff edge can only inhibit expansion and dissuade owners from taking long-term growth decisions due to cost. The Barclay report stated that that

“penalises ratepayers who make environmental improvements (e.g. solar panels), face requirements to improve their properties as a result of regulation ... or invest in plant and machinery.”

Although the small business bonus scheme is not being considered in the bill, its positive impact in saving businesses from going under during a recession could be improved, to allow businesses to not only survive but grow. The Federation of Small Businesses has said that repeatedly.

In addition, the demand for small business premises, which benefit from the small business bonus, has led to overheating in the rental market for cheaper properties. That incentivises companies to take their business away from high streets, where costs are usually higher. The business growth accelerator will incentivise investment and growth, introducing a 12-month delay in rate increases when an existing property is expanded or improved. Entirely new properties will become liable for rates only after 12 months. I agree with Murdo Fraser that if the UK Government were to consider taxing online retailers, that would also help our town centres and shops.

The bill includes provision for reforming the rates revaluation appeals system to reduce speculative appeals and to enable earlier resolution. In 2017, 75 per cent of appeals resulted in no change to specific rateable values. Therefore, I welcome the committee’s conclusion

that the existing system incentivises the making of appeals. That is primarily due to no fees being charged for appeals and the ease with which appeals can be lodged. Accordingly, I believe that an applicant who has initially been advised that an appeal has little chance of success should have a fee imposed to militate against the lodging of a spurious appeal.

Independent schools with charitable status are currently entitled to 80 per cent mandatory relief from non-domestic rates. I agree with the majority of committee members, who considered that all independent schools should pay rates and should no longer be able to claim charitable relief. Not only would that end an unfair and unequal practice in relation to state schools; it would generate more revenue for councils to spend on local services. I simply do not accept that independent schools would suffer, because the impact on fees would be only around 1.3 per cent across the sector—far less than that of recent teachers’ salary and pension changes. I believe that that approach should apply to the entire independent sector. It is simply anomalous and inconsistent to exempt one music school from paying rates.

Scotland has the most comprehensive package of rates relief in these islands, which is worth more than £750 million in the current year, and more than 90 per cent of properties pay a lower poundage compared with those in the rest of the UK. The bill puts us on track to achieve our goals of improving our non-domestic rates system, helping businesses to grow and encouraging long-term investment.

16:36

Liz Smith (Mid Scotland and Fife) (Con): I place on the record that I have been a governor of two independent schools.

I agree whole-heartedly with my colleague Murdo Fraser, who earlier in the debate raised Scottish Conservatives’ very serious concerns about the element of the bill that will affect independent schools. We will need to see that being changed before we can agree to the bill at stage 3.

I entirely agree with what Andy Wightman said about there being serious anomalies in respect of treatment of specialist music schools.

I also want to pick up on the point that James Dornan made about the Charities and Trustee Investment (Scotland) Act 2005 on reform of charity law. At the time of that act’s passage, some members believed that no independent schools should have charitable status, because they felt that such schools were elitist, so that special treatment should be removed. However, when the bill was voted on, it was passed

unanimously because all parties agreed that the evidence that had been presented to Parliament showed that independent schools play a very valuable role, regardless of whether it was measured by educational, social or economic criteria. It is good to hear the minister agreeing with that.

The other point about the 2005 legislation is that Parliament also agreed—again unanimously—that the charity test should be tightened so that all independent schools were made much more accountable in respect of the public benefit that they offer and, crucially, that they were made much more accessible. That is an important point to remember, because it is relevant to the debate on the current proposals to remove charitable relief from such schools.

Fees in the independent sector will, unquestionably, rise by more than has been the current average annual fee increase, thereby increasing the likelihood that more parents will be unable to choose independent education. In turn, that will mean that the state sector—which is already very hard pressed when it comes to resource provision—will be asked to accommodate more pupils. The second part of the equation is that, by definition, that would then cause independent schools to become more elitist.

James Dornan: Will the member take an intervention?

Liz Smith: If James Dornan does not mind, I will not take his intervention because we are so short of time.

As I mentioned earlier, that is surely the exact opposite of what the Parliament unanimously decided in 2005 and of the Scottish National Party's stated ambitions for education in Scotland. It would also put Scotland's independent schools at a competitive disadvantage compared with those in England.

Also, does Parliament really want availability of independent schools' facilities to be restricted because they will face much more serious financial constraints? Does it want one in which independent schools are no longer quite so able to offer assistance to state school pupils to study subjects that are not in their own schools' curriculums or are unable to support local primary schools with arts, drama or sports provision?

Does the Parliament want a situation in which the independent sector is not so able to contribute to the target of 1,140 hours of nursery provision, or not so able to provide marking assistance for the Scottish Qualifications Authority, as was stated in one of the warnings that was issued to the committee?

Those are all possible scenarios, each of which would serve to undo all the excellent work that has been done by both state and independent schools to bring the sectors together to enhance education for all young people.

Worst of all, does the Parliament really want a situation whereby some smaller independent schools would close down altogether, which would adversely affect employment in local businesses as well as among their own staff? The Local Government and Communities Committee has been well told that that is a real risk.

There are some serious anomalies in the bill, and I do not think that the Scottish Government has thought them through. We will bring up those issues at stage 2. I am sorry that they have not been thought through, as is evidenced by the fact that there has been no accurate assessment of the effects of the bill. No assessment has been forthcoming in the financial memorandum, which says nothing about the true costs.

Kate Forbes: Will the member take an intervention?

Liz Smith: I am just about to close.

The Deputy Presiding Officer: The member is closing.

Liz Smith: The Scottish Government must review the situation. If that is not done, that will give a completely one-sided and biased view. Those are serious objections, so we will review the matter at stage 2.

16:41

Alex Rowley (Mid Scotland and Fife) (Lab): First, I apologise for being a few minutes late to the debate.

The committee's report captures many of the key issues that were raised by people who gave evidence and submitted their views. I congratulate the committee's convener and its members. I am pleased that the committee has focused on the concerns that were raised about the transparency of the revaluation process. It is ridiculous that, as many businesses do, a business would struggle to understand the process, and to understand how revaluation of its property has been done. The process for revaluations should—indeed, must—be totally transparent. If it is too complex and difficult for the majority of people to understand, it is clearly failing and should be challenged. I hope that we will see a culture change that puts people, and the need for them to understand the process, at the heart of revaluation.

In its report, the committee states:

"We also note widely shared views that the more transparent and intelligible the revaluations process is, the

fewer appeals there will be, and invite the Scottish Government to confirm whether it sees opportunities, as the Bill continues through the Parliament, to ensure that the process will be more transparent in future."

Whether the process is intelligible or unintelligible, we surely need to address that issue. From my experience of dealing with businesses in Fife, I can see that there has been no commitment to explaining properly how evaluation is done. That needs to change.

On staffing, many people in valuation talk about the pressure of work and the fact that while staffing levels are falling through pressure from cuts, the workload is increasing. I am pleased that the committee identified that point, and I look forward to hearing how the Government intends to address the workload pressures that contribute to retention challenges in particular. The move to three-yearly revaluation is welcome, but the committee asks what additional pressures that will put on an already overstretched service.

It is important to restate what the committee said about modernising the system for administrating revaluations and appeals. It said:

"We welcome the small steps taken so far in the Bill but urge the Scottish Government to seize the opportunity to consider further ways to streamline and modernise the process."

I hope that the minister will pick up on that point, and on the many other well-made points in the committee's report.

On arm's-length organisations, I think that all members welcome the decision not to proceed with the Barclay recommendations. In reality, the recommendations being implemented would have led to massive pressure on services, and many council services that have been put into ALEOs would have collapsed.

However, the Government needs to clarify whether it is introducing a new policy that ALEOs that are being set up would not qualify for the same relief as the current ones do. I know from having been council leader at Fife Council about the pressure on the education department from many people to make cuts by making savings from putting all the schools out to an ALEO. Where would that stop? The Government recognises that there is a problem, but it needs to state clearly what its policy will be and give local authorities a clear understanding of that.

Once again, Presiding Officer, I apologise for being late for the debate.

The Deputy Presiding Officer: Thank you very much, Mr Rowley. You are a true gentleman.

16:45

Joan McAlpine (South Scotland) (SNP): I welcome the bill, but before I comment on it in detail, it is worth reminding members that under the SNP Scottish Government Scotland leads the way on rates relief. Scotland already has the most generous package of reliefs in the UK, which is worth more than £750 million in 2019-20, and more than 90 per cent of properties in Scotland pay a lower poundage than other parts of the UK this year.

Andy Wightman: Joan McAlpine mentioned the generous package of reliefs. Why does she think that Sheikh Mohammed bin Rashid Al Maktoum, who is one of the richest men in the world, qualifies for the small business bonus scheme on his estate in Kintail?

Joan McAlpine: I do not know anything about that gentleman's property, and it would not be appropriate for me to comment on the details of someone's personal tax affairs without looking into the matter further. However, I will certainly go away and do that.

I am pleased that the Scottish Government has already acted decisively to implement the Barclay review recommendations that do not require primary legislation. Those include expanding fresh start relief to help town centres, which is very important to my constituents in the market towns of South Scotland.

The bill reflects the Barclay review's recommendations that are intended to overhaul and modernise the ratepayer's experience of navigating the system, which was judged to be poor, in order to increase fairness and, of course, to promote economic growth.

The bill will put in place ambitious reforms to the appeals system, which will improve decisions and build trust. The new two-stage appeals system will facilitate better and earlier information sharing, and it will enable a "right first time" valuation in order to reduce the number of changes on appeal, and to build trust in the system.

The Barclay report acknowledged the "strong consensus among stakeholders that 3 yearly revaluations ... would provide a better timeframe."

I note that the briefing for the debate from the Union of Shop, Distributive and Allied Workers says:

"We believe that these changes will ensure that the rates system better reflects market/trading conditions and provide a more effective 'natural stabiliser' against cyclical economic effects as well as economic shocks."

I want to say something about the measures in the bill that are aimed at tackling tax avoidance, with regard to empty properties in particular. Empty property is one of the biggest problems that

we face in urban and rural regeneration, so I welcome the attention that has been given to the matter by Barclay and the bill. For example, it was suggested to the Barclay review that a well-known avoidance tactic to reduce an empty property's rates liability is to occupy only a small part of the property as storage. That allows the owner to qualify for another relief or allows a new period of empty property relief to begin after a set period.

Section 12 of the bill deals with the first of those aspects. I will watch closely to see how that works in practice. I understand that the second aspect will be dealt with through subordinate legislation. Either way, it is important that councils use the new powers to tackle the scourge of empty property and, indeed, that they use the powers that they already possess to deal with the problem.

I note that Barclay recommended reform

“to restrict relief for listed buildings to a maximum of 2 years and the rates liability for property that has been empty for significant periods should be increased.”

The Government's consultation said that, after two years, relief should fall to 10 per cent and that a surcharge should apply after five years, from 2020.

That would deal with a problem of which I have direct experience. I have been approached by constituents in the town of Annan who are directly affected by listed buildings that have been left to crumble. I pay particular tribute to William Hogg, who is a local resident. He led on a petition that asked for action to be taken on properties including the Albert hall, the Central hotel and Erskine church. Because I was not on the committee that scrutinised the legislation, I am unable to ascertain whether that Barclay recommendation on listed buildings will be enforced through the bill or through regulations. However, I note that the consultation proposed that it would take effect from this year, so I hope that the minister can confirm that that is the case.

16:50

Alexander Stewart (Mid Scotland and Fife)
(Con): I am pleased to take part in today's debate on the Non-Domestic Rates (Scotland) Bill.

As a member of the Local Government and Communities Committee, I thank all those who have supported us during our evidence sessions and given us information.

As a former councillor, I am aware of the impact and importance of non-domestic rates. The Conservatives welcome many parts of the bill. However, we also have to think of the consequences that councils are suffering because of the budget reductions from Government. In this

financial year alone, they have already had a real-terms budget cut of £168 million. The Scottish Government is making political choices, and that is the context in which we should see the bill. Many changes are proposed; some go far but some do not go far enough and will not address the chronic underfunding of our councils.

Scotland has one of the lowest growth rates of any country in the European Union and a lower employment rate than other part of the United Kingdom. If Scottish employment had grown at the same rate as the UK's over the previous 10 financial years, more than 300,000 more people would be in work in Scotland today. That is a staggering and sobering statistic.

On our high streets, retail has been hit particularly hard; Scotland continues to fall behind the rest of the United Kingdom. The committee visited some locations and it was harrowing to hear views from retailers about how they cope with the demands in city centres.

There has already been talk this afternoon about online businesses. As we go forward, they need to be looked at.

When we looked at the amounts that are being ploughed into rates, we found that the hotel and hospitality sector are finding the situation difficult. The renewables sector is also suffering. In Aberdeen and Aberdeenshire, the Government had to support businesses because their rates bill had doubled, trebled or, as we heard, gone up by 1,000 per cent. It is unsustainable for businesses to be put in that situation. I am delighted that the Scottish Conservatives were one of the groups that forced a U-turn, as a result of which £40 million was put into the hospitality sector in Aberdeen and Aberdeenshire.

Andy Wightman: Alexander Stewart has gone on at length about the situation in Aberdeenshire. Does he agree that it would have been better for Aberdeenshire to have had the powers in Aberdeenshire to deal with that problem years before it happened or shortly after it happened, rather than having had to come to central Government, in the national Parliament, to invoke a complex relief scheme?

Alexander Stewart: We have to balance the economy and ensure that there is growth across the sector. I hear what Mr Wightman is saying but I do not agree with it completely.

We know that the Government has looked at the Barclay review's recommendations on revaluations. One of the biggest benefits will be that revaluations will take place every three years rather than every five years. That is important.

It is disappointing that, despite the long-standing promises to reform business rates, there is no firm

timescale to reduce the large business supplement, which means that Scottish businesses are uncompetitive.

Kate Forbes: Will the member take an intervention?

Alexander Stewart: No. Time is pressing.

When he was Cabinet Secretary for Finance and Sustainable Growth, the current Deputy First Minister acknowledged that. He said that the SNP Government was

“committed to setting the poundage rate no higher than that set in England”.

However, seven years on, we have still not caught up with that. The commitment rings hollow.

We have already discussed the independent schools sector. I come from Mid Scotland and Fife, which has a large number of independent schools. I echo the concerns of my colleague, Liz Smith, on the proposal to remove their charitable relief. The comparison with the rates that state schools pay is misleading; it is only cycling money through different parts of the public sector. That should not in itself be looked upon as an area for discussion.

As my colleagues have indicated, we will support the general principles of the bill, but we have missed some opportunities to make progress and improvements. The bill fails to take Scotland’s business forward in a competitive way, and it does not give us the system that we want. We will support the general principles of the bill at this stage, but we will be seeking to amend it at stages 2 and 3.

16:55

Rhoda Grant (Highlands and Islands) (Lab): We welcome the bill, as do organisations such as the Scottish Retail Consortium and USDAW. We will support the bill at stage 1, and we will seek to work with the Government and colleagues to improve it as it goes through the Parliament at stages 2 and 3.

We welcome the powers for Scottish ministers to introduce general anti-avoidance provisions for non-domestic rates. As Sarah Boyack said and as the Local Government and Communities Committee noted,

“Tax avoidance corrodes public confidence in the tax system”.

We need to see tax as a good thing: our contribution towards building a better society. Tax avoidance is often seen as something that should be promoted and, in some instances, tax evasion is encouraged.

Kenneth Gibson spoke about having to deal with the whole tax system. When we see large

companies offering miniscule amounts of money in lieu of their tax liability, that devalues the whole of the tax system. Indeed, it encourages others to avoid paying the tax that they are due to pay.

We agree with the committee about the change to end the exemption for mainstream independent schools that claim charitable relief. That is very much welcomed by us, as it creates a level playing field between the state and independent sectors. As many members have said today, that will give local authorities more funding. Along with the committee, we are not persuaded that there is a case for treating independent specialist music schools any differently from other independent schools.

Liz Smith: Would that case not be enhanced if there was a much more detailed financial memorandum?

Rhoda Grant: Indeed. There needs to be more detail on many aspects of the bill. As far as independent schools go, this matter has been a cause for angst for some time, and it is important that independent schools are treated the same as other schools and are not allowed rates relief based on charitable status. While there are independent schools providing specialist musical tuition, there are the same types of schools in the public sector, such as Scotland’s national centres of excellence. I should perhaps register an interest, as I am a former pupil of Plockton high school, which is now a centre of excellence in traditional music. It was not when I was there—and I cannot sing a note, so that is perhaps just as well. In any case, we will consider lodging amendments to strengthen that part of the bill.

Murdo Fraser spoke about further clarity being required on private nurseries, including those attached to independent schools. That is something that the Government needs to provide.

Alex Rowley talked about ALEOs and how they were used by councils that were often cash strapped in order to save money. We need to ensure that that does not backfire on councils at a time when their funding is reducing.

Many members spoke about revaluations and welcomed the change to the revaluation cycle from five years to three years, which will reduce the lag between the date at which the market value is calculated and real-time market conditions for business premises.

Alex Rowley spoke about simplicity in the system, which could lead to much fewer appeals if there were better explanations as to how revaluations were carried out. He also talked about recruitment and retention of assessors. If the cycle is to be reduced, we need to have adequate people in the system who will provide the valuations required. That means ensuring that

people are trained, and that we treat those who carry out the work properly so that we can retain them. Many speakers welcomed the reforms to the appeals system.

As Sarah Boyack said, the bill could have engaged further with the current struggles on our high street. It is also a missed opportunity to examine ideas for local devolution, and the scope of rates relief to drive up things such as environmental standards—Sarah Boyack talked specifically about district heating systems—employment standards and the real living wage.

Derek Mackay: Will the member take an intervention?

Rhoda Grant: I am sorry, but I think that I am in my last seconds.

To quote Paddy Lillis of USDAW,

“The retail sector needs urgent action to protect these essential jobs which are a key part of our communities. Business rate reform is a central part of this, but a fundamental review of support for the sector is needed if we are to save our high streets from further decline.”

17:00

Graham Simpson (Central Scotland) (Con): I start by echoing the initial comments of my colleague Murdo Fraser expressing frustration at the truncated time that has been given to the debate. Although there have not been many members in the chamber, a lot of people are interested, and it is a very serious piece of legislation that affects a lot of people.

Moving on from that, I thank the committee clerks for their work on the stage 1 report, as well as my fellow committee members, James Dornan, Sarah Boyack, Annabelle Ewing, Kenny Gibson, Andy Wightman and my good friend Alexander Stewart, who spoke with his usual passion.

The rates system is fiendishly complicated, archaic even, ludicrous at times, and difficult for most people to comprehend. As the FSB said in evidence, only about two fifths of business owners believe that they understand how their rateable value is calculated. That the system has been in need of a shake-up for a long time is not in doubt. However, the bill does not do that. It is a missed opportunity.

True to form, the Government set up a review, which means that it can blame someone else—in this case, Ken Barclay. Unfortunately, the mild-mannered Mr Barclay had his hands tied by a very narrow remit, which told him to make recommendations that were revenue neutral. It is my belief that that instruction led his team to make their most controversial recommendation, on independent schools—though they would deny that.

Kate Forbes: The member of the committee took evidence from Ken Barclay. The idea that he was forced to set recommendations just to balance the books is ludicrous.

Graham Simpson: Well, he was told to balance the books. That is a fact, and it is my view that it led to the recommendation.

Much of the bill is not controversial. *[Interruption.]* It is sensible, even.

Derek Mackay: It is about fairness.

Graham Simpson: I am glad that the cabinet secretary is enjoying my contribution.

Derek Mackay: Will the member take an intervention?

Graham Simpson: No—perhaps later.

There are some good ideas in the bill: changing revaluations from every five to every three years; reforming the appeals system; making reforms to close a known tax avoidance tactic for those who own holiday homes, which can be used to avoid paying any local tax on the property; introducing the business growth accelerator, which will reduce the rates bills of growing firms; and making those who conduct commercial activity in parks liable to pay business rates. However, there is nothing about dealing with the large business supplement which, as Murdo Fraser pointed out, puts businesses in Scotland—

Derek Mackay: Will the member take an intervention on that point?

Graham Simpson: Yes.

Derek Mackay: Just out of curiosity, if it so happens that such a policy is affordable, would the Conservatives vote for a budget that reduced the large business supplement?

Graham Simpson: Dear me, dear me. We will have to see the entire budget to answer that question, and we will have to see what the Government is doing to councils and whether it will slash their budgets again.

There is another missed opportunity to do something about high streets, which is something that we could consider at stage 2.

I said that much of the bill is uncontroversial, but one section has proved anything but, and has attracted the most comment. That is, of course, the section that takes away reliefs for independent schools. Liz Smith spoke with great authority on the matter. Out of a total of 367 submissions, more than 300 were on the issue of the taking away of rates relief and most of those came from concerned parents, teachers and pupils. We as a committee took evidence and we even visited the independent school George Watson's College, in

Edinburgh. However, the die was cast on the rates relief removal issue before anyone contacted us, before we heard a word and before we stepped across George Watson's impressive portal.

Parties have positions, which means that some people just do not like the idea of parents having the choice to pay for their children's education. However, I prefer to go with the evidence, which was overwhelmingly that independent schools are charities, that all charities benefit from rates reductions and that to meddle with that arrangement is meddling with charity law. How can we attack one section of the charity sector without looking at the whole sector? It is a policy born of prejudice and spite. The Scottish National Party has not gone quite as far as Labour, with its aim of abolishing all independent schools, but removal of rates relief is the thin end of the wedge.

I did not know a great deal about the independent schools sector before scrutinising the bill, but what I found was a sector that is proud of its charitable status, proud of its work to widen access to its schools' facilities, proud of helping the disadvantaged and proud of having schools that are part of their communities. I visited Hamilton College in my region, whose building is that of the former Strathclyde teacher training college. Hamilton College is not a fabulously wealthy institution and, from what I could see, many of its facilities lag way behind those of schools in the state sector—elitist it is not. However, Hamilton College takes its charitable status very seriously, not to avoid paying rates but as a mission. It rents out its facilities and has a pool that swimming icon Michael Jamieson uses for his swimming academy. He is elite, but he is not elitist. Do we really want to put that type of endeavour at risk? As we have heard, the Office of the Scottish Charity Regulator made some damning comments about the bill's proposal.

There was a proposal to make one exception to amending the status of independent schools and it involved specialist music schools. However, there is only one such school in the sector: St Mary's Music School in Edinburgh. There was no logic to that proposal and I wonder what or who lay behind it.

There will be amendments at stage 2. We are open to ideas. We will work with other parties and outside organisations to improve the bill. We will work with the minister, if she is willing to be flexible.

17:07

Kate Forbes: I applaud and thank the members who have defended the timescale given to this critically important debate. As somebody who has

been heavily involved with the bill, I believe that the more time given to it, the better.

Quite a number of points have been raised in the debate, but I will try my best to get through them. However, there is an open invitation to other parties to discuss any element of the bill in advance of amendments at stage 2.

James Dornan, the committee convener, referred to the broad welcome for three-yearly cycles. That in itself will resolve a lot of the challenges that we see in the appeals system. To address a point that was made by both James Dornan and Alex Rowley, I say that we need to both solve the appeals challenges and ensure that assessors are as well supported as possible. That is why we included £2.5 million in this year's budget to go directly to assessors; that was the figure that they identified as the support that they needed this year and which they welcomed.

Murdo Fraser mentioned the business desire to see a tone date here that is in line with that of the rest of the UK. There are questions around the tone date for the rest of the UK because of the prorogation of Parliament, although I think that the bill to set the tone date there at 2021 is back in play. However, assessors were clear with us, and I believe that they were clear with the committee, that if we want to deliver the bulk of the Barclay recommendations and get things right, we need the timescale that is being proposed.

As I said in my opening remarks, the provisions are not about charity law or the important role that independent schools play. Liz Smith spoke about the financial impact, but that was assessed in the business and regulatory impact assessment.

Liz Smith: The financial memorandum does not, as it should do, give a fair and balanced view of both the costs and the benefits.

Kate Forbes: It was included in the BRIA. I find it difficult to accept that the magnitude of change that has been identified would be sufficient to lead to a mass exodus of pupils. The impact of our proposals is equivalent to a 1.3 per cent increase in current average fees. That is a small increase compared to the average yearly fee increase of 4 per cent. That is why the financial memorandum is as it is—we do not believe that the policy change will result in a mass exodus of pupils to the public sector.

On any potential movement, some of the calculations that have been flying around use the average cost of a school pupil, whereas they should use the marginal cost. In the majority of cases, the marginal cost of a pupil moving from the independent sector to the state sector would be zero. Even if 3 per cent of pupils were to transfer, we do not accept the suggestion that that would leave the policy revenue neutral. The

financial impact has been considered through the BRIA.

I will move on to the other points that were raised. Sarah Boyack talked about the importance of guidance, and I agree with her on that point. I will endeavour to provide the committee with as much detail as possible for scrutiny. That will start with the commitment that I have made to provide details on illustrative appeals.

Sarah Boyack also asked about the small business bonus scheme, because the Barclay review called for a review of the effectiveness of the scheme. It called for that review to commence on 1 April 2020. We are ahead of the game here: the contract for the independent review was awarded to the Fraser of Allander institute in the summer. The aim of that review is to evaluate the impact of the small business bonus scheme and whether it can be better targeted to support local investment, employment and growth. It is set to report its findings in 2020.

Andy Wightman: I do not want to sound like a stuck record, but the minister represents a constituency that contains tens of thousands of acres of land owned by the aforementioned Sheikh bin Rashid Al-Maktoum—one of the richest men in the world—who is eligible for the small business bonus scheme. Notwithstanding the review, does she agree that it is ridiculous to exempt some of the richest people in the world from paying a modest contribution to Highland Council?

Kate Forbes: Incidentally, every so often he is my temporary constituent and—[*Interruption.*]

The point is well made and I do not dispute it. That is why we have committed to the review of the small business bonus scheme. The purpose of the scheme is to ensure that small businesses can grow, develop and invest. We want to ensure that the scheme is well targeted. That is why we have contracted an independent organisation to look at its effectiveness. I look forward to receiving the review's recommendations and implementing those that we think appropriate.

In light of the time, I will move on. There has been some talk of devolution. We have made moves to devolve elements of non-domestic rates to local authorities, including the empty property relief. However, it is worth reflecting on the initial comments that were made to the Local Government and Communities Committee by the Convention of Scottish Local Authorities. COSLA welcomed the commitment that the Scottish Government made during consideration of the last budget bill to develop a fiscal framework. COSLA's view is that non-domestic rates should be part of a discussion around local fiscal empowerment to help shape a wider, more far-reaching transfer of

powers. However, it also accepted that we have started that process, which is good. I look forward to the other recommendations from the Green Party, all of which I will consider.

Liam McArthur mentioned the interaction with regulation and short-term lets. Those are two very different pieces of work and it is important that we do not conflate those issues. That work might help us reach a shared outcome on short-term lets, but the issue of taxation is very different to the issue of regulation.

Joan McAlpine focused on the current non-domestic rates regime and identified that, in Scotland, we have the most generous rates relief package anywhere in the UK, with more than 90 per cent of properties paying a lower poundage than that in the rest of the UK this year. That indicates the value and truthfulness of the comments that I made at the outset. The Government firmly believes that a strong economy with a growing competitive and innovative business community is essential to supporting jobs, income and our quality of life. The bill will help us to get closer to that ambition.

Non-Domestic Rates (Scotland) Bill: Financial Resolution

17:15

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-19269, on a financial resolution. I ask Derek Mackay to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Non-Domestic Rates (Scotland) Bill, agrees to—

(a) 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, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.—[*Derek Mackay*]

Business Motion

17:15

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-19386, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revision to business on Wednesday 6 November.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Wednesday 6 November 2019—

delete

2.00 pm

Parliamentary Bureau Motions

2.00 pm

Portfolio Questions:
Finance, Economy and Fair Work;
Environment, Climate Change and Land
Reform

and insert

1.15 pm

Parliamentary Bureau Motions

1.15 pm

Members' Business

followed by

Portfolio Questions:
Finance, Economy and Fair Work;
Environment, Climate Change and Land
Reform—[*Graeme Dey*]

Motion agreed to.

Decision Time

17:16

The Presiding Officer (Ken Macintosh): There are three questions today. The first question is, that motion S5M-19335, in the name of Michael Matheson, on the Transport (Scotland) Bill, 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (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)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Presiding Officer: The result of the division is: For 56, Against 29, Abstentions 18.

Motion agreed to,

That the Parliament agrees that the Transport (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S5M-19336, in the name of Kate Forbes, on the Non-Domestic Rates (Scotland) Bill, 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)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 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)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 97, Against 0, Abstentions 6.

Motion agreed to,

That the Parliament agrees to the general principles of the Non-Domestic Rates (Scotland) Bill.

The Presiding Officer: The final question is, that motion S5M-19269, in the name of Derek Mackay, on the Non-Domestic Rates (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 Non-Domestic Rates (Scotland) Bill, agrees to—

(a) 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, and

(b) any charge or payment in relation to which Rule 9.12.4 of the Standing Orders applies arising in consequence of the Act.

Meeting closed at 17:18.

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.

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