



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 20 February 2020**

**Session 5**



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# Scottish Parliament

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

## General Question Time

### Universal Credit

**1. Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what its response is to the United Kingdom Government's announcement that universal credit roll-out will be delayed until 2024. (S5O-04145)

**The Minister for Older People and Equalities (Christina McKelvie):** The Scottish Government is deeply concerned by the UK Government's decision to delay the managed migration of people on to universal credit until 2024. The latest delay will mean even more people having to move to universal credit when they have a change in circumstance and even fewer having a managed move that provides transitional protection so that they are not made worse off.

It is the second time that this has happened. Instead of penalising people, the Department for Work and Pensions should use the delay to fix the flaws in the discredited system, including scrapping the two-child cap and the abhorrent rape clause, ending the debt and poverty-inducing five-week wait and fixing work allowances for people in Scotland.

**Rona Mackay:** Delaying universal credit roll-out until 2024 means that more people will lose out in financial protection, saving the UK Government money at the expense of those who really need it. Universal credit has already inflicted hardship and increased food bank use on my constituency. Does the minister agree that the DWP must start providing transitional payments to anyone moving to universal credit, no matter whether they are part of natural or managed migration?

**Christina McKelvie:** Yes, I do. The UK Government should take responsibility for the shambles that is universal credit, which is now seven years behind schedule. It is absolutely critical that the Department for Work and Pensions immediately starts making those payments for everyone moving to universal credit in order to protect people's incomes and prevent even more hardship and poverty. As Rona Mackay pointed out, it says it all that the UK Government states that it will save money through the method that it uses—treating people in that way is not saving their lives and livelihoods.

### Employment and Economic Growth

**2. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what action it will take to improve employment levels and economic growth. (S5O-04146)

**The Minister for Business, Fair Work and Skills (Jamie Hepburn):** Our employability service, fair start Scotland, is delivering personalised support to 16,130 people, helping them towards and into work, with 4,126 participants starting a job since the service's launch in April 2018. Following the publication of "No One Left Behind: Next Steps for the Integration and Alignment of Employability Support in Scotland", we are working with local government and the third and private sectors to develop an employability system that builds on existing services, improves alignment and integration with other support and is designed and delivered around the needs of those using services.

**Neil Bibby:** In 2010, the Scottish Government boasted that it could create nearly 30,000 jobs in offshore wind energy by 2020. Today's *Daily Record* reports that the actual number of such jobs is closer to 1,700. We agree that the United Kingdom Government needs to reform the subsidy mechanisms to demand greater UK content in supply chains, but can the minister outline what capital investment the Scottish Government has made to ensure that our fabrication facilities are fit to win work that is being sent to the likes of Indonesia and China? Is the Scottish Government's proposed cut to the workforce skills budget a sign that it is giving up on talk of tens of thousands of jobs?

**Jamie Hepburn:** No, it certainly is not, but I will come to that latter point in a moment. When this Government was needed, we stepped up to the plate. When Burntisland Fabrications was in trouble, we were there—we intervened and we helped save that yard—and of course, we are undertaking work to support the Scottish supply chain.

In answer to Mr Bibby's latter point, I urge him to cast his eyes a bit more widely across the budget, because he is looking at things in isolation. He failed to mention that our fair start funding is up in the coming year. He also failed to mention that the skills and training budget lines are up and that employability funding and the skills budget are up. We are also maintaining the education maintenance allowance. He also forgot to mention that there will be over £22 million extra for higher education in the coming year and that the further education budget is increasing by over £21 million this year; and he singularly failed to mention our new parental employment support fund of £7 million.

We are therefore investing in our workforce. I would have thought that that was something that Mr Bibby would welcome.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Innovative approaches to employment support are always essential if we are to reach the people who are the furthest away from the labour market. Can the minister provide information on any new ways in which the Scottish Government is looking to support people into work?

**Jamie Hepburn:** I have just mentioned our parental employment support fund, which is a new approach to supporting a particularly vulnerable cohort of the population to get into employment, to tackle child poverty, which Aileen Campbell is also working on; this is a cross-Government approach.

On the wider approach, we are building on fair start Scotland, which is designed around the individual and takes a person-centred approach. The work that we are taking forward in tandem with local government, through the no one left behind agenda, to better align the range of employability support with other public services, such as housing, social work, the criminal justice system and health, is all designed towards that end. This Government is taking forward that work, which will make a difference to the people of Scotland.

### Fishing and Farming

3. **Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what its response is to the United Kingdom Government's proposed legislation on fishing and farming and the impact of this on Scotland. (S5O-04147)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** I welcome the fact that the Department for Environment, Food and Rural Affairs has chosen to work with us on the Fisheries Bill. The revised version is an improvement on the original draft and largely recognises that fisheries is a devolved matter, although we still have some significant concerns in relation to the setting of fishing opportunities and failure to deal with the seafood levy.

We have serious concerns that the United Kingdom Government's Agriculture Bill has provisions that impose unwanted policies and rules in areas of devolved competency and that the bill makes no commitment to preventing post-Brexit trade deals from allowing the import of food that is produced to a lower standard than the standards that are legislated for, for Scottish farmers.

Across both bills, I will fight to ensure that the UK Government provides adequate funding for all sectors and I will continue to resist any attempts

by the UK Government to grab key powers from this Parliament that impact on fishing, farming and food production.

**Stewart Stevenson:** That is relatively good news on fishing, but on farming, it is abysmal news, building on yesterday's announcement that we will be denied access to labour from other countries, essentially. Can the cabinet secretary assure us that he will make clear this entire Parliament's view that we will brook no removal of powers related to farming and that farmers across Scotland have expressed grave concern about UK policies, and will he continue to champion the cause of farming in Scotland with those at Westminster who wish to see it diminished?

**Fergus Ewing:** Yes, I will; yes, I have; and yes, we did so on Monday of this week at the interministerial group meeting, part of which took place in Northern Ireland, with the welcome return of the Administration there. We will take every opportunity to protect the devolved competence and the powers of this Parliament, which—as Mr Stevenson says—are under attack from the Westminster Government, which is surely unacceptable to all members of this Parliament.

### NHS Lothian (Waiting Times)

4. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government what its response is to reported extended waiting times for general colorectal surgery in NHS Lothian. (S5O-04148)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Under the waiting times improvement plan, we have made an additional £16.5 million available to NHS Lothian in this financial year.

Since the summer of 2019, NHS Lothian has progressed a programme of work to improve waiting times within the colorectal department, including improving patient pathways, recruiting additional staff and running additional evening and weekly clinics to address the long waits.

**Alex Cole-Hamilton:** In July 2018, my constituent Margaret Simson was injured in the Western general hospital when a colonoscopy ruptured her bowel. She had to undergo emergency surgery; she had part of her bowel removed and was fitted with a stoma bag. She was placed on a waiting list to have corrective surgery that would have seen the bowel repaired and the stoma removed. She was sent home with pre-op medication to take in advance of the planned operation.

In March last year, she received a letter apologising for the fact that she had not been seen within the 12-week waiting time guarantee period. At Christmas, she had to throw out the pre-op

medication because it had passed its use-by date. She is still waiting. Margaret's life has been on hold. Given that this is an injury caused by the national health service, does the cabinet secretary believe that nearly two years is an acceptable time for Margaret to wait for the NHS to make things right?

**Jeane Freeman:** I am grateful to Mr Cole-Hamilton for his supplementary question on the specifics of the case that he is dealing with. No—I do not think that any wait that is longer than is necessary is a sufficient response from the board. If Mr Cole-Hamilton would care to give me the details of the particular case that he is talking about, I will be happy to look at it further and see if NHS Lothian can move more swiftly to deal with Ms Simson's particular situation.

### Teachers' Pay

**5. Brian Whittle (South Scotland) (Con):** To ask the Scottish Government whether it will fully fund the recent teachers' pay settlement to be delivered by councils in 2020-21. (S5O-04149)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** The Scottish Government's agreed contribution to the costs of the teachers' pay deal for 2020-21 is fully funded. Local authorities will receive a funding package of £11.3 billion in 2020-21 through the local government finance settlement, and included in that is an additional £156 million for the teachers' pay deal.

**Brian Whittle:** I thank the cabinet secretary for that answer, but I was contacted by my councillors in East Ayrshire, who tell me that the settlement that they have received from the Scottish Government means that they will have to cut their discretionary budget by £2 million to fund the Scottish Government's extra commitments, such as the teachers' pay settlement. The Scottish Government has left East Ayrshire Council and other councils with a bill to pay for its commitments. Does the cabinet secretary believe that that is a fair burden to lay at the feet of our councils?

**John Swinney:** Local government has received a cash increase of £494 million in budget from the Scottish Government, which relates to a number of the issues that Mr Whittle has raised. Of course, local authorities are free to increase the council tax, if they judge that to be appropriate, to meet some of those costs. I remind Mr Whittle that, last year, a number of local authorities did not increase the council tax by the maximum amount that they were enabled to increase it by, which must demonstrate that the Government had fully funded local authority settlements.

We are, of course, involved in a budget process. I also remind Mr Whittle that it is a bit rich for the Conservatives to raise any issue with me about local government funding when the useless Conservative Government that he supports in London has delivered austerity on the people of Scotland for the past 10 years.

### Edinburgh Cancer Centre

**6. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what discussions it has had regarding the future rebuild of the Edinburgh cancer centre. (S5O-04150)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** NHS Lothian continues to engage with both the cancer policy team and the capital planning team in the Scottish Government as NHS Lothian develops its initial agreement for the Edinburgh cancer centre. There was a site visit before Christmas to see the plans for the regional centre, but also to look at the enhancement work that is under way on the current site, which includes the haematology unit, a new linear accelerator, refurbishment of the cancer assessment unit, refurbishment of in-patient wards and development in ward 1. The Scottish Government plans to invest £20 million to support the provision of cancer services in a safe environment until the new Edinburgh cancer centre is ready.

**Miles Briggs:** I thank the cabinet secretary for that answer. Two years ago, I was told that the new cancer centre would be built in 2025, but the health board is now telling me that it is likely to be a decade before we see a new cancer centre. Can the cabinet secretary confirm whether patients across the south-east Scotland cancer region will have to wait five years or 10 years for a new cancer centre?

**Jeane Freeman:** That would actually be a very appropriate question for NHS Lothian, which is the body that is charged with this. Mr Briggs really needs to understand how the health service works. He cannot have it both ways. As he knows, NHS Lothian is at level 4 on the performance framework—something that he complains about. We are busy undertaking substantive work to ensure that it has appropriate leadership—also something that he complains about.

NHS Lothian is at stage 1 of its business case, which will come in to the Scottish Government. We will turn it round quickly, provided that it is satisfactory, and NHS Lothian will then move to the outline business case. As the member knows, outline business cases can take another two years to go through the process.

That is where we are. The timetable is driven by NHS Lothian and not by this Government. Our

commitment is clear. We are ready to support that and we are supporting the work that needs to be done in the interim in the existing cancer services to ensure that they are upgraded. If Mr Briggs has further ideas and suggestions to make about how I can act to improve the performance of NHS Lothian, I am very happy to hear them.

### Gambling

**7. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what treatment programmes are available to help people addicted to gambling. (S5O-04151)

**The Minister for Mental Health (Clare Haughey):** In common with other compulsive and addictive behaviours, problem gambling is addressed as part of wider health issues. Anyone who believes that gambling is affecting their health, or that of a loved one, should consult their general practitioner in the first instance. Out-of-hours advice and support can be obtained from NHS24 or from Breathing Space. The NHSinform website also contains advice and signposting information.

When a person with addictive or compulsive behaviours is referred to a service for treatment, it may not be a specialist gambling addiction programme. The clinical team will work with that person, to identify the issues or problems that are important to support their recovery, and to provide evidenced-based treatment.

**John Mason:** My understanding is that no Scottish health board has introduced a pre-planned treatment programme for gambling, and that there is in Scotland no specialist clinic to treat people with that problem. Does the minister think that there is any need for such a facility?

**Clare Haughey:** We will continue to consider evidence on what works best to address the issue of gambling harms in Scotland. That includes work by the Scottish Public Health Network to develop and implement a whole population approach to the prevention and reduction of gambling harms. That is currently being progressed with partners including NHS Greater Glasgow and Clyde, Glasgow City Council, and the Health and Social Care Alliance Scotland. People who have lived experience of gambling harms will be closely involved in co-producing a co-ordinated framework to underpin that work. The learning from the project will help to inform whole system approaches to addressing gambling harms in Scotland.

### Brexit (Salmon Industry)

**8. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Government what

action it is taking to support the salmon industry following Brexit. (S5O-04152)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** Our vital farmed salmon sector is a global success story, generating £540 million in gross value added, and offering over 10,000 jobs, many of which are highly skilled and well paid, in some of our most remote communities.

I will continue to support the salmon industry following Brexit, but the United Kingdom Government's lack of clarity on key issues such as market access and certification threatens that vital sector, and damages investor confidence. Extra costs, risks and bureaucracy directly result from the UK Government's obduracy. It must heed the warning from the Scottish Salmon Producers' Organisation, which has highlighted the huge unnecessary burdens that will result from the Brexit deal being pursued.

**David Stewart:** Last week, the Scottish Salmon Producers' Organisation warned that, without a close relationship and tariff-free trade with the European Union, the industry could see £9 million lost in costs and delays to the departure of fresh fish. Does the cabinet secretary agree that trade barriers with our biggest trading partner will damage the sector and businesses, and put jobs at risk in the Highlands and Islands?

**Fergus Ewing:** Yes, I very much agree with the way that David Stewart has set out the position.

The extra costs would result from the imposition of export health certificates and other bureaucracy. Let us be clear: at the moment, there is no need for them at all; there would be no need for them if the UK Government agreed dynamic alignment with the EU. It could remove the need for them; however, it has refused.

On Monday, I asked George Eustice whether the UK Government would pick up the tab for the extra £9 million, or perhaps more, that the trade body has estimated. Mr Eustice said that that would be a business cost. Business must pay that cost, which results directly from the policies pursued by the UK Government. Here we have the first Boris Brexit bill, which the industry will have to pay directly because of the UK Government's Brexit policies.

### Scottish Local Authorities Remuneration Committee

**9. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government when the Scottish local authorities remuneration committee last met. (S5O-04153)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The



Scottish local authorities remuneration committee was established to advise Scottish ministers on the payment by local authorities of remuneration and allowances to, and the reimbursement of expenses incurred by, local authority councillors. I understand that the committee last met in February 2012 and that it was stood down in February 2013.

Since 2017, councillors' pay is increased annually in line with the percentage increase in the median annual earnings of public sector workers in Scotland. Councillors' pay will rise by 2.2 per cent from 1 April 2020.

**Angus MacDonald:** As a former councillor, I am well aware of the hard work undertaken by the majority of councillors around the country. Clearly, not all councillors receive the special responsibility allowance to top up their basic salaries, and full-time councillors on the basic level can sometimes struggle financially. I understand that this is a difficult ask in the current financial climate and I am aware of the 2.2 per cent increase, but will the cabinet secretary undertake to consider re-establishing SLARC with a view to bringing councillors' basic salary up to a level that is fit for purpose? That would make the prospect of serving their local communities post-2022 more rewarding and worthwhile, and be in line with the effort that they put into the job.

**Aileen Campbell:** I absolutely recognise that councillors the length and breadth of the country work exceptionally hard and are dedicated to improving their communities. The Scottish Government believes that everyone deserves to be fairly paid. In terms of that fair work, we were delighted to lay amendments to increase the flexibility available to local authorities when granting councillors paid leave of absence, which is important when encouraging councillors to take parental leave and encouraging other people to stand for council.

As I said in my previous response, since 2017, councillors' pay has increased annually in line with the percentage increase in the median annual earnings of public sector workers in Scotland. I am happy to meet Angus MacDonald if he wants to discuss the matter further, to outline some of the work that we are doing to support our councillors and councils.

**The Presiding Officer (Ken Macintosh):** That concludes general question time. Before we turn to First Minister's question time, I am sure that members would like to join me in welcoming to our gallery Mr Wegger Strømmen, Ambassador of Norway to the United Kingdom. [*Applause.*]

## First Minister's Question Time

12:01

### Police Scotland (Budget)

**1. Jackson Carlaw (Eastwood) (Con):** The Scottish Police Federation, the Scottish Police Authority and the Association of Scottish Police Superintendents all say that this year's budget allocation for policing is wholly inadequate. Why is the First Minister ignoring those warnings?

**The First Minister (Nicola Sturgeon):** First, let me point out to Jackson Carlaw and everyone in the chamber that in the draft budget for the year ahead we have committed an extra £42 million of funding for Police Scotland. That is a 3.6 per cent increase and includes an increase in resource funding to protect officer numbers and an increase in capital funding. That is important and welcome.

As the deputy chief officer of Police Scotland, David Page, said recently:

"The draft funding settlement for policing in 2020-21 includes an uplift of revenue funding of £37 million, which is £17 million higher than originally anticipated ... This is something that we welcome."

Stewart Carle of the Association of Scottish Police Superintendents said, in his submission to the Parliament's Justice Sub-Committee on Policing:

"it is certainly welcome that the settlement includes an additional £37 million in the Police Scotland budget."

I recognise that in our Police Service, as across all our public services, an impact is still being felt from a decade of Tory austerity and we will continue to work to protect the police and our other public services. We are in a budget process and I say to the Conservatives, as I say to other parties across the chamber, that if they want to bring forward credible proposals in the next stage of the process the Government is willing to discuss them.

**Jackson Carlaw:** The First Minister needs to get up to speed with her Government. We have come forward with credible proposals that have been communicated to her Cabinet Secretary for Finance. It is quite clear that neither she nor her Government have come anywhere close to meeting the budget allocation that front-line officers and the SPA believe is needed to ensure a sustainable policing service.

The First Minister can dissemble all she likes, but that is what front-line police officers—in Parliament today and deeply concerned by the issue—are saying. The chief constable has personally made it clear that Police Scotland needs money to retain officers, to begin to tackle

the huge problems in the police estate and to give front-line officers the equipment that they need to keep the public and themselves safe.

There is a black hole of £49 million in Police Scotland's budget. What is the First Minister's advice to Police Scotland on how it should deal with that funding gap? Should it cut officer numbers, continue to let the ceilings fall down in police stations and much else besides, or fail to issue essential equipment?

**The First Minister:** I and this Government will continue to work closely with the chief constable and the Scottish Police Authority. This, of course, is the Government that has maintained police numbers at 1,000 more than we inherited. Jackson Carlaw is the representative of a party that, in the rest of the United Kingdom, has cut police numbers by 20,000. Perhaps he should reflect on that.

I said that we would listen to credible proposals. I remind the chamber that, over the past decade, the Tories have presided over a real-terms cut in the Scottish budget of £1.5 billion. Jackson Carlaw has regularly put forward proposals for tax cuts for the richest that would cut another £500 million out of the Scottish budget, yet he makes spending pleas the cost of which amounts to hundreds of millions of pounds.

We have delivered a budget that is fair and that focuses on protecting our public services, growing the economy and tackling the climate emergency. We will talk to and listen to other parties, as we are doing, if they have credible suggestions to make. I ask Jackson Carlaw to look again at the credibility of what he is proposing. In this Government, and in our new finance secretary, in particular, he will find a Government that is very willing to listen.

**Jackson Carlaw:** Perhaps we can get back to the problems that Police Scotland faces, which the First Minister could do something about.

The First Minister trumpets the budget settlement that has been given to Police Scotland, so let us have a look at it in detail. The resource budget is still at least £13 million short of that which the police need just to stand still, and the capital budget faces a real-terms cut, which is the second real-terms annual cut in a row.

Here is what Police Scotland says that that means:

"the current capital allocation for policing is amongst the lowest in UK policing on a per capita basis, is low compared to other public bodies in Scotland and will undoubtedly inhibit our ability to keep up with the threat, harm and risk posed to the people of Scotland from increasing crime".

That is at a time when the Scottish Government is receiving a funding uplift of £96 million from the UK Government's investment for extra spending on policing. Why is the First Minister short-changing Scotland's police officers?

**The First Minister:** The draft budget increases Police Scotland's budget by £42 million. In 2016-17, Police Scotland's capital budget was £20 million. In the draft budget that has just been published, it is £40 million.

**Richard Lyle (Uddingston and Bellshill) (SNP):** Oh!

**The First Minister:** In other words, it has doubled in the space of a couple of years. That capital budget includes £5 million of extra funding that was specifically requested by the service to accelerate its commitment to greening its fleet.

We will continue to do everything that we can to protect our front-line police officers. I say again that we are doing that against the backdrop of a £1.5 billion austerity reduction in our budget that has been imposed by the Conservatives. That means that Jackson Carlaw and his colleagues have an absolute cheek to talk about our public services. We will continue to put our public services first. If Jackson Carlaw has credible proposals to make and is willing to say how they should be funded, of course we will always listen.

**Jackson Carlaw:** Hollow cries of "Oh!" from Richard Lyle do not pay for more police officers and do not pay to fix a broken police estate.

The wider risk here is obvious, and it has been spelled out bluntly by the Scottish Police Federation in Parliament today in its submission to the Justice Sub-Committee on Policing. It said:

"The police officers we represent are working harder than ever. They are under strain and it is taking its toll on their physical and mental health and their families. Their working conditions are not satisfactory. In some cases through no fault of our own, we are not providing a good service to the public."

The choice is clear—the First Minister must increase police funding or she will be putting the public at risk.

**The First Minister:** I lead a Government that has kept police numbers at 1,000 more than the level that we inherited. We have done that at a time when Jackson Carlaw's party has slashed front-line police numbers by 20,000. That is the reality that every police officer across the UK is all too aware of. We are also making sure that our police officers get a decent pay rise, which is more than can be said of Mr Carlaw's colleagues south of the border.

In the draft budget, we have increased Police Scotland's funding, and we will continue to listen to all proposals. Here is a challenge for Jackson

Carlaw: given the £1.5 billion Tory cut and the £500 million that Jackson Carlaw would like to take out of our budget to give tax cuts to the richest in our society, if he and his colleagues want to tell us where else in the budget we should cut funding in order to fund his proposals, I will be more than happy to listen. However, he must say how they should be paid for, not just where he wants to spend more money.

### General Practitioner Surgery Closures

**2. Richard Leonard (Central Scotland) (Lab):** On Tuesday evening, I attended a public meeting in Salsburgh, a community that faces the closure of its local general practitioner surgery. Last year, the surgery was cut from five days to three. Now, without any consultation, local people have been told that it will close completely at the end of March.

The people of Salsburgh know that, if their surgery closes, they might never get it back. That is why, on Tuesday night, they resolved to fight for its future. They want the First Minister's support, but, in a letter to me, she washed her hands of the matter. Can the First Minister tell the people of Salsburgh why she believes that the state of our national health service and the closure of GP surgeries is not a matter for her?

**The First Minister (Nicola Sturgeon):** It is absolutely right that patients should be able to see their GP when they need to. That is why we have a record number of GPs working in Scotland. There are more GPs per head of population in Scotland than in the rest of the United Kingdom, and we are currently working to plans that will increase their number by at least 800 over the next few years.

We expect health boards to engage with and support patients wherever there are changes to the services that they receive at their practice, and I expect that to be the case in the GP practice that Richard Leonard referred to.

The vast majority of GP practices in Scotland are independent bodies that are contracted to deliver services to the NHS. We will continue to support primary care, particularly GPs, and we will continue to encourage health boards to make sure that their services are always accessible.

**Richard Leonard:** Promises of future numbers are little comfort to those communities that are facing cuts and the closure of their GP services next month.

The truth is that the anger that I heard on Tuesday night is not limited to Salsburgh. Across Parliament, members of all parties are acutely aware of local GP services that are at high risk because of staff shortages, policy decisions and under-resourcing. However, that awareness might

not extend to all members of Parliament. Last week, another local community gathered at a packed public meeting to try to save its GP surgery from closure, but the local member of the Scottish Parliament apparently missed her invitation. Tarbolton is in the health secretary's constituency.

If the First Minister's Cabinet Secretary for Health and Sport does not know about a GP closure in her own constituency, why on earth should people believe that her Government will solve the GP crisis that patients are facing here, in Scotland?

**The First Minister:** These are obviously important matters for communities across Scotland, which is why we are putting record funding into our national health service. It is why we have record numbers of people working in our national health service.

Richard Leonard said that it is not enough to talk about future numbers, but more GPs are working in the NHS now than was the case previously. The number of trainee doctors has increased by more than 10 per cent since 2007. We have an increased number of GP training places, and there are a number of recruitment initiatives across the country for doctors in general. For general practice, in particular, we have a new GP contract in place that was agreed with the British Medical Association, to tackle some of the challenges that GPs are facing.

Those are the steps that we are taking in practice to tackle the challenges. As I said a moment ago, there are more GPs per head of population in Scotland than in any other part of the UK—and I point out to Richard Leonard that that includes Wales, where his party runs the Government.

**Richard Leonard:** The First Minister, of all people, should know that Tarbolton is not in Wales: it is in Scotland.

There is a workforce crisis in primary care services. It is happening now and here, in Scotland, and it goes all the way back to the First Minister's door. It takes at least 10 years to train to be a GP and, 10 years ago, the First Minister was the health secretary responsible. This winter saw the worst accident and emergency performances on record, with thousands of patients waiting more than four hours for treatment. Last weekend, public health consultant Dr Helene Irvine said,

"Many would not need to use A and E if they had timely access to a GP who knows them."

When will the First Minister accept that she cannot claim that she is protecting Scotland's NHS if she is not protecting Scotland's local primary care services?

**The First Minister:** The point that I am making is that the NHS faces challenges in every single part of the UK, and health services face challenges in virtually every country in the world. We are putting record sums of money into our national health service, we have record numbers of people working in our national health service and we have increasing numbers of GPs and GPs in training. That is why our health service is performing better. Yes, it still faces challenges, but it is performing better than the health service in any other part of the UK.

Richard Leonard wants to make it all about the Scottish National Party, which is why it is entirely legitimate to contrast and compare. He says—*[Interruption.]* The Conservatives do not like it either. They say—

**The Presiding Officer (Ken Macintosh):** Order, please.

**The First Minister:** The Tories say that things would be better if they were in power, and Richard Leonard says that things would be better if Labour was in power, so let us look at the reality here, in Scotland. Richard Leonard mentioned A and E performance. In December last year, against the four-hour target, the performance in Scotland was 81.6 per cent. That is not good enough, but in Tory England it was 68.6 per cent. *[Interruption.]* It was 68.6 per cent where the Tories are running the Government, and in Wales, where Labour is running the Government, it was 66.4 per cent. Yes, our health service faces challenges, but all the evidence says that the SNP is meeting those challenges better than any other party in the UK.

**The Presiding Officer:** Could we have order from all members? I encourage Mr Russell and Mr Swinney, in particular, to set a ministerial example. Thank you.

#### **Mossmorran Petrochemical Plant (Flaring)**

**Annabelle Ewing (Cowdenbeath) (SNP):** The First Minister will be aware of the major unplanned flaring incident at Mossmorran last Thursday, the poor environmental rating that was published yesterday by the Scottish Environment Protection Agency and the walk-out by some workers over reported concerns about health and safety. What assurances can she give to my constituents, who remain very anxious about safety, health and environmental impacts?

**The First Minister (Nicola Sturgeon):** I thank Annabelle Ewing for raising what is an extremely important matter for her constituents. Ministers are in absolutely no doubt about the very understandable concerns of the local community, which are evidenced in the many complaints that SEPA has received regarding recent incidents.

With regard to safety, the complex falls under the Control of Major Accident Hazards Regulations 2015, which are enforced by the Health and Safety Executive and SEPA. We have been assured that both regulators continue to monitor the situation closely. As things stand, all SEPA's published data suggests that there has been no breach of United Kingdom air quality standards.

The Scottish Government is staying in close contact with the regulators. I hope that members appreciate that it would not be appropriate for ministers to interfere in independent regulatory decisions. However, I absolutely recognise the seriousness of the issue, and I am sure that the Cabinet Secretary for Environment, Climate Change and Land Reform would be happy to keep Annabelle Ewing and others who have an interest updated.

#### **Mossmorran Petrochemical Plant (Public Meeting)**

**Mark Ruskell (Mid Scotland and Fife) (Green):** As the First Minister has just heard, the Mossmorran plant is in crisis. Communities are suffering and workers are striking. Meanwhile, the Cabinet Secretary for Environment, Climate Change and Land Reform and the Minister for Energy, Connectivity and the Islands have both refused, once again, to meet the local community at an emergency public meeting that is scheduled for tomorrow night. Will the First Minister ensure that the Government is represented at that meeting, to explain to communities around Mossmorran exactly what is going on?

**The First Minister (Nicola Sturgeon):** I am happy to consider any request of that nature.

I want to make it very clear that it is not the case that ministers are refusing to attend a public meeting because they are not interested in the issue. Regulatory enforcement actions are under way, and it is important that ministers respect the independence of that process. It would not be in anybody's interest for ministers to step into territory that is, rightly, for SEPA and the Health and Safety Executive. However, ministers understand and appreciate the seriousness of the issue. We will continue to stay in very close contact with the regulators and will take whatever steps lie within our responsibilities to ensure that appropriate action is taken.

The environment secretary will be happy to keep interested members fully updated as appropriate and as far as possible.

#### **Quaich Project**

**Gordon Lindhurst (Lothian) (Con):** What is the First Minister's position on reports that the Quaich Project has offered so-called debenture

schemes to incorporate donors on what the project acknowledges is common good land in Edinburgh?

**The First Minister (Nicola Sturgeon):** I believe that such matters are for local government. However, I am happy to look into issues that are appropriately raised in the chamber, and I would be happy to write to the member when I have had the opportunity to look into the matter that he has raised.

#### **Personal Independence Payment (20-Metre Rule)**

**Alex Rowley (Mid Scotland and Fife) (Lab):** One of my constituents has multiple sclerosis. She lost her higher rate mobility allowance under the personal independence payment's 20-metre rule assessment. That meant that she also lost her Motability car, and her independence. The Multiple Sclerosis Society has been lobbying this Government and this Parliament to scrap the discredited PIP 20-metre rule. We have the power to do so. In the interest of dignity, fairness and respect, will the First Minister agree to scrap that discredited rule so that my constituent, and all those with MS, can live with MS with dignity?

**The First Minister (Nicola Sturgeon):** I have enormous sympathy with the issue that Alex Rowley has raised. I hope that he will listen carefully to my answer.

I am acutely aware—and the Scottish Government is acutely aware—that individuals who have fluctuating condition such as MS are failed badly by the United Kingdom's benefits system. All too often, it acts as a barrier to disabled people accessing the benefits that they are entitled to. I know that particular concerns have been raised by the MS Society Scotland about the 20-metre rule and how mobility is currently assessed. We are carefully considering how the Scottish Government can better assess mobility to meet peoples' needs than is done currently.

We are absolutely determined to make improvements to the current system. However, we also need to understand—this is an important point—the potential effects that changing eligibility could have on access to other benefits that are not under the control of the Scottish Government. PIP is used by the UK Government as a qualifying benefit for other benefits, such as disability premiums. We are working closely with the UK Government to ensure that any changes that we want to make would not put at risk access to vital UK benefits and payments that remain reserved.

I hope that that assures Alex Rowley that we are looking very carefully and very seriously at that issue, and that we are doing so from a position of

enormous sympathy with the argument that he has made.

#### **Nuclear Submarine Safety (Near-Collision at Cairnryan)**

**Emma Harper (South Scotland) (SNP):** Given the United Kingdom Government's lack of response to my repeated correspondence regarding progress with the investigation of a near-collision between a nuclear submarine and a passenger ferry leaving Cairnryan in November 2017, is the First Minister able to contact the UK Government to help me obtain a response that will reassure my constituents that sufficient safety measures are in place to avoid that ever happening again? More generally, does she agree that nuclear submarines have no place in Scotland or anywhere around the world?

**The First Minister (Nicola Sturgeon):** I certainly look forward to the day when there are no nuclear weapons—not only in Scotland and the UK, but in the world.

On the issue of safety, which I know is of huge concern to people, I am happy to ask the relevant minister to contact the UK Government to seek the assurances that Emma Harper is looking for.

#### **Super-Fast Broadband (Gleddoch Hotel)**

**Maurice Golden (West Scotland) (Con):** The Gleddoch hotel in Renfrewshire has a slow internet connection that profoundly impacts its business. It would cost an eye-watering £165,000 to install a fibre broadband connection from its local exchange, which it cannot afford. Like all businesses, it was promised super-fast broadband by 2021, but that will not be delivered. Can the First Minister set out what support there is for the Gleddoch hotel to get a fibre connection as soon as possible?

**The First Minister (Nicola Sturgeon):** I am happy to have Paul Wheelhouse look into the particular issue of the Gleddoch hotel. He will get back to the member.

On the general issue of broadband, Paul Wheelhouse recently updated Parliament on the Government's plan. Our commitment to everybody having access to broadband by 2021 is being taken forward. Where that cannot happen through the fibre programme, people will be offered vouchers.

However, on a matter that is substantially reserved, this Government will invest £600 million to provide superfast broadband to every commercial and residential premises in the country, at faster speeds than are available in any other part of the United Kingdom. This is a story of Tory failure in reserved matters, which this

Scottish National Party Government is having to step in and fix.

### Ministry of Defence (Investment)

**Maurice Corry (West Scotland) (Con):** The Ministry of Defence recently invested £63 million into pier facilities at Glen Mallan on Loch Long in my local area, which will create and sustain many jobs for the local community.

Will the First Minister join me in welcoming that investment by the MOD to enable the United Kingdom's new aircraft carrier strike force to berth on the shores of Loch Long, and does she recognise the major investment that the MOD is bringing to the Scottish economy?

**The First Minister (Nicola Sturgeon):** I welcome investment in Scotland in the UK's conventional defences, after many years in which we have seen cuts to the conventional defence footprint in Scotland. I hope that we will see that investment continue. I take the opportunity—as I am sure that all members would—to pay tribute to all those who work in our armed forces.

### Nursery Teachers (Numbers)

**3. Willie Rennie (North East Fife) (LD):** I agreed with the First Minister when she set out plans to expand nursery education and when she pledged that we needed quality, not just quantity. Can she tell me why her councillors in Edinburgh want to remove nursery teachers from this city's nurseries?

**The First Minister (Nicola Sturgeon):** As an aside, I should say that I do not remember Willie Rennie agreeing with me on those matters; however, my memory may be failing me.

I am absolutely committed—as is this Government—to ensuring that we deliver the doubling of early years education and nursery provision. That is on track, and Parliament is regularly updated on it. I absolutely agree that quality, and not just quantity, is important. For example, that is why the funding settlement supports payment of the living wage to make sure that we attract the best people into early years education. We will continue to take forward those plans, because not only are they for the benefit of young people across our country but they will save working families thousands of pounds every year.

**Willie Rennie:** That was quite an astonishing dodge. In the past hour, Alison Murphy from the Educational Institute of Scotland appeared before the City of Edinburgh Council to describe the cuts to nursery councils as the

“worst example of a short-term cut with devastating long-term impacts.”

That is the action of a Scottish National Party council, half a mile up the road, led by her favourite council leader, on what she called

“the most important infrastructure project of this Parliament.”

We know that nursery teachers improve quality—the Government's independent workforce review told us that. They help give children the best start in life and close the yawning inequality gap.

It is not just in Edinburgh: 40 per cent of nursery teachers across Scotland have been chopped. We find that those who have the best qualifications as teachers become too expensive to keep. What is the First Minister going to do about this terrible mistake in her big project by her own council? Will she call Adam McVey before it is too late?

**The First Minister:** Local authorities will take the decisions that they think are right for their areas. Willie Rennie constantly talks about the need to empower local authorities.

I will talk about what this Government is doing. This Government is presiding over possibly the biggest expansion in the early years workforce that we have seen in the lifetime of this Parliament. Since 2017, we have created more than 2,000 additional higher national certificate places and more than 800 graduate-level manager places. We have increased the number of qualified staff available and we are creating just under 2,000 additional college and university places. Uptake of early learning and childcare modern apprenticeships have increased by 24 per cent on the previous year, and investment in the BA childhood practice ensures that we are upskilling the whole workforce.

The fact is that we are doubling childcare provision and that we are seeing the employment of thousands more workers in that sector. That is a good-news story for children and parents across the country, which is why Willie Rennie cannot quite bring himself to welcome it.

### Prisons

**James Kelly (Glasgow) (Lab):** The First Minister will be aware of this morning's publication of a report from the Public Audit and Post-legislative Scrutiny Committee that highlights the crisis in Scotland's prisons and the urgent action that is needed to address the issues. That follows on from years of underfunding of the Scottish Prison Service, which has resulted in 50 per cent overcrowding at Barlinnie, where many prisoners are doubling up in single occupancy cells. Illness and mental health issues are on the rise among prison officers and, very seriously, there were 258 deaths in prisons between 2008 and 2018. Those are serious issues that have been raised

consistently. We have had a lot of words and platitudes, but when are we going to get action?

**The First Minister (Nicola Sturgeon):** Let me talk about action. The budget plans that we announced two weeks ago committed an additional £50 million for our prisons, which included a £30 million increase in revenue funding for staffing and other operational costs and a 43 per cent, or £20 million, increase in capital funding. We are investing in the prison estate, prioritising the female custodial estate. We are progressing plans for the replacement of Barlinnie and the development of HMP Highland to replace HMP Inverness. That investment is strong, and rightly so.

Of course, the core challenge that our prisons face is a prison population that is too high. Right now, too many people are in prison who would be better punished elsewhere. When I say “better”, I mean better for them and for reducing their risk of reoffending, as well as better for society as a whole. That is why we are taking forward a range of reforms. We have extended the presumption against short sentences, expanded access to electronic monitoring and invested in bail supervision as an alternative to remand. Actually, since November when the committee was considering the issues, prisoner numbers have already reduced by around 200 because of the actions that we are taking. That is good progress, but we will not be complacent; we will continue to invest and reform to ensure that we continue to have a safe Prison Service, as we do now, and that we provide justice services that are in the interests of society overall.

### Scottish Visa

**Richard Lyle (Uddingston and Bellshill) (SNP):** In light of the widespread criticism by Scottish industry and employers of the United Kingdom Government’s immigration proposals, will the First Minister outline what response UK ministers have made to proposals for a Scottish visa?

**The First Minister (Nicola Sturgeon):** Shamefully, UK ministers have at this stage dismissed out of hand the constructive proposals that the Scottish Government has made on a Scottish visa. The proposals on immigration that were published yesterday are wrong in principle. They brand as low-skilled people who care for us in our care homes and hospitals, farm our land, process our fish, build our houses and look after our tourists in our restaurants and hotels, and imply that those people are not welcome here. That is shocking and shameful, and it should be opposed.

The UK Government’s proposals are also devastating for the future of our economy. Our

demographics mean that we need to continue to attract people here, and those proposals will make it much harder. The proposals will make Scotland poorer in future. They are the biggest risk to our economic prosperity that we face. I read in the newspapers this morning that the Scottish Tories are “livid” about the proposals, and so they should be. However, rather than being quietly livid, should the Scottish Tories not be standing up for Scotland and doing something about it?

### Asylum Seekers (Right to Vote)

**Andy Wightman (Lothian) (Green):** I am pleased that the First Minister agrees that the language and the policy on immigration from the United Kingdom Government this week have been deeply damaging. Does she agree that it would be a clear signal that Scotland is more welcoming if we gave those who seek asylum here the right to vote through the Scottish Elections (Franchise and Representation) Bill, which we will consider today?

**The First Minister (Nicola Sturgeon):** Obviously, Parliament will debate those issues later this afternoon. The Scottish Government has set out its careful and considered position on that. We come from the perspective of wanting asylum seekers to be welcomed here and given the right to work here and play a full part in our society. We carefully consider all those issues.

I am proud that, in Scotland, we have—I hope—cross-party consensus that, generally speaking, the people who live here, no matter where they come from, should have the right to vote in our elections and to make a full contribution to the kind of country that we are and the one that we want to be.

### Post-Mortem Reports (Toxicology)

**Monica Lennon (Central Scotland) (Lab):** The First Minister is aware that thousands of bereaved families are facing agonising delays to find out why their loved ones have died. The Crown Office has now told families that it could take a whole year before they receive a final post-mortem report. Those families are living with the trauma of a sudden or unexplained death and they feel failed and abandoned. They were relieved when the First Minister told the chamber last month that that injustice has her full attention. What action has been taken to end those shocking and cruel delays and will she meet some of the families who are coming to Parliament in the coming weeks to hear first hand how the issue is affecting them?

**The First Minister (Nicola Sturgeon):** Those are matters that are principally for the law officers. I discuss those issues regularly with the Lord Advocate; indeed, when I see him later today, the toxicology delays that we have talked about before will be among the matters that he updates me on.

Investments have been made and work is ongoing to deal with that issue.

The other issue that has been previously raised in the chamber is delays to fatal accident inquiries, and I have set out before the issues that the law officers have to deal with there. I know that it is in everybody's interests that decisions are taken as quickly as possible. I am very happy to ask the Lord Advocate to update Monica Lennon on those issues and answer any further questions that she has.

### Access to Medical Services

4. **Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister what concerns the Scottish Government has regarding difficulties that people with visual impairment can have in accessing medical services because a digital by default approach is increasingly being used. (S5F-03978)

**The First Minister (Nicola Sturgeon):** The charter of patient rights and responsibilities makes clear that everyone should be given information about their treatment and care in a format or language that meets their needs. The charter was revised last summer and we have written to all national health service boards to remind them of their responsibilities under it. We have made clear our commitment through our see hear strategy to support children and adults who have sight loss to access the health services and social care that they need.

**Christine Grahame:** This seems to be an issue across Scotland. For example, Newbattle general practice, which serves my constituents, has adopted e-consult as the means of securing a general practitioner appointment, with only a few exceptions. Constituents have expressed concern that that presents difficulties for them due to visual and other impairments. Does the First Minister agree that, although online systems have their place, they are not the be-all and end-all and that accessible alternatives must be readily available depending on the needs of the individual patient? Otherwise, the system can act as a barrier and have unintended consequences such as giving patients no option but to use A and E instead.

**The First Minister:** Yes, I agree with that. It should be clear to any practice and any health board that their appointment systems must be accessible to all people regardless of their circumstances. Like Christine Grahame, I believe that there is a place for e-booking systems, but we must encourage health boards to ensure that, when someone has difficulties using the internet, they can call and speak to someone in person. I will ask the health secretary to look at the case that Christine Grahame raises and engage with the health board to ensure that the principles that

are outlined in the patient rights charter are being fully implemented.

**Brian Whittle (South Scotland) (Con):** Does the First Minister agree that, if we deploy some fairly simple technology properly, we can ensure that sections of the community such as people who are visually impaired can be confident in participating fully in society? If so, what will the Scottish Government do to enable that deployment?

**The First Minister:** Yes, I agree with that. The Scottish Government works with health boards to enable the deployment of existing and new technologies, and the principles in the patient rights charter that I have spoken about are very important. It is incumbent on health boards, whether through technology or in other ways, to make sure that their services are accessible and we will continue to make sure that health boards realise and live up to those responsibilities.

### Diabetes

5. **Jamie Greene (West Scotland) (Con):** To ask the First Minister what action the Scottish Government is taking in response to reports that the number of people diagnosed with type 2 diabetes has risen by 40 per cent in the last 10 years. (S5F-03975)

**The First Minister (Nicola Sturgeon):** Reducing the prevalence of type 2 diabetes is a priority. In 2018, we published "A Healthier Future—Framework for the Prevention, Early Detection and Early Intervention of type 2 diabetes", which sets out measures to make a significant impact on prevention and remission by improving support for people with, or who are at risk of, type 2 diabetes. Since then, we have invested an additional £4.5 million to give people better access to weight-management services to support effective and sustained changes to diet and lifestyle. Diabetes Scotland said last week that creating

"healthy environments which support people to make healthier choices"

is critical. That is why "A Healthier Future—Scotland's Diet and Healthy Weight Delivery Plan" sets out more than 60 wide-ranging actions to make it easier for people to eat well and have healthy weight.

**Jamie Greene:** I thank the First Minister for those comments, and I add my support for the great work that Diabetes Scotland does.

The reality is that type 2 diabetes is on the rise, which is a worrying trend. The number of people in Scotland who have been diagnosed with type 2 diabetes is 250,000. However, it is estimated that up to 26,000 Scots are living with the condition but



have not been diagnosed. The majority of those new cases will be linked to obesity, but the good news is that type 2 diabetes is not just treatable, but is preventable, and in many cases reversible, with the right mix of medication, diet and lifestyle changes.

In light of that, what specifically is being done to identify undiagnosed cases, so that those people can be treated? What is the Government doing to improve treatment of those who are currently living with the condition? More important, does the First Minister believe that it was a mistake to scrap the flagship policy of health checks for 40-year-olds in Scotland, given that that has removed a vital opportunity to identify potential cases at an earlier age?

**The First Minister:** We encourage early detection and diagnosis across a range of conditions. Jamie Greene is right to focus on the importance of that. I am sure that he has read “A Healthier Future—Framework for the Prevention, Early Detection and Early Intervention of type 2 diabetes”, in which all those strands were deliberately included.

Prevention is key, which is why the healthy environment that Diabetes Scotland talks about is really important in supporting people to eat healthily in order to maintain healthy weight. Early detection is also important. I am happy to ask the Cabinet Secretary for Health and Sport to provide more details about how that aspect of the framework is being taken forward.

As with any condition, if it is not detected and diagnosed, treating it and—as Jamie Greene said—in the case of type 2 diabetes, possibly reversing it, are not possible. Those are important priorities, which is why they are deliberately focused on in the framework.

**David Stewart (Highlands and Islands) (Lab):** The First Minister will be well aware that Scotland has one of the highest rates of type 2 diabetes in Europe. It costs the NHS £1 billion a year in avoidable complications, and one in 10 hospital bed days relates to diabetes. Does the First Minister share my view that we need radical and immediate action to reduce the long-term complications of diabetes, which is a condition that maims, blinds and kills?

**The First Minister:** In general terms, I share that view. Obviously, the specifics are important. As David Stewart knows from his long-standing interest in the topic, that means taking action across a range of areas, as I have just been saying.

Prevention remains the most important focus, in many respects. That is why we will, during this session, introduce a bill on restricting food promotions to ensure that people are supported to

eat healthily. Treatment is also important, so there is a lot of investment and effort in our national health service to ensure that people have access to the best available treatment.

I appreciate David Stewart’s interest and I know that he is aware of the actions that are under way. The health secretary and others in the Government are always willing to have discussions about what more we can do to prevent people from getting diabetes, and to support those who have it to live with it in a way that—hopefully—sees the condition being reversed or which, at the very least, enables them to manage it without further complications.

### Coronavirus

**6. Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what action the Scottish Government is taking to prepare the national health service to deal with the coronavirus. (S5F-03958)

**The First Minister (Nicola Sturgeon):** As it stands, today there are still no confirmed cases of coronavirus in Scotland. However, it is clearly prudent to assume that that will change in the days and weeks ahead. Our NHS is well prepared to respond to disease outbreaks, and has in place tried and tested measures for managing public health incidents of this type.

Health Protection Scotland and the Scottish Government continue to work closely with boards on their preparedness for managing potential cases. Health Protection Scotland has already produced specific guidance on investigation and initial management of suspected cases, which has been communicated to boards via a letter from the chief medical officer.

The establishment of testing facilities in Edinburgh and Glasgow has enabled quicker notification of results. The Scottish Government is encouraging organisations to ensure that business continuity plans are refreshed, in light of the coronavirus. We are also promoting good respiratory hygiene practices in order to minimise the risk of catching and spreading it.

**Jackie Baillie:** I welcome the First Minister’s response. The spread of coronavirus has been rapid, and the number of people who have been affected has increased dramatically.

We do not have any confirmed cases of infection in Scotland, but it is just a matter of time until we do. On that basis, can the First Minister tell me what additional planning has been undertaken to ensure that there are sufficient infection-control staff, additional isolation facilities and sufficient bed capacity in our already overstretched hospitals to cope with the virus?

**The First Minister:** It will be just a matter of time until we see cases here. There is still a lot to learn about the virus—whom it affects, whom it affects most severely, how it spreads and the rate of infection. That knowledge is developing almost every day.

We are currently, and sensibly, using the pandemic flu plan to assess and prepare resources and response planning. Health Protection Scotland has produced clinical and laboratory guidance for investigation and initial management, which I spoke about earlier today. We are looking very carefully at the resources that health boards have and need, and at how they would be required to redeploy resources in the event of a serious outbreak of coronavirus. We have activated the Scottish Government resilience room to support those efforts: I chaired its first meeting on 29 January.

I assure Parliament that plans are well under way and are well developed. The Cabinet Secretary for Health and Sport will keep Parliament fully updated, as the situation develops.

**The Presiding Officer:** Thank you. That concludes First Minister's questions. We move on shortly to a members' business debate in the name of Maurice Golden, on tackling climate change and the role of Scottish agriculture. There will be a short suspension to allow members, the First Minister and members of the public in the gallery to change seats.

12:46

*Meeting suspended.*

12:48

*On resuming—*

## **Climate Change and Agriculture**

**The Deputy Presiding Officer (Christine Grahame):** I ask members of the public who are leaving the gallery to do so quietly, as the Parliament is still meeting.

The next item of business is a member's business debate on motion S5M-20548, in the name of Maurice Golden, on tackling climate change: the role of Scottish agriculture. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament welcomes the contribution of Scottish agriculture to protecting the environment and being part of the solution to tackling climate change; commends Scottish farmers, including those in the West of Scotland, for reducing greenhouse gas emissions by 29.4% since 1990; recognises that Scottish farmers already work hard to preserve the landscape, improve biodiversity, plant and manage woodland, restore peatland, improve water and soil quality and generate renewable energy; acknowledges the view that there is a need to develop a suite of joined-up, practical and progressive policies that allow food producers to continue running their businesses in a more sustainable and efficient manner, and looks forward to the new Agricultural Modernisation Fund assisting industry in this transition.

12:49

**Maurice Golden (West Scotland) (Con):** I thank members of the SNP, the Labour Party—a welcome addition—and the Liberal Democrats for supporting my motion. This Parliament has set ambitious targets for achieving net zero emissions by 2045. If we are to meet that target, there can be no doubt that we must have the support of Scottish agriculture.

Scottish farmers, crofters and other rural businesses are on the front line when it comes to the effects of climate change in Scotland. NFU Scotland is engaging with food producers and supporting action to produce better environmental outcomes. It understands that those outcomes underpin the long-term future of farming in Scotland. Our job, as policy makers, is to work with farmers and rural businesses to make that change happen, to provide them with support to remove obstacles from their path and to reduce the risks of transitioning to new ways of working.

However, it is important to recognise that agriculture already has one of the lowest emission levels of any sector—it contributes just 9 per cent of total United Kingdom emissions, and UK beef production is more carbon efficient than the global average. Overall, Scottish agricultural emissions are down almost 30 per cent from the 1990

baseline. Unfortunately, that is often overlooked because agriculture and land management measures are accounted for separately.

We must recognise that some emissions are inherent in food production. Even so, farmers are working hard to improve environmental outcomes. They manage important woodlands and peatlands, both of which are important carbon sinks, and they work with organisations such as the Scottish Environment Protection Agency on agri-environmental projects to improve water and soil quality, bolster flood prevention measures and protect our biodiversity.

All too often, farmers and land managers do not get the recognition that they deserve. Just last week, the director of the Soil Association Scotland wrote in *The Scotsman* to urge politicians

“to start valuing and rewarding farmers for the important services they provide.”

I could not agree more.

However, what farmers really need is action for the long-term sustainability of their businesses. That is how we will ensure that they continue to produce the environmental outcomes that we need. We must have a good food nation bill to provide the vision for future agricultural policy.

One obvious measure is the provision of direct support for farmers to use more environmentally friendly practices. The up-front costs of doing that can be prohibitive, so I proposed an agricultural modernisation fund and worked to have it included in the Climate Change (Emissions Reduction Targets) (Scotland) Bill. I am pleased that I got cross-party support for that amendment, which will ensure that proposals for a future fund are included in the next climate change plan.

Funding for modernisation and upgrades is needed now more than ever. Productivity has dropped for three years in a row, incomes are down by almost 10 per cent while farm debt is at its highest since 1972 and, at the end of last year, dozens of farmers across Scotland were still waiting for common agricultural policy payments from 2017.

Rural Scotland needs reliable support to prosper and become more sustainable, and the Scottish Conservatives are willing to work with the Scottish Government if it is serious about putting that support in place. For example, we can surely all agree on the benefits of giving farmers and rural communities more control over their recycling and waste management services. That could improve environmental outcomes, reduce farmers' costs and boost rural economies. The Scottish Conservatives propose to do that through a new producers fund, which would provide equipment and infrastructure to set up on-site anaerobic

digestion, microplastic recycling centres and waste hubs.

Farmers could benefit from on-site anaerobic digestion, because that would generate energy and heat, which, in turn, would reduce costs.

Microplastic recycling centres would provide more convenient access to recycling services for rural and island communities, with shorter transport distances and better environmental outcomes. Collection services should be tailored to local conditions in order to simplify logistics and make dumping waste less attractive. Local economies would be boosted, too, through job creation and the creation of localised circular economies, with low-value feedstock being transformed into higher-value products.

Waste hubs would work in tandem with the microrecycling centres to further reduce logistical and cost burdens by acting as a single access point for waste streams. They would also provide a much-needed alternative and capacity for farmers who can no longer burn plastic waste.

We all have a job to do in educating the public about the vital role that Scottish farmers play. That is why the Scottish Conservatives are proposing the creation of school farms that would allow children from local schools to come together and learn about food production, healthy eating and rural life.

**Liam McArthur (Orkney Islands) (LD):** I thank Maurice Golden very much for taking an intervention, and I congratulate him on securing the debate. I apologise for not being able to stay to the end of the debate, which is due to a meeting of the Justice Sub-Committee on Policing.

The range of measures that Maurice Golden has set out goes to the point that the NFUS has made about the importance of having a suite of measures to reflect the different types of agriculture across the country. As well as ensuring that that suite of measures is available, does he agree that any future trade agreement will need to ensure that food imports into the UK at least meet the standards that we require of our farmers in this country?

**Maurice Golden:** Yes, I agree that the best-quality food that is produced in the UK is produced here, in Scotland, and that any standard for the whole UK should reflect that.

The member hails from Orkney, which is a fantastic example of a place that deserves further support such as the motion outlines. I declare an interest in that Zero Waste Scotland commissioned an excellent report by me, when I worked for that organisation, on the benefits of the bio-economy in Orkney and some really useful ways in which we could use the waste and by-

products from the whisky sector and dairy production in Orkney, ensuring that we do not transport lots of waste across Scotland, the UK and more widely. I urge all members to have a look at that report.

The motion speaks of the need for “joined-up, practical ... policies”, which is what I have outlined in my speech. The measures are clear in their intent and would support farmers to deliver improved environmental outcomes right now.

12:57

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I thank my colleague Maurice Golden for bringing this very important and timeous members’ business debate to the chamber.

The motion is absolutely correct to welcome

“the contribution of Scottish agriculture to protecting the environment and being part of the solution to tackling climate change”.

We are at a critical time in fighting climate change. The independent UK Committee on Climate Change has noted that Scottish policies that are adopted over the next 12 months are likely to determine the policy direction of the next 25 years. The policies that affect our agriculture sector will be particularly important for any mitigation of, or reduction in, emissions to help us reach our very ambitious targets. In 2017-18, it was estimated that Scottish farmers lost around £161 million because of extreme weather that resulted in lower crop yields and livestock losses. The Scottish agricultural sector is therefore on the front line of the impacts that climate change is already bringing and will bring.

However, it is true to say that we can use our land to combat the effects of our current climate emergency. Improving sustainable farming methods will be integral in reaching our goal of net zero emissions. WWF has highlighted a number of policies that we can adopt in order to reduce our emissions. Reducing nitrogen fertiliser use, improving animal health, promoting organic farming and investing in agroforestry could reduce Scottish agricultural greenhouse gas emissions by up to 38 per cent by 2045.

To achieve that, we must assess the way in which we advise, train and offer incentives to our farmers. We must set clear emission reduction targets and improve the quality of monitoring and reporting on our emission levels. As Maurice Golden mentioned, the introduction of the good food nation bill can deliver the legislative impetus that we desperately need. In the most recent meeting of the cross-party group in the Scottish Parliament on food, which I co-convene with my colleagues Mark Ruskell and Colin Smyth, I stressed that we should not demonise our food

industry in our quest to combat climate change, because farming is critical for our economy and supports thousands of jobs in our rural areas.

In order to seamlessly enact the policies that are needed to halt the emergency, we should look to educate the general public about how food is produced. I was interested to hear Maurice Golden’s suggestions on how some of that education could happen. At the cross-party group, it was noted that conveying nuanced messages about food production has been difficult and that there is a lot of misinformation in the public sphere, certainly with regard to meat versus vegetarian or vegan diets, which we are currently hearing about. Increasing investment in home economics in schools is one of the suggested ways to realise that goal.

We can educate and create policy, but we also need to encourage action at the grass-roots level. The Scottish Wildlife Trust has stated that farmers and crofters need greater recognition, rewards and incentives for taking positive steps in mitigating emissions. The Scottish Government has taken steps towards that with the agricultural modernisation fund, which Maurice Golden mentioned in the motion. That was a great amendment to the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The fund will aid investment in agricultural mitigation measures.

Another investment, which was announced just yesterday, is in the continuation of the agri-environment climate scheme. Another £34 million in funding will go towards promoting environmentally friendly land management practices. However, I have received feedback from a local crofter about the possibility of making the application process easier. I wonder whether the minister can reference that in her closing remarks.

We are in the midst of a climate emergency, and our agricultural sector will be critical in our fight against it. We must encourage the development of meaningful policy and ensure that we take swift steps to enact it.

13:01

**Finlay Carson (Galloway and West Dumfries) (Con):** I am delighted to have the opportunity to highlight the role that farmers are playing in tackling climate change. I refer members to my entry in the register of members’ interests—I am a member of the NFU.

I welcome to the public gallery a couple of farmers from Galloway and West Dumfries, which is Scotland’s most beautiful constituency.

I am proud to be the Conservative Party’s representative on the recently established climate

change working group. Agriculture is not its sole focus, but one of my priorities is to highlight the role that farming can play and ensure that the contribution and efforts of the agriculture sector are fairly represented and accredited.

Agriculture is responsible for emissions associated with food production. However, while farmers undertake that food production, they are more often than not directly or indirectly responsible for sequestration through tree planting, soil management, peatland restoration and biodiversity protection. All those things are viewed as being very positive for the climate. As Maurice Golden said, the activities of farmers in relation to carbon sequestration or renewable energy production are often recorded in other sectors' inventory figures.

I was delighted that Maurice Golden lodged an amendment to create an agricultural modernisation fund. That is now part of the 2019 act, and it ensures that funding for modernisation and upgrade support for farmers will be part of the imminent climate change plan. Farmers must be given support and tools to fully benefit from what they are already doing to achieve highly ambitious emission reduction targets.

I have been dismayed and angered over the past year or so by the agenda that has been targeted against the agricultural industry and our livestock producers in particular. Unfortunately, aided and abated by sections of the media, the positive message about how our farming industry is tackling climate change right now—today—has been drowned out by ill-informed activists who are too lazy and blinkered by their misplaced ideology to look at rural and agricultural practices as a whole. How many of them have taken the time to do the research and find out that the agricultural industry reduced emissions by an incredible 29 per cent between 1990 and 2017?

Do not even get me started on the blatant promotion of veganism and Veganuary in the mainstream media. Where is the balanced argument? Where is the media scrutiny of the impact of importing soya or other out-of-season vegetables? Do the protesters acknowledge that agriculture is responsible for only 9 per cent of the UK's greenhouse gas emissions?

**Mark Ruskell (Mid Scotland and Fife) (Green):** Finlay Carson mentioned soya. Is soya used as a livestock feed in Scotland?

**Finlay Carson:** I will develop that argument as I go on. However, the fact that we eat vegetables that are imported from all over the world has a negative impact on our carbon footprint.

Where is the scrutiny of imported soya? As I said, agriculture is responsible for only 9 per cent

of the total greenhouse gas emissions, and cattle and sheep are responsible for just 3 per cent.

That said, the industry accepts that it needs to do better, and Scottish farmers are already undertaking a range of practical measures to reduce emissions. Those measures include improving livestock health and efficiency, better soil management and sequestration, and more efficient use of fertilisers, slurry and manure. We need the policies that Maurice Golden outlined, but we must also ensure that future policies do not have the unintended consequence of displacing production to other parts of the globe, with a far greater impact on the environment. The possible unintended consequences of carbon leakage and the exporting of emissions and production should be strongly analysed and considered.

We must show caution when it comes to promoting wholesale changes in the way that people eat. If we are to truly tackle emissions, we should be encouraging people to eat locally produced high-quality food. Caution should be exercised when advising behaviour change, particularly around diet. We should not advocate a route forward that would undermine the Scottish agriculture industry. Requiring reductions in emissions from farming and then promoting reduced consumption of local produce should not be countenanced.

We are repeatedly told that we are in a climate emergency and that rapid responses are needed. The fact is that the vast majority of meat eaters in this country are not going to stop eating beef. Given that Scotland is only 75 per cent self-sufficient in beef, maybe we should not ask people to eat less meat but ensure that the meat that they eat is Scotch beef and lamb that is locally produced, particularly given that the greenhouse gas intensity of UK-produced beef in terms of carbon dioxide production is less than half the global average.

The industry must do more, but we recognise that the number of Scottish farmers and crofters who carry out carbon audits has increased significantly over the years. More than 1,000 farms have participated in the beef efficiency scheme, with carbon audits being carried out on every participating farm over the past year.

This debate is a reminder that there is lots to celebrate in what our farming industry has done and is doing in relation to tackling climate change. There is no room for complacency but, going forward, the debate must be balanced and healthy rather than overblown, ill-informed and demonising.

13:06

**Claudia Beamish (South Scotland) (Lab):** I thank Maurice Golden for bringing this very important topic to the chamber for debate. We must all confront the climate and environment emergencies, and the agriculture sector has a strong role to play in that.

Farmers, crofters and land managers have been among the first to need to adapt to climate change and they face extreme weather day in, day out, but they also form a huge part of the efforts to mitigate any further damage. That responsibility can lie heavily on them, particularly as such a high proportion of private sector employment in rural areas is in small and medium-sized enterprises, both in South Scotland and more widely across rural Scotland. That is why I lodged an amendment to the motion—I am pleased that Maurice Golden recognised its relevance—specifying the need for a

“wider Just Transition to sustainable land use by Scottish farmers”.

My amendment has been supported by some members who are in the chamber and by others.

I thank the organisations that sent us briefings for the debate. Such briefings are always invaluable and they inform us all.

The Scottish Government needs to review the policy and support framework for reductions in agricultural emissions, and with haste. It must not let slip the opportunities that are afforded by the Agriculture (Retained EU Law and Data) (Scotland) Bill and the update to the climate change plan. WWF’s recent report “Delivering on Net Zero: Scottish Agriculture”, which other speakers have mentioned, shows that a sustainable net zero pathway is very possible. It highlights that important mitigation measures can be taken at a farm level with little or no land use change and that greater changes that will deliver more significant carbon savings are feasible. Many of those use established technologies such as organic production, agroforestry and conservation agriculture.

Research is developing all the time on sustainable food production, soil management, nature-based solutions and support for our fragile ecosystems and wildlife species, and many of those things can also bring savings for farmers if they are done in the right way.

By way of example, I will focus briefly on agroforestry and its multiple benefits. Just this January, the Woodland Trust and the Organic Research Centre published their findings on native species and particularly how the willow tree can optimise the production of lambs due to its high mineral and protein content. Last summer, I visited Whitmuir Organics, the farm and shop of Pete

Richie and Heather Anderson, who have led the way on so much innovation over the years. I saw the agroforestry plantings that have benefited animals through browsing opportunities, while giving shade in summer and shelter in winter. There are also coppicing opportunities.

In the right circumstances, agroforestry offers a chance to open up new markets, transform a high-risk monoculture into a mixed system, and profit the farmer. For the public good, such innovations reward our biodiversity, minimise flood risk, keep quality Scottish produce on the table, and mitigate climate change through riparian planting and carbon sequestration.

We in Scottish Labour take very seriously the need to step toward a range of changes, of which agroforestry is just one example. The UK Committee on Climate Change says that, for decades, incentives for agricultural land use have not had the fundamental change that they need. The update must be far more robust than the present climate change plan, because those system-level changes cannot be tacked on—they must be at the core of the development of our new subsidy regime, supporting farmers in the just transition. Maurice Golden has highlighted the new agricultural modernisation fund, which is the result of his amendment to the Climate Change (Emissions Reduction Targets) (Scotland) Bill, and which was supported on a cross-party basis; it will give significant support.

Many farmers are already shifting towards net zero, and should be recognised for the work that they do, as both Maurice Golden and Finlay Carson have highlighted. John Scott also highlighted that in the ECCLR Committee. Planting for public good, renewable energy, peatland restoration work and much more need to be recognised.

We cannot look only at schemes and financial supports; we also need to see strategic approaches to giving farmers the right skills, the latest knowledge, and the tools to share and transfer those ideas in a co-operative way. That is at the core of the success of an agricultural just transition.

13:11

**Mark Ruskell (Mid Scotland and Fife) (Green):** I welcome the debate, introduced by Maurice Golden. It does feel as though it could have been a John Scott debate; we miss John and wish him all the very best.

There has been a significant political shift in recent years, recognising that agriculture is part of the problem but also holds the solution to achieving our net zero target in Scotland. It is good to take time to recognise the many exciting

and passionate farmers across Scotland who are paving the way for climate friendly farming. I have had the pleasure of visiting many of those businesses across Scotland, from Lynbreck Croft in the Cairngorms to Mossgiel in Ayrshire—places where farmers are tapping into generations of knowledge and skill to develop resilient, diverse and low-carbon farming models.

However, the motion and debate run the risk of looking at only one side of the industry. We need to be cautious of adopting a congratulatory tone while ignoring the urgent changes that still need to be made in mainstream agriculture.

The figure quoted in the motion, of a 29 per cent reduction in agricultural emissions since 1990, paints a much rosier picture than the reality. Over the last decade, emissions reductions have stagnated, with only a 2 per cent fall since 2008. Agriculture still accounts for over a quarter of Scotland's greenhouse gas emissions. It is clear that we will not achieve our net zero target if we do not significantly speed up the rate of change.

There is work still to be done to ensure that all stakeholders in agriculture are on board. Just a couple of weeks ago, the NFUS president Andrew McCornick told the union's annual conference:

"We're being told"

that climate change is

"coming, but we can't reach out and feel or touch it, so there have to be questions—is this real or are we just being told that?"

He then went on to suggest that planting trees is accelerating global warming.

As politicians, we need to ensure that we are both working with the industry and listening to the science. The Cabinet Secretary for Rural Economy and Tourism commented last year that he'll "take no lessons" from our own scientific advisers, the UK Committee on Climate Change.

**Finlay Carson:** Will the member take an intervention?

**Mark Ruskell:** In a second.

That has set a worrying precedent. It is time for us all to face up to the huge job ahead and show some leadership.

If I can get the time back, I will let Mr Carson in.

**The Deputy Presiding Officer:** That was asked so nicely; you will get the time back.

**Mark Ruskell:** Thank you so much.

**Finlay Carson:** I wonder whether Mark Ruskell, in his statement about agriculture's contribution to Scotland's greenhouse gases, is falling into the trap, as so many do, of not considering the whole agricultural industry in the round, including its

contribution to carbon sequestration in methods of farming, forestry and renewable energy. Are you falling into the trap of just quoting, and misrepresenting agriculture's contribution to reducing greenhouse gases?

**The Deputy Presiding Officer:** Please do not use the term "you" of another member. I am the only "you" sitting here. That is spelled Y-O-U, by the way.

**Mark Ruskell:** Mr Carson raises a very important point that we have discussed in committee. However, we have to recognise that the emissions from forestry and renewable energy production are counted elsewhere. The important thing, moving forward, is to ensure that we have a whole-farm approach to reducing emissions. That will still result in significant change, which we need.

The UKCCC's report, "Land use: Policies for a Net Zero UK", published last month, recommended a package of measures to help us to achieve net zero emissions from land use. That included increasing UK-wide forestry cover to at least 17 per cent through both afforestation and agroforestry, mentioned by Claudia Beamish, but also—Mr Carson will not like this—reducing meat and dairy consumption by at least 20 per cent along with similar reductions in food waste.

We must not be afraid of talking about changes in land use and diets. Denying the need for those will leave agriculture in a weaker position to respond and adapt. The 20 per cent reduction in meat and dairy consumption recommended by the CCC is modest compared with UK Government nutritional guidance as to what we should be eating and it is, to be honest, already being reflected in increasing consumer demand for meat-free and plant-based options.

The long awaited delivery of land use partnerships will be vital to meeting our net zero goals, but they need to have ambition and regulatory teeth. Farmers need to play an active role in that, but we also need to accept that, in some places, it will result in land use change. It is right to celebrate and champion the good examples of climate friendly, low carbon agriculture that already exist in Scotland, and I welcome the debate, but the reality is that much work still needs to be done to mainstream those models across the industry. The decisions that we make in the coming years on future agricultural policy and subsidies will be the lynchpin in determining whether we successfully deliver on that or not.

13:17

**Emma Harper (South Scotland) (SNP):** I congratulate Maurice Golden on bringing the

debate to the chamber and allowing us the opportunity to discuss the enormous contribution that our farmers, crofters and producers make in Scotland. Farmers and producers are the custodians of our land, they produce the food for our nation and they actively play their part in reducing emissions. From the outset, I note how important it is that we all—MSPs, the media and wider society—ensure that our farmers are valued, supported and recognised. We must ensure that our farmers and producers are not vilified. Over the past three decades, farmers have contributed to an almost 30 per cent reduction in emissions in Scotland.

Scottish farmers already work hard to preserve the landscape, improve biodiversity, plant new trees and hedges, manage woodland and restore peatland. I visited a peatland restoration project on a farmer's land at Moss of Cree near Newton Stewart, where Dr Emily Taylor from the Crichton Carbon Centre and I measured the peat depth at 6 metres. That is really deep. Farmers also improve the water and soil quality and generate renewable energy. With the advent of new technologies, and support from the Scottish Government, the third sector and educational institutions such as Scotland's Rural College, that list is always growing.

It is worth noting that agriculture contributes a fraction of UK greenhouse gas emissions. It is responsible for only 9 per cent of total greenhouse gas emissions, and cattle and sheep—the majority of the livestock production across Dumfries and Galloway and, indeed, Scotland—are responsible for just 3 per cent of total greenhouse gas emissions. Also, Scottish farmers and crofters play an important role in generating renewable energy. The largest proportion of operational community and locally owned capacity in Scotland is located on farms and estates. Farmers and crofters play their part and we need to promote that. Again, Scottish farmers are not climate change villains and, as Gail Ross and Finlay Carson said, we should not demonise them.

Around 73 per cent of Scotland's land area is designated as agricultural. Scottish farmers play a vital role in preserving our rural landscapes and improving biodiversity, including through managing and planting woodland. Since 2014, 19,875 hectares of woodland have been created under the Scottish rural development programme's forestry grant scheme. About 30 per cent of that is in Dumfries and Galloway alone.

I mentioned the planting of hedges. I would be interested to hear the minister explain how hedges are considered in the context of carbon sequestration, because we always talk about forests, trees and woodland, but the planting of hedges also contributes to carbon sequestration.

The agricultural modernisation fund, the Scottish Government's commitment to which in the programme for government has been reaffirmed through funding commitments in the upcoming budget, will allow Scottish farmers, crofters and land managers to make plans to invest in a low-emissions future and will assist them in making the transition to such a future.

Last week, I attended the NFUS conference in Glasgow. I was really interested to hear how climate change was presented as an opportunity rather than a barrier. We need to look at all the comments that have been made in context. Many people highlighted action that they are already taking to reduce emissions. Nigel Miller and Mike Robinson of the farming for 1.5 degrees group gave a talk that was all about cutting greenhouse gas emissions. That work is being carried out with Andrew Barbour from the SRUC's Barony campus in Dumfries and Galloway.

I know that we are short of time, so I want to put on record my thanks to Scottish farmers, crofters and producers who, as has been demonstrated, are playing an active part in tackling climate change and reducing emissions.

**The Deputy Presiding Officer:** I am letting members go over their time a little because they are very interested in the topic and have a lot to say about it. We have some time in hand.

13:21

**Brian Whittle (South Scotland) (Con):** I thank my colleague Maurice Golden for securing the debate. I want to speak against the growing narrative that Scottish farming—especially its meat and dairy production—is somehow overcontributing to climate change. I want to support our farmers, whom we charge with producing food of the highest quality to the highest standards. We also charge them with custodianship of the countryside and demand that they pay the living wage. However, when it comes to public procurement, far too little home-grown produce makes it on to tables in the public sector.

It is completely misleading to suggest that the practices of Scottish farmers should be lumped in with farming practices in other parts of the world. Our livestock is predominantly grass fed, unlike in the Americas, where the livestock is force fed. Similar practices are used in the far east. If we want to take positive action on climate change—as, I am sure, we all do—surely we need to stop the practice of importing food that is readily available in this country, and thereby negate the need for our farmers to export. Less than 20 per cent of the Scotland Excel contract goes to local producers, but East Ayrshire Council manages to



procure more than 70 per cent of its food locally. That shows that it can be done.

We need to develop Scotland's food processing capability. It seems to me to be ridiculous that we produce high-quality food that we send away for processing. Shellfish that are caught off the west coast of Scotland are sent to the far east to be packaged, and are then brought back again. From a carbon-footprint perspective, that is ridiculous.

One of the main considerations that is being lost in the deluge of misinformation, from an overexposed section of society, is health. I am very supportive of everybody having choice when it comes to their lifestyle; people should be able to choose a healthy vegetarian diet or a healthy vegan diet, but elements of society should not be allowed to decry our farmers and the food that they produce.

**Mark Ruskell:** Does Mr Whittle, as a former athlete, agree with UK nutritional advice, which recommends that we eat a bit less meat and dairy produce?

**Brian Whittle:** I thank Mark Ruskell for that intervention, because he makes a very good point. I advocate a balanced diet. Mr Ruskell is absolutely correct to suggest that there are elements of society that eat far too much red meat. However, the flipside of that is that there is a section of society that says that we should not eat any meat at all, which is completely wrong.

I am supportive of choice in lifestyle. My concern is that it is difficult to maintain a good healthy balanced vegan or, sometimes, vegetarian diet for children. Animal protein is a very good source of many essential elements of a healthy diet that are otherwise difficult to replicate in what children eat. We should point out that the choice of such a diet is often not that of the child but of the parent. If a balanced diet is not maintained in the early years, that will have an impact in later life.

I heard a ridiculous story from one of my constituents about a local nursery that is refusing to give free milk to the children because, according to the person who runs the nursery, farming is destroying the planet. We have to get away from that kind of narrative.

I want to point out that if we are serious about tackling climate change in the way that we should be, we need to continue to support our farmers as they make the environmental changes that we want them to make. We need to be cognisant of foodstuffs that are imported as so-called replacements for local produce, and we need to recognise that production and transport of such foodstuffs have a carbon footprint.

We need to stop vilifying our farmers. We need to support them using public food procurement,

and in their actions to tackle climate change, and we need to stop the need for us to import so much of our food. Our farmers have the capacity to feed our country healthily. It is time that we helped them.

So, I am off to have a good old Scotch-beef burger for my lunch.

13:26

**Colin Smyth (South Scotland) (Lab):** I thank Maurice Golden for lodging his motion and for securing today's debate, which gives us the opportunity to recognise that, if we are to meet the net zero emissions target, agriculture is part of the solution. The sector gets that and there is growing consensus on the necessary direction of travel.

As the motion rightly notes, farmers and crofters have already delivered their 29.4 per cent drop in emissions since 1990. As Maurice Golden highlighted, because of the way that the figures are calculated, they exclude a portion of the carbon reductions that farmers and crofters have made.

However, the climate crisis that we face is stark and it is now. Gail Ross rightly described this as a "critical" time. We need to build on the progress that has been made in order to deliver greater reductions in emissions in the sector, and we need to develop the greener and more sustainable and productive agriculture system that we all want.

That will require political leadership and direction. I have a lot of faith in the agriculture sector in Scotland and its ability to adapt to change to meet challenges, but the Government needs to provide direction and detail. We know that our current agriculture support system does not do enough to facilitate change, and is, at times, a barrier to that change.

As we exit the common agricultural policy, we need to develop a new support system that will deliver our environmental, economic and social aims. A system that supports and incentivises sustainability and environmentally friendly practices will build a more productive and resilient industry. Those two aims should not be thought of as competing with each other, and neither is to be achieved at the expense of the other.

The most effective way to continue to reduce emissions is to support a strong and sustainable agriculture sector that balances climate change commitments with the need for food security. If we do not deliver sustainability, that will mean an increase in imports, which means an increase in emissions.

Any change must be underpinned by the principle that was set out by my colleague Claudia Beamish in her addition to Maurice Golden's

motion, which says that there should be a just transition for Scottish farmers, crofters and farm workers.

Stakeholders across the board have been working hard on proposals for a system that reflects those priorities, for example, NFUS's "Steps to Change: A New Agricultural Policy for Scotland" and "#Route2050—A direction of travel for Scottish land management to 2050" by Scottish Land & Estates recognise the need for meaningful reform to promote sustainability and better support the sector as it works to reduce emissions.

Environmental organisations have been doing fantastic work—in particular, there is WWF's report "Delivering on Net Zero", which was mentioned by my colleague Claudia Beamish. It includes a number of detailed evidence-based proposals on how to reduce emissions. Its analysis suggests that those measures could lead to a 38 per cent reduction in agricultural greenhouse emissions by 2045.

However, we need from the Scottish Government leadership, direction and detail, showing exactly what it intends to do in the months and years ahead. The creation of the agricultural transformation fund is a welcome first step, and I commend the cross-party work to get the fund included in the recent Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. However, the fund does not compensate for an overall funding system that is no longer fit for purpose and has to change.

The Government has set out a post-European Union transition period until 2024. The Agriculture (Retained EU Law and Data) (Scotland) Bill that is currently making its way through Parliament is an opportunity to make it clear that it will not be simply business as usual during that transition period.

The clock is ticking—in fact, time is running out when it comes to climate change. I hope that that bill will be strengthened by the Government, including by adding to it a purpose section that puts the environment at the heart of the improvements that the bill will lead to, including the proposed pilot scheme. I also hope that the Government will use the parliamentary debates on the bill to settle on a clear timetable for the Government's outline of a long-term agricultural policy for Scotland.

We need to use what short time we have to trial new schemes, to set out the changes that we need in the future, to support the sector to make those changes, and to ensure a just transition so that no one is left behind. By doing that, we can build on the progress that has already been delivered by Scottish agriculture.

13:30

**The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon):** I add my sincere thanks to Maurice Golden for bringing this debate to the chamber and for the chance that it gives me, in closing, to set out all that the Scottish Government is doing to support farmers, crofters and land managers to farm sustainably and contribute to our climate change ambitions. Much has been raised in the chamber today, so I sincerely apologise if I miss out anything or if anyone feels that there is a point that I do not address. If that happens, follow up with me; I am happy to meet anyone to discuss what we are doing and the plans that we have for the future.

I could not agree more with Maurice Golden when he stated that our farmers and crofters do not get the recognition that they deserve. He raised a lot of important points that are worth re-emphasising and that we have heard echoed around the chamber today. It is important to remember that our agricultural sector has reduced its emissions by nearly 30 per cent from the 1990 baseline.

As I said, many important points have been raised. I am glad that Finlay Carson highlighted the media's portrayal of our industry in Scotland and how it has conflated our system with production systems in other parts of the world. Brian Whittle emphasised that issue as well. It has been a massive bugbear for me and for the Scottish Government in general, because it is just not a fair representation of how we farm in Scotland. It unfairly and unjustly points the finger at agriculture as if it is solely to blame.

Emma Harper raised an important point on that, too: we all have a role in talking up the role that our farmers and crofters play, and in not vilifying them.

**Brian Whittle:** In answer to the intervention that I took from the Green Party, I should have said that, rather than suggest that we are eating far too much meat, we should be saying that we need to eat more fruit and vegetables. That also speaks to our farming community and would contribute much better to a balanced diet.

**Mairi Gougeon:** That is exactly what we want to promote—a healthy, balanced diet. That is what it is all about.

In every part of Scotland, farm businesses are making changes to their approach and that is cutting emissions. More than 3,000 farms have undertaken carbon audits and more than 1,400 farmers are participating in the beef efficiency scheme.

Through pillar 1 greening, which is worth just over £130 million in the coming year, around

18,000 businesses are undertaking practices that protect our permanent grassland and the historical carbon sink under it, as well as promote biodiversity.

There are farms that are shifting to hardier breeds that require less-intensive husbandry and can spend more time outside, and farms that are changing how and what they feed their cattle. There are farmers who already use precision farming methods to reduce fertiliser and pesticide use and improve productivity.

**Emma Harper:** Does the minister agree that the Galloway beef breed is one that stays out all year round, which can contribute to a more efficient system?

**Mairi Gougeon:** Absolutely, and I would add that it is one of my favourite breeds. Ye cannae beat a beltie—unless, of course, it is an Aberdeen Angus, which represents my own area.

Our farmers and crofters are playing their part in Scotland's contribution to addressing the global climate emergency. That has to continue. There are other initiatives that will, I hope, allow us to better recognise that fact. One initiative that has received press coverage recently is the carbon positive project, through which we have been working with and supporting the Scottish Agricultural Organisation Society to develop a tool that will help farmers to better recognise all the work that they do on the farm in relation to carbon sequestration.

I have always been clear that we cannot and must not look to address climate change through a single lens. That is especially relevant when it comes to agriculture. Our farmers and crofters are being asked to deliver on multiple priorities, such as biodiversity, air quality and water quality, as well as climate change. We must look to secure solutions that provide multiple benefits so that Scotland can address those areas while continuing to be a world-class producer of high-quality food.

I am not saying that it will be easy, because there will not be one easy solution, but to achieve a sustainable future we have to take a holistic and integrated approach in which all issues are taken into consideration. Although many farmers and crofters are already playing their part, we need everyone to do more. If Scotland is to achieve net zero emissions by 2045, the country and everybody in it, including our farmers and crofters, will be presented with challenges and opportunities.

The Scottish Government has a number of mechanisms in place to help farmers and crofters do more to reduce emissions and to farm sustainably, and a lot of work is under way on future policy that will address some of the points

that Claudia Beamish and Colin Smyth raised today. The strategic approach that Claudia Beamish talked about is exactly what we need and other elements, such as land use strategies and other points that were raised today, need to feed into that.

Through our farm advisory service, we offer a range of advice, information and technical guidance on areas such as nutrient planning and management, livestock health and welfare, crop health, soil management and the benefits of woodlands on farms. The advisory service also offers our farmers and crofters access to free carbon audits and discounted integrated land management plans, with access to specialist one-on-one advice. Our farming for a better climate initiative provides a wealth of examples from our focus farmers, who have looked at their businesses and identified areas in which they can not only embrace low-carbon farming practices, but improve their businesses as a whole.

**Finlay Carson:** I heard on the radio today that the University of Edinburgh has discovered a letter from George Washington congratulating the Scottish farming sector and celebrating how skilled it was many years ago. Does the minister agree that there is potential for our innovative and entrepreneurial farming sector to export the knowledge that it gains in addressing climate change to the benefit of the whole world?

**Mairi Gougeon:** Absolutely. We must also ensure that the innovation that we see right now is spread right around the sector in Scotland. I will go on to talk about examples of such innovation.

We talked earlier about agroforestry and woodland creation and, in the past year, we exceeded our woodland creation target in Scotland. Building on that base, the Scottish Government has established the soil regenerative agriculture network and supported the highly regarded monitor farm network. I will visit one of the monitor farms on Thursday.

Mark Ruskell mentioned visiting some of our climate change champions and speaking to other people. I have visited all our agricultural champions: the work that Lynn and Sandra have been doing at Lynbreck croft was incredible to see and Bryce Cunningham has worked to eliminate single-use plastics at Mossgiel farm. I also visited the Budge sisters in Shetland. While in Shetland, I visited Uradale farm, which was a chance to meet its native breeds, then enjoy eating them in a local restaurant later on.

That relates to Finlay Carson's point about the importance of local and seasonal produce and of not exporting problems elsewhere.

Brian Whittle made an important point about procurement. He spoke about East Ayrshire

Council, in particular, which has been brilliant in relation to its food for life scheme. It has been incredible to see the impact that the scheme has had on the local economy and children's health, and it is great that the council has been able to run the scheme within its budget. I would like such examples to be replicated around Scotland, because East Ayrshire Council has shown that it is possible.

As a Government, we are clear that we are here to encourage and support our farmers and crofters as Scotland makes this transition. This month alone, we have announced £40 million of new funding for the agricultural transformation programme, which members have talked about today. We have increased funding for woodland grants to nearly £57 million to meet our increased woodland creation target of 12,000 hectares for 2020-21. We have also announced a new suckler beef climate group to examine how to reduce greenhouse gas emissions from Scotland's suckler herd.

Gail Ross and Claudia Beamish talked about organic farming, which is a vital part of the conversation. The amount of land that is farmed organically has declined, but we are absolutely committed to tackling that and are currently working on an organic sector plan. We must drive that forward, so we are playing an active role in it.

In the first half of this year, the Scottish Government's farming and food production future policy group is expected to report. The group was established after a parliamentary debate in January 2019, and it will make recommendations to ministers. Gail Ross talked about the simplification of some funds, which is part of the work that the group is considering. The Scottish Government will use the group's report and the findings of other sector-specific working groups as the basis to support policy design, with the intention of implementation post 2024.

There is probably so much that I have not had the chance to talk about. However, I hope that I have been able to demonstrate the sheer volume of work that is under way, outlining exactly how we hope to deal with the challenges that we face, as well as better recognising the work that is already being done by our farmers and crofters.

13:40

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Constitutional Convention

1. **Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government what plans it has for a new constitutional convention. (S5O-04137)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** I will be inviting members to participate in a new constitutional convention, which will aim to secure a consensus across Scottish society on Scotland's right to choose. I will shortly consult party leaders and Parliament on the detail.

**Patrick Harvie:** It has often struck me as a little odd that those who are most hostile to independence are often those who are least likely to propose a coherent alternative or another way of improving Scotland's constitutional status and governance, instead of independence. If they are willing to take this one final opportunity to put something positive on to the table, I will welcome it.

Does the cabinet secretary agree that, as well as dealing with the domestic constitutional questions, we should also have room for discussion about how we can broaden and deepen Scotland's relationship with other countries, including but not limited to those in Europe, and about our ability to forge those relationships in our own way and on our own terms?

**Michael Russell:** I agree with the member, and he makes an important point. We are talking about openness to discussion, particularly, as I said in my earlier answer, about a consensus on Scotland's right to choose. There might well be different points of view on the ultimate destination. As I hear from the members to the right-hand side of me, some believe that we have already reached the destination. In those circumstances, openness to debate and discussion is the hallmark of a democracy, and I hope we might all—  
[*Interruption.*]

The hallmark of a democracy is not shouting while somebody else is speaking. The hallmark of a democracy is being able to have that debate, and I look forward to it.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I look forward to engaging in exchanges with the cabinet secretary in a constructive way as we go forward. In that vein, as every week goes by, does it not demonstrate that this idea of a constitutional convention is just a back-of-a-fag-packet notion that has been dreamed up to placate the pro-

independence fanatics on the Scottish National Party back benches? How much will the taxpayer have to pay to fund this vanity exercise?

**Michael Russell:** I welcome Murdo Fraser to his new role, and I look forward to a continuing redefinition of the English language. The word “constructive” has just been redefined; no doubt there will be more.

The cost to Scotland of the Brexit process, in which we are engaged, into which we have been dragged, and for which we did not vote, will mean enormous harm. We are also now hearing the sensible voices of those who are not mad nationalists by any means, pointing out the disastrous consequences of that for Scotland. All those things make me believe that the expensive option is staying with the status quo.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Despite the differing views on independence in the Parliament, I am sure that we all agree that the people of Scotland should decide on their own future. In light of the cast-iron mandate for another referendum from the public and the Parliament, does the cabinet secretary agree that the United Kingdom Government’s plans to block a second poll are simply unsustainable?

**Michael Russell:** I note that a wider range of people are pointing to the unsustainable nature of the UK Government’s position. The book event that former speaker of the House of Commons Mr Bercow—he was a Conservative—did last night was yet another indication that people who are looking at the situation will say to themselves that there is a basic problem with the attitude of the UK Government. It looks as if it has no interest either in democracy or the voice of the Scottish people. That is a bad look in any democracy. I hope that the UK Government will realise what a bad look that is and come back into the democratic mainstream.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I welcome the opportunity to have a discussion. At the present time in Scotland, I do not think that a majority is demanding a second independence referendum. I have made clear that the right of the Scottish people to determine their own future is absolute, and it is something that the Labour Party will support. However, for me, the discussion should be about how best we move forward, and in doing so, if we reach a point in the future at which there is clearly a demand for a referendum, it should not be denied.

Is the cabinet secretary open to having a wider discussion for those of us who reject the status quo and want to see far greater devolution? Is that issue on the table for discussion?

**Michael Russell:** Yes, of course it is on the table for discussion and I respect Mr Rowley’s position on the matter. I would want to debate it with him and say that I believe that he is wrong with regard to the demand that exists. I would point to the way in which that demand is being expressed, including through elections. I would also point to the fact that December’s manifestos indicated that the election was about Scotland having the right to choose, which was indicated very strongly.

Of course, I respect Mr Rowley’s position as a democrat that he does not believe that independence is the solution at this time, but I am glad about his openness to the continuation of the process. That is precisely what Scotland should be talking about and I want to create the opportunity for Scotland to do so, not narrowly among politicians, but more widely.

I will put forward a set of proposals that will start the process, and if Mr Rowley and the Labour Party intend to contribute to that process on the terms that he has given, I will be delighted.

#### **Scottish Ministers (Evidence to Committees)**

2. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government whether all existing commitments from current and previous ministers to give evidence to parliamentary committees will be met. (S5O-04138)

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** Ministers will of course fulfil all commitments to give evidence to parliamentary committees. Requests to former ministers to give evidence are a matter for the individuals and the committee concerned.

**Jamie Greene:** The minister will be aware that the Rural Economy and Connectivity Committee is midway through a very important cross-party inquiry into ferry procurement. The former Cabinet Secretary for Finance, Economy and Fair Work was due to give important evidence on the matter, given his specific involvement in some issues that have been raised during the inquiry, not least those of a financial nature.

I appreciate that the Government may choose to send whomever it deems fit, but it is imperative that the committee is able to complete its inquiry by taking evidence from those who have direct knowledge of events. What assurances can the minister give members that the Government will work with committees to ensure that those whom they send to represent the Government will have direct knowledge of and involvement in the matters, and will therefore speak from experience rather than hearsay?

**Graeme Dey:** Recognition of their accountability to the committees of the Parliament is

demonstrated daily by Scottish Government ministers. As the Minister for Parliamentary Business and Veterans, I have clear sight of the interaction between committees and ministers, and we consider their relationship to be generally very good.

All of that is in sharp contrast with the relationship between our committees and ministers in the United Kingdom Government. For example, the Secretary of State for Scotland, Alister Jack, recently pulled out of an appearance before the Culture, Tourism, Europe and External Affairs Committee at the 11th hour, and no substantial explanation was offered. Famously, David Davis assured members of the Scottish Parliament that he would give evidence at Holyrood as Brexit secretary, but he failed to do so in a two-year tenure.

Although the UK Government seems to regard the committees of this Parliament with disdain, the Scottish Government recognises entirely its responsibilities in that regard. To be clear, any commitments that have been given by ministers to attend committees will be honoured, but former ministers do not speak for the Government. The situation is that any commitments that have been made by former ministers pass to their successors.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the minister share my incredulity at the Tories' complete lack of self-awareness? Such is their dog-like devotion to their London bosses, they have failed to notice the number of times that UK ministers have cancelled scheduled appearances before this Parliament's committees, often at short notice.

Will the minister confirm that it is UK ministers who need to up their game, show this Parliament respect and attend our committees when invited?

**Graeme Dey:** Absolutely. Earlier, we had a reinvention of the definition of "constructive"; I think that the Tories can certainly reinvent the meaning of the phrase "self-awareness" in this matter.

It is not only David Davis and Alister Jack who have not attended our committees. A raft of others, including, I think, Esther McVey, also qualify in that category. It is high time that the UK Government and its ministers showed the committees of this Parliament the respect that they deserve.

### Customs Checks

**3. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what assessment it has made of potential customs checks on the Scotland-England border, in light of comments by the First Minister

during an address to the European Policy Centre. (S5O-04139)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** The Scottish Government is committed to putting all the information on the proposition for an independent Scotland into the public domain ahead of an independence referendum. The Scottish Government does not wish to erect borders. The United Kingdom Government wishes to erect borders, by pursuing a hard Brexit. That is precisely what Boris Johnson is now doing.

**Rachael Hamilton:** Constituents of mine in Borders towns, such as Coldstream, Eyemouth and Jedburgh, are deeply concerned by the comments that the First Minister made in Brussels, in which she failed to rule out a hard border in the event that Scotland becomes an independent country.

Figures show that exports to the rest of the UK are worth £51.2 billion to Scotland—three times more than exports to the European Union, which are worth £16.1 million. Will the cabinet secretary acknowledge the importance of the single market? Why does the Scottish Government want to place a barrier between friends, families and neighbours in my constituency, which would cripple Borders communities and inflict customs checks on Scottish goods?

**Michael Russell:** The term "self-awareness" has just been redefined once again this afternoon. Rachael Hamilton used the words "single market". Apparently, she is in favour of the single market, which must be news to Boris Johnson. We do not wish—[*Interruption.*] Presiding Officer, I am trying to make a point. We do not wish to erect borders. The simplest way to have no borders would be the continued presence of all parts of these islands in a single market and the customs union. That is on offer. Anything that the UK Government does to jeopardise that is the UK Government's responsibility. If Rachael Hamilton's constituents are worried, they should express that worry to her, to the Conservatives and to Boris Johnson. Their friends in having no borders are me and the Scottish National Party.

**Clare Adamson (Motherwell and Wishaw) (SNP):** In the real world, the UK Government has indicated that goods that come into the UK from the European Union will face import controls from as early as January next year. Can the cabinet secretary outline what engagement he has had with the UK Government over the preparations that are being made to prevent disruption to businesses and consumers?

**The Presiding Officer:** That is a very broad supplementary question, so please give a short answer, Mr Russell.

**Michael Russell:** As ever, the UK Government has not told us what it intends. In this case, I think that that is because it does not have a clue.

#### **Brexit (International Trade)**

4. **Adam Tomkins (Glasgow) (Con):** To ask the Scottish Government when it last met United Kingdom ministers to discuss post-Brexit international trade policy. (S5O-04140)

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** On 23 January, the Minister for Trade, Investment and Innovation, Ivan McKee, discussed a range of trade-related issues with Conor Burns, UK Minister of State for International Trade, and counterparts from Wales and Northern Ireland.

**Adam Tomkins:** I thank the minister for that answer. He knows that I am robustly of the view that Brexit must be and has been devolved compatibly with our devolution settlement. However, the minister has unilaterally demanded a string of vetoes for his devolved Administration on international trade, which is a reserved matter. How is that respecting the devolution settlement?

**Graeme Dey:** Sadly, there is a world of difference between being in the room, putting forward the needs of Scotland—with a view to UK-wide negotiations—and having them taken on board. Unlike Mr Tomkins, I speak from first-hand experience of that, having represented the Government on the joint ministerial committee (EU negotiations), which was designed to inform a joint negotiating position, in order to cater for the needs of all parts of these islands.

During one session, UK ministers insisted to the devolved Administrations that their concerns over continuing access to Erasmus were misplaced, and that access would be taken care of. We all know what happened: at Westminster, the Tories voted down proposals that would have committed them to securing future Erasmus involvement. Whether on Erasmus, migration, trade or a raft of other important matters, there is one certainty: either Scottish ministers fight Scotland's corner or Scotland risks being turned over by the Tories. We will leave Mr Tomkins to strategise. Our team of ministers will continue to stand up for Scotland's interests in Brexit negotiations, particularly on trade.

#### **Brexit (Erasmus+ Programme)**

5. **Sandra White (Glasgow Kelvin) (SNP):** To ask the Scottish Government what engagement it has had with the United Kingdom Government on providing young people with clarity regarding whether they will continue to have access to the Erasmus+ programme following Brexit. (S5O-04141)

**The Presiding Officer:** I welcome the minister, Jenny Gilruth, to her new portfolio.

**The Minister for Europe and International Development (Jenny Gilruth):** The Scottish Government has been engaging extensively with the UK Government throughout the pre and post-European Union exit period at ministerial and official level. The Minister for Further Education, Higher Education and Science, Richard Lochhead, has been in regular contact to discuss Erasmus+ with UK Government universities ministers, including participation in all-UK nations quadrilateral meetings.

Scottish Government officials are engaging with the Department for Education and the Department for Digital, Culture, Media and Sport on potential domestic alternatives to Erasmus+, while reiterating the Scottish Government's position that full association with Erasmus+ is in the best interests of Scotland and the whole of the UK.

However, despite frequent requests by the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell—all at the joint ministerial committee on EU negotiations—UK Government departments have refused to share final drafts of crucial value-for-money assessments with Scottish Government officials. Those assessments are being used by the Treasury to make decisions that will directly impact on future participation.

The Scottish Government has raised the issue directly with Her Majesty's Treasury, and will continue to do so alongside the other devolved Administrations.

**Sandra White:** I congratulate the minister, and welcome her to her new post. I also thank her for her very full reply. The situation is obviously very concerning, particularly for my constituents in Glasgow Kelvin, where thousands of students have benefited from Erasmus. It is also very worrying for current students, and for future generations of students to come.

The minister mentioned that nothing is forthcoming from the UK Parliament. Has she or the Scottish Government had talks with other European countries? Will she open a dialogue with our European friends to discuss how we can safeguard participation in Erasmus, which is very important for students?

**Jenny Gilruth:** Having studied and lived in Sandra White's constituency, I am only too aware, from personal experience, of the huge benefit that the Erasmus+ programme brings to Glasgow Kelvin.

The Scottish Government is absolutely committed to ensuring that we do everything in our gift to maintain association with the Erasmus+

scheme. As part of our preparations for European Union exit, we are therefore progressing work in relation to a number of scenarios. Although our preferred outcome is of course that the whole of the UK remains associated with Erasmus+, in the event that the UK Government decides to abandon the programme, we are exploring the option of Scotland's unilateral association with it. Work in the area is on-going and features a number of interconnected elements, including considerations around how best to engage with our European partners on the issue.

It is also worth noting that the European Commission has proposed to double the funding for Erasmus in the next cycle to €30 billion. That is funding that Scotland will miss out on; it is also knowledge transfer, friendships and relationships that the next generation will miss out on. I am sure that I do not need to remind members that that is not what our constituents voted for in June 2016.

#### **Trade Deal (Protection of Crofters)**

**6. John Finnie (Highlands and Islands) (Green):** To ask the Scottish Government what communication it has had from the United Kingdom Government on how it will protect Scotland's crofters in upcoming trade deal talks with the European Union. (S5O-04142)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** We have received no communication from the United Kingdom Government on the protection of crofting interests in upcoming trade deal discussions.

The Scottish Government is committed to doing all that it can to support crofting for the benefit of present and future generations. As a former crofting minister, and as an MSP with constituency interests, I know that crofting continues to form an integral part of and to contribute to the sustainability of our rural and remote areas. Crofting delivers real benefits: sustaining agricultural activity; supporting the rural economy; enhancing wildlife and the natural environment; and retaining young people in our remote, rural and island communities. It is worth standing up for, and we will stand up for it.

**John Finnie:** The cabinet secretary knows that Brexit is a disaster for the Highlands and Islands. He also knows of the importance of rearing sheep to crofters, and of potential tariffs of 40 to 50 per cent being imposed on lamb. A 2017 survey by the Scottish Association of Meat Wholesalers showed the significant dependence on migrant labour, which makes up 52 per cent of the unskilled workforce, 44 per cent of the skilled workforce and 16 per cent of supervisory and management staff.

Will the cabinet secretary advise what consultation the UK Government has had with the Scottish Government about the horrendous consequences of its hard-Brexit strategy, coupled with its newly announced immigration policy, and the implications for meat production in the Highlands and Islands? Meat production is one of the many sectors that will be negatively impacted by the ill-judged actions of a far-right UK Tory Government.

**Michael Russell:** John Finnie is absolutely correct on lamb and sheep production. I know from my constituents and from my engagement with NFU Scotland in Argyll, for example, that the potential tariffs that he talked about would mean the end of the lamb trade for my constituents. I know that that is also the case in Wales. There has been discussion at the joint ministerial committee about lamb and the impact on the Scottish and Welsh economies.

I reassure John Finnie that we will continue to pursue those issues. However, the situation shows very clearly that the idea that—in the words of not just the Prime Minister, but even Douglas Ross, who was a member of the Scottish Parliament, and who I understand is now a Scotland Office minister—there is some one-size-fits-all form of Brexit that will, in some sense, always benefit Scotland is untrue.

#### **Devolution (European Union Powers)**

**7. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government what steps it is taking to ensure that European Union powers that related to devolved matters are devolved to the Scottish Parliament. (S5O-04143)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** Sarah Boyack is right to be concerned about that matter, and this is not the first occasion on which she has asked about it. There is a continuing risk that the United Kingdom Government will use Brexit to claw back powers from the Scottish Parliament. We have been clear that, on withdrawal from the EU, powers over agriculture, fisheries, the environment and other areas should be exercised by the Scottish Parliament, in line with the devolution settlement.

We have tried to work with the UK Government and the other devolved Administrations to negotiate and agree UK-wide frameworks where that is in our interests, but those must be agreed and not imposed. We will continue to resist any and all attempts to constrain the Parliament. I am grateful that parties across the chamber have in the past supported that position, and I hope that that will continue.



**Sarah Boyack:** On the environment, will the Scottish Government continue to use EU standards—for example, in relation to food standards and procurement—as a benchmark to drive continuous improvement?

**Michael Russell:** As I made clear in my evidence to the Culture, Tourism, Europe and External Affairs Committee this morning, we intend to take steps to ensure that we can keep pace with European regulations and standards. Moreover, we believe that it is our absolute right as a devolved Administration to choose how we benchmark ourselves and how we go forward in the areas of devolved competence. As I have indicated previously, we will bring forward a continuity bill that allows us to do so and, in other areas, we will insist on the highest standards.

I should point out that the issue is not arcane or technical; it is about ensuring that common interests, beliefs, opportunities and views across Europe are sustained. We want to associate ourselves with the standards not because we want to associate ourselves with Europe but because they are the right things for Scotland, and that is what we intend to do.

## Business Motion

14:21

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-20923, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 of the Scottish Elections (Franchise and Representation) Bill.

*Motion moved,*

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

Groups 1 and 2: 45 minutes

Groups 3 to 5: 1 hour 40 minutes.—[*Graeme Dey*]

*Motion agreed to.*

## Scottish Elections (Franchise and Representation) Bill: Stage 3

14:22

**The Presiding Officer (Ken Macintosh):** Our next item is stage 3 proceedings on the Scottish Elections (Franchise and Representation) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings of amendments. I remind members—although I am sure that most will know by now—that the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. There will be a 30-second vote at that stage; thereafter, the first vote after each group will be a one-minute vote.

Members should now turn to the marshalled list of amendments.

### Section 1—Voting by qualifying foreign nationals

**The Presiding Officer:** Group 1 is on voting in Scottish elections by qualifying foreign nationals. Amendment 1, in the name of Michael Russell, is grouped with amendments 2 to 8, 21, 9, 22 and 23.

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** I am pleased that we have got to stage 3 of this brief but significant and important bill. I am glad that we have the opportunity to consider it this afternoon. It will be the first time that the Parliament has considered a bill that requires a supermajority, so this is another moment in Scottish parliamentary history.

I hope that we can have a constructive debate. Apart from two amendments in the name of Liam McArthur, which we will come to later, there are no substantive amendments on issues that were not discussed at stage 2. Therefore, we have a rerun. I know that some changes have been made, and that members will refer to them, but we have rehearsed the amendments at length, and I am sure that we will bear that in mind.

I am pleased that the bill extends voting rights to foreign nationals resident in Scotland. It is important to stress that those provisions have been widely welcomed by the Standards, Procedures and Public Appointments Committee and respondents to the Government's consultation on electoral reform. This is not a minor matter; it is a major step forward.

Amendments 1 to 9 alter the bill's description of the voting rights of European Union nationals to bring them into line with those of other foreign

nationals. That is a consequence of Brexit having occurred following the bill's introduction.

The requirements of EU law on voting in municipal elections by EU nationals are no longer applicable. The amendments recognise that following Brexit, some EU nationals living here will have leave restrictions that allow them to remain only for a certain period of time. It would not be logical for a person who should not legally be in the country to have voting rights; the amendments seek to put EU nationals on the same basis as those from all other countries. As a result, only those foreign nationals living here who have leave to remain will be able to vote in our elections, whatever their country of origin. That is a substantial step forward; it should not be diminished. It is worth bearing in mind here that the Republic of Ireland remains a special case: its citizens do not require leave to remain.

The question of leave to remain brings me to Mark Ruskell's amendments 21 to 23. It might be helpful for me to remind members that the bill seeks to extend voting rights to those with refugee leave. It has sought to do so from the outset and that is a step that few other countries have taken. I am proud of the fact that that is in the bill that we are considering.

The Standards, Procedures and Public Appointments Committee considered whether we should go further by also enfranchising asylum seekers. It heard evidence on arrangements in Ireland where, uniquely, asylum seekers can vote and stand in local, but not national, elections. Vitally, the committee also heard about the practical concerns raised by electoral registration officers on how to accurately maintain records of asylum seekers with voting rights. The committee ultimately decided not to support Mr Ruskell's proposals at stage 2—reluctantly. I have the greatest sympathy for those proposals, but there are huge practical issues that simply cannot be wished away.

Mr Ruskell's amendment 21 seeks to assist electoral registration officers in registering foreign nationals. That might be supported if his other amendments were accepted, but I am not convinced that all the difficulties identified by the returning officers in enfranchising asylum seekers have been addressed. Although amendment 21 could in theory be used to assist with other issues involving foreign nationals, it would only really be of practical use in relation to asylum seekers.

Mr Ruskell's lead amendment—amendment 23—seeks to simplify matters. It provides that voting rights would be conferred only until the point at which the asylum seeker's application was determined. I would interpret that as ruling out any period in which an appeal was under way. That therefore seeks to respond to concerns about how

electoral registration officers would know when an asylum seeker whose case has been refused should be removed from the register. I fear that the overall result would in fact not simplify but complicate an already complex situation. For example, an asylum seeker might remain at a property for some time after the initial determination of the case, so electoral registration officers would have to identify a person as an asylum seeker—which is not their job—remove them if the initial decision went against them and then re-register the person if they subsequently gained refugee status following an appeal. That would not be impossible, but at a time when we are asking returning officers to make other major changes, the integrity of the poll and the register would become an issue.

We are already asking electoral registration officers to administer prisoner voting in addition to voting for 55,000 to 60,000 foreign nationals. The enfranchisement of asylum seekers with a pending asylum claim would be a further onerous burden for electoral registration officers and their staff. The amendment would in effect require them to become experts or arbiters in immigration law—that is not something we can reasonably impose on those who are responsible for ensuring that the electoral register is accurate and up to date. The standards committee specifically called for the Government to consider how to make the electoral register

“as complete and accurate as possible.”

We must therefore listen, no matter how reluctantly, when it is suggested that enfranchising asylum seekers would damage the overall accuracy of the register and risk eroding public trust in the electoral process.

I share Mr Ruskell’s aspiration to have as wide a franchise as possible. We are bringing significant changes to the franchise in the bill. The bill represents a major step forward in welcoming many to our franchise, but, as I said at stage 2, Mr Ruskell’s further amendments risk making

“the best the enemy of the good.”—[*Official Report, Standards, Procedures and Public Appointments Committee*, 16 January 2020; c 10.]

Therefore, reluctantly, I cannot endorse them.

I move amendment 1.

**The Presiding Officer:** I call Mark Ruskell to speak to amendment 21 and the other amendments in the group.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Yesterday, I hosted an event in the Parliament with an absolutely wonderful group of asylum seekers, who are part of our communities. I thank members from across the chamber for coming along to that event and engaging with

those people. What struck me more than anything was that the right to vote is seen by asylum seekers as a fundamental human right. For many, it is as important as the right to work.

It is an acknowledgement of their very existence, that they have a voice and are valued. They see the right to vote as a powerful invitation to integrate with the community—it is a recognition that they are not alien, not other and are part of our community. How many of our fellow citizens value their right to vote in the same way? How many of us in the Scottish Parliament feel the same way about our right to vote? We have to find a way through.

14:30

So many asylum seekers are stuck in limbo and spend years in the system, but they continue to have a legal right to live in this country throughout the consideration of their asylum application. Those people are not illegally present in the UK, but can often be here for years while claims are considered. They are members of our communities, but they are isolated, unheard and, often, unintegrated.

Back in 2018, when he was the relevant minister, Joe FitzPatrick said that the franchise should include

“people who have been welcomed here as refugees and people who are going through the process of seeking asylum”.—[*Official Report*, 23 May 2018; c 14.]

Recognising the concerns raised at stage 2, I have engaged with electoral registration officers to understand the practical, paperwork challenges of registering asylum seekers and I have sought to address them. We have had several engagements. Most recently, I received a letter from the Scottish Assessors Association, which says that the issues I raised with regard to asylum seekers are a matter of policy and therefore the Assessors Association does not offer a view on that matter.

The guidance from EROs is that it is a matter for the Government to consider and to find a way through as a matter of policy, rather than for the electoral registration officers.

**Adam Tomkins (Glasgow) (Con):** The assessors are correct: it is a matter of policy. However, it is a policy that will have a series of significant bureaucratic and administrative challenges that need to be addressed before the Parliament can give effect to the policy intention that Mr Ruskell is seeking to support.

I do not often agree with Mike Russell, but the cabinet secretary made a series of detailed observations on the administrative challenges that the member’s amendments would pose for

electoral administrators. We need to see what the member's response is to those details before we can support his amendments.

**Mark Ruskell:** Okay. I appreciate that intervention and I am coming to those points. However, the administration issues that we face in registering asylum seekers are not materially different to those arising from the registration of many other groups that the bill seeks to enfranchise. There are very similar issues and I will come on to those a little bit later, if I am given the time.

People seeking asylum in Scotland will be able to meet the main tests for voter eligibility: they are present in Scotland; they have a Home Office recorded address; and they are lawfully resident in the country by the nature of having an outstanding asylum claim. That status already enables them to access health and education services. There is precedent in terms of the way that asylum seekers access services in our society.

The relevant amendments in my name grant the franchise extension to asylum seekers, but also allow for guidance to be issued, so that forms of identification issued by the Home Office can be used to prove identity. They tick that box.

Asylum seekers move their residency no more than anyone else does—and probably less often than students or those in privately let accommodation. The integrity of the register is no more of an issue for this group than it is for anyone else.

Once an asylum claim is rejected, within time, that person is removed from their registered dispersal accommodation. There is no need for EROs to determine the legal immigration status of an individual for whom documentation and their very existence in a residence in Scotland is proof of eligibility. The bill already guarantees that the temporariness of someone's leave to remain in Scotland should not affect their right to vote in Scottish elections.

My amendments would merely extend to asylum seekers the rights that the bill already gives to citizens from outside the European Economic Area who may have similar immigration conditions.

Everyone who makes Scotland their home—for however long—should have a voice in our democracy. They should be equally valued, regardless of where they were born, integrated as new Scots from day 1, welcomed and respected. That is why I intend to move the amendments in my name.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** The cabinet secretary's amendments 1 to 9 have the effect of recognising and bringing into line European nationals and

other foreign national voters in recognition of the UK's departure from the European Union and the potential for different immigration positions that now arises. The amendments are a sensible recognition of the current situation and we will not oppose them.

Mark Ruskell's three amendments—21, 22 and 23—deal with voting by people with certain limited residence. I am aware of his campaigning for those who are applying for refugee status. The arguments were largely covered by the committee at stage 2 and a number of the same issues still apply. The member has not addressed those suitably for us today, so we will not support his amendments.

**Liam McArthur (Orkney Islands) (LD):** I echo the cabinet secretary's comments about the importance of the bill and what it says about the open, outward-looking and welcoming country that we wish to be. The Scottish Liberal Democrats will support all the Government's amendments in the group.

Notwithstanding the concerns that have been raised by the cabinet secretary and Conservative members, I thank Mark Ruskell for lodging his amendments, which would allow asylum seekers with live applications, and their dependents, to vote. It is critical that asylum seekers are given a warm welcome from day 1 and that they are helped to live with dignity. That means sorting out the horrendous conditions that they can be housed in; it means letting them work instead of deliberately forcing them into destitution; and it means ensuring that trauma services are available without delay.

Applications can get stuck in the Home Office for years, even when a case is cut and dried and it is obvious that people are genuinely seeking refuge in our country.

As Beatrice Wishart put it—and she has been involved in many cases affecting constituents in the northern isles—languishing in the dark recesses of that department causes real detriment and disruption to those who are trying to rebuild their lives. While they wait, people can work and pay tax for a decade and their children can be on the verge of completing their schooling. They are part of our communities, and our voting system should reflect that. It should be compassionate and outward looking rather than say to people who are fleeing war and other horrors that we do not believe them.

On that basis, we will support Mark Ruskell's amendments.

**James Kelly (Glasgow) (Lab):** Scottish Labour will support all the amendments in the group.

The cabinet secretary's amendments 1 to 9 are essentially technical amendments that improve the legal understanding and policy objectives of the bill.

The main contention is around Mark Ruskell's amendments 21 to 23. The overall policy objective of the bill to extend the franchise to foreign nationals who are resident in Scotland and to prisoners—to which we will come later—is one that we support.

I have listened carefully to the speeches. Mark Ruskell and Liam McArthur have made good points about how asylum seekers should be welcomed into the country and how part of that should be an extension of the right to vote when there are pending asylum seeker cases.

The cabinet secretary seems sympathetic to that argument, but he opposes the amendments on the basis of practicality. The issue seems to be the collection of data and the updating of the appropriate register and information technology systems. It should not be beyond us, in 2020, to have appropriate technology in place to keep the register up to date.

I note what Mark Ruskell said about reflecting on the stage 2 concerns, and I am convinced by his arguments. Scottish Labour will support the amendments.

**Michael Russell:** I have been strongly in favour of the bill and of what it seeks to do from the beginning, and I remain strongly in favour of it. It is a significant—in fact, a massive—step forward in changing the franchise.

Equally, as a minister, I cannot tell Parliament that it can wish away the problems that exist within the system, particularly when some of what is in the bill creates issues that would take returning officers time and effort to resolve. The advice is that adding further provisions to the bill would create additional difficulties that would be very difficult to resolve.

When we come to look at issues of candidacy, in relation to a later section, we will discover that some issues are out of this Parliament's scope. Do I like that? Of course not. I do not want anything to be out of this Parliament's scope. However, the reality is that I cannot recommend supporting things that are going to create difficulties and affect the register.

I return to the view of the Standards, Procedures and Public Appointments Committee. Its initial report says that the Government must consider how to make the electoral register

“as complete and accurate as possible.”

We will not do that if we agree to Mr Ruskell's amendments.

I am not against asylum seekers. I know that nobody has said that the Government is against asylum seekers, but the implication that, because we cannot support the amendments, we do not support asylum seekers is utterly untrue.

**Mark Ruskell:** I am trying to drill down into what the concern is. Effort was made to resolve the matter between stages 2 and 3. I am trying to understand why there is a difference between asylum seekers, who may leave a property, and somebody who is in a private rented property, who may move from time to time, or students, who may be in a property for a short period before moving on. Each of those groups affects the integrity of the electoral register, yet we are not saying that we should take away the vote from students or people in private rented accommodation because they might move every six months.

**Michael Russell:** Their eligibility does not change, but the eligibility of an asylum seeker may well change, and there will be a process that they have to go through. I do not like that. I would like to redraw the entire migration and asylum system. This Parliament should have the right to do that. However, under the present system, eligibility changes; therefore, there is an enormous difference between those groups of people.

Mr Ruskell also mentioned documentary proof. If we were to agree to his amendments, we would be asking returning officers to seek additional documentary proof from a range of individuals whom they must, first of all, identify. At this stage, that is simply not practical. Would it be practical in the future? Mr Kelly is absolutely right—no problem is insuperable. However, we are making major changes. The returning officers are already saying that they have major work to do, that they cannot do any more and that there are special difficulties in relation to this matter. I do not consider it to be a responsible position to ignore that.

Reluctantly, I say—yet again—that I cannot accept Mr Ruskell's amendments. I wish that I could. If there had been more time to do it and if the returning officers had entered into additional discussion, maybe what he proposes could have been done. We have been through two stages of the bill, and we are now at the final stage. In the view of those who are most deeply involved, what is proposed cannot be done without affecting the integrity of the register; therefore, as the minister with responsibility for elections in this Parliament, I cannot recommend it to the chamber.

I ask members to support the amendments that I have lodged—I am glad that those have been welcomed—and ask them to take a responsible position in relation to the other issue. This is not something that we are happy about, but it is a fact.

*Amendment 1 agreed to.*

*Amendments 2 to 8 moved—[Michael Russell]—and agreed to.*

*Amendment 21 moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** This is the first division of the afternoon, so I will summon members to the chamber. I suspend Parliament for five minutes while I do so.

14:43

*Meeting suspended.*

14:48

*On resuming—*

**The Presiding Officer:** We move to the division on amendment 21.

#### **For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)  
 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)

Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 32, Against 87, Abstentions 0.

*Amendment 21 disagreed to.*

*Amendment 9 moved—[Michael Russell]—and agreed to.*

*Amendment 22 moved—[Mark Ruskell].*

**The Presiding Officer:** The question is, that amendment 22 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a 30-second division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)  
 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)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 32, Against 87, Abstentions 0.

*Amendment 22 disagreed to.*

*Amendment 23 moved—[Mark Ruskell].*

**The Presiding Officer:** The question is, that amendment 23 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)  
 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)

Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)



Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 32, Against 87, Abstentions 0.

*Amendment 23 disagreed to.*

### **Section 2—Scottish parliamentary elections: nomination, election and holding office**

**The Presiding Officer:** Group 2 is on eligibility for nomination, election and holding office in the Scottish parliamentary elections. Amendment 10, in the name of Michael Russell, is grouped with amendments 11 to 14, 24, 25, 15, 15A, 15B, 15C, 26, 16 to 19, 27, 28, 20, 20A, 20B, 20C and 29.

**Michael Russell:** There is a connection between group 1 and group 2 in terms of eligibility, nomination and holding office, which I will come to in just a moment. However, I need to point out that this is a complex group of amendments, containing a number of different propositions in relation to candidacy rights.

It might assist members if I explain that the bill as introduced sought to extend candidacy rights only to those foreign nationals with indefinite leave to remain in the United Kingdom. I appreciate that that position might have appeared somewhat harsh in respect of individuals who have lived here for many years on the basis of a succession of two or three-year leave periods, which have been regularly renewed.

As I said in the debate on the previous group, I would like to see full control over immigration to Scotland rest with this Parliament. However, the fact remains that it is presently—I hope not forever—a reserved matter and we cannot wish that fact away. Nor can we legislate as though it is not true. That is a really important point. I would like to, but we cannot.

Following discussions on candidacy at stage 2, I wrote to the Home Secretary to explore whether we could come to an agreement so that employment restrictions could be waived for those seeking to stand or be elected to serve as councillors or as members of the Scottish Parliament. The question has—I have to say, without any surprise—thus far gone unanswered.

As things stand, allowing persons to stand for election who have no guarantee of being allowed

to remain in the UK for the duration of their term of office, or even to polling day itself, presents an unacceptable degree of risk. However, I highlighted a number of areas at stage 2 where I considered that we could go further within the current immigration framework.

I explained in the debate on the previous group that the advent of Brexit required an adjustment to how the bill describes the voting rights of EU nationals. The same position applies in relation to their candidacy rights. As a result, amendments 10, 11, 16 and 17 seek to ensure that any EU national whose leave to remain in the UK has expired cannot stand for election in Scottish Parliament or local government elections. The committee highlighted the need to take action on that in its stage 1 report.

The amendments recognise that, following Brexit, some EU nationals living here will have leave restrictions that allow them to remain for only a certain period of time. It would not be logical for a person whose right to legally be in the country has expired to continue to have candidacy rights. As a result, the amendments seek to put EU nationals on the same basis as all others.

Amendments 12 to 15 and 18 to 20 seek to ensure that European Economic Area nationals with pre-settled status may stand in Scottish Parliament and local government elections and then hold office. The bill currently sets out candidacy rights for those with indefinite leave to remain, which will include EEA nationals with settled status, but not persons with time-limited leave. Persons are granted pre-settled status when they have not been able to evidence five years' residence in the UK at the point of application. In many cases—even the UK Government says this—the individual will progress to settled status in due course. The amendments seek to provide candidacy rights during that pre-settled stage, which is a logical extension of the policy of maintaining the rights of EU citizens following Brexit. Amendment 15 makes the principal change in respect of Scottish Parliament elections and amendment 20 is the principal amendment in relation to local government elections.

Mr Ruskell has made two separate sets of proposals in relation to candidacy rights for those foreign nationals who are not already covered by the bill. One set of proposals is set out in amendments 15A, 15B, 15C, 20A, 20B and 20C. They envisage allowing the Scottish ministers to grant candidacy rights by regulation for Scottish Parliament and local government elections for certain categories of foreign nationals who have limited leave to remain. The other proposal, as set out in amendments 24 to 29, seeks to allow the Scottish ministers to grant candidacy rights to all

foreign nationals with limited leave to remain but to set out exceptions by regulations. Logically, the two sets of proposals represent, in essence, an inclusive set and an exclusive set.

The law here is complex and I appreciate why Mr Ruskell has sought to present alternate options. However, the second proposal would be outwith the legislative competence of the Parliament. I return to what I said earlier. It would have a direct bearing on a reserved issue—the employment capacity of foreign nationals. I appreciate that the amendments seek to grant a power to exclude certain categories of persons in order to avoid encroaching on that reservation, but that is not how the law works. The power would come too late. The bill would already have trespassed into the reserved issues of employment capacity before we could exercise the power. I therefore have to invite Mr Ruskell not to move amendments 24 to 29, because they would move the bill out of scope and into a reserved area.

Mr Ruskell's other proposal, which is set out in amendments 15A, 15B, 15C, 20A, 20B and 20C, seeks instead to allow ministers to extend candidacy rights by regulations to certain additional categories of foreign nationals with limited leave. As I have said, I remain sympathetic to the intention behind the amendments and I have reflected on them, but I have come to the conclusion that I cannot see a realistic circumstance in which we could actually use the powers. That is because we could only allow those who were not subject to a work or study restriction to stand, and we are unable to readily describe all those persons. As Mr Ruskell knows, to identify in regulations every category of persons with leave restrictions would be no easy task. It would also be like painting the Forth bridge; it would never be done. The list would have to be continually updated as the Home Office adjusted immigration categories or changed the law. Indeed, the Home Office announced details of a new system this very week.

I accept that some categories of persons with limited leave and no employment restriction would be easier to identify than others, but acting for them alone would raise serious considerations of fairness and equity. Suppose we allowed refugees to stand as candidates. Somebody in a much less clearly defined group, such as the spouse of a person who is here for a specific job, might well be able to raise a challenge that they were being treated unfairly.

I again recognise that Mr Ruskell's intention is good, but his amendments are not practical propositions and one set of them would be exceedingly dangerous in relation to the competence of the bill. To adopt them would be to

risk confusion. I cannot see the powers that they bestow ever being used while the immigration system, which is an area of near constant flux, remains reserved to Westminster. I know that I would have Mr Ruskell's support were we to bring the immigration system home, and I want to do that, but we cannot legislate as if migration is already completely devolved, however much we would like that to be the case.

I therefore—reluctantly, but firmly—invite members not to support amendments 15A, 15B, 15C, 20A, 20B and 20C or the alternatives that have been proposed.

I move amendment 10.

**Mark Ruskell:** I thank the cabinet secretary for those points. Having reflected on his views on amendments 20A, 20B, 20C and 29, I will not move them. I will, however, focus on the group of amendments that starts with amendment 15A.

I welcome the other amendments in the group that were lodged by the cabinet secretary to extend candidacy rights to one group who have a limited leave to remain, namely EU citizens who have pre-settled status. I have engaged with many such citizens within my region, and at public meetings with Ben Macpherson and Bruce Crawford. Those citizens are a valued part of our community and absolutely need to have candidacy rights, so I welcome the extension of those rights to that group.

15:00

However, the amendments lodged by the Government do not extend to people from outside the EU, who are in Scotland on a similar basis, with equally limited leave to remain.

Why should an EU national be entitled to stand as a candidate from day 1 of their arrival in Scotland, when a refugee from Iran would have to live in Scotland for five years, and successfully apply for indefinite leave to remain, before they had the right to stand? What is the difference between those people? They would both be resident in our communities. Why is one more fit than the other to stand for public office? I recognise what the cabinet secretary says about the immigration system being in constant flux. If only it were controlled by this Parliament; he knows my views on that. However, that is not an excuse not to work to the very limit of the powers of devolution, to give those people, who are part of our communities, the utmost rights to participate in our democracy.

I recognise the limits. I recognise that extending candidacy rights to asylum seekers would be difficult, given the restrictions on their ability to take up paid employment. For others, however,

who are allowed to work, full participation in democracy, and a matching of the franchise with candidacy rights, should be the norm. I appreciate what the cabinet secretary says about the flux within the immigration system, and that it would require regulations, but surely we should take whatever action we can to enfranchise those people and to give them candidacy rights within our communities.

**Jamie Halcro Johnston:** Group 2 deals with candidacy and elections. The Government has lodged amendments 10 and 11, which will make provision for a European national whose leave to remain has expired, to lose the right to stand in elections to the Scottish Parliament. Similar arguments apply to amendments 1 to 9 in the previous group. I consider that the amendments do little more than recognise the position following the UK's departure from the EU; therefore they are reasonable and we will not oppose them.

By extension, we will not oppose amendments 16 and 17, which address the same issue in relation to local government elections.

Amendments 12 to 15 and 18 to 20 recognise that EU nationals with pre-settled status would not lose the right to stand for and hold office within the Scottish Parliament and council elections. Those with pre-settled status will be resident EU nationals who have come to the UK and previously enjoyed the right to vote and to stand in elections to the Scottish Parliament and to local authorities. We do not seek to withdraw the existing rights that EU citizens resident here have enjoyed but, on this side of the chamber, we are also clear that voting rights for people with pre-settled and settled status should be replicated for British nationals who are resident in the rest of the EU.

**Liam McArthur:** I warmly welcome my friend and former Justice Committee colleague, Jenny Gilruth, to the Government front bench, and confirm that I will support the cabinet secretary's amendments in group 2.

For the reasons that the cabinet secretary has set out, and that I set out earlier when I voted in favour of asylum seekers having the vote, I have a great deal of sympathy for Mark Ruskell's amendments in group 2. However, there are complications and unresolved issues that make it difficult to support Mr Ruskell on this occasion.

Voters deserve clarity when people stand: clarity that the person whom they are voting for has the right to work and take up the position to which they are elected; clarity that they will be able to serve the five-year term, because the system should not invite by-elections; and clarity that the person whom they are voting for can be paid in the same way as everyone else. I am not comfortable entrenching existing inequalities by asking people

who already have disadvantaged backgrounds to somehow work for free. My colleague Christine Jardine MP has tried to change the law to give asylum seekers the right to work after three months, which would be a vast improvement and make a real difference, but that is still not the case.

There is also a significant danger that the Parliament would be acting outwith its competence. I expect that the Advocate General for Scotland would take a close look at Mark Ruskell's amendments were they to be incorporated in the bill. Many parts of the bill are very welcome and it is important that they are in place before the elections next year. I am reluctant to provoke another dispute like the one that we saw over the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, because it is not clear to me whether the changes that Mr Ruskell proposes would withstand a court challenge. On that basis, I cannot support Mr Ruskell's amendments in the group.

**James Kelly:** Scottish Labour will support Mr Russell's amendments in the group. We believe that they bring necessary legal clarity around candidacy rights. I note Mark Ruskell's comment about the amendments that he will not move. I listened carefully to the arguments from both Mark Ruskell and Mike Russell in relation to amendments 15A to 15C and 20A to 20C, and I am persuaded by the cabinet secretary's arguments, particularly on the issue of certainty for candidates. As Liam McArthur said, if voters are going to the polls, they have a right to expect that the person whom they elect will be able to fulfil that duty for the full term. In addition, the cabinet secretary makes valid points around legal competence.

**Mark Ruskell:** Will the member take an intervention?

**James Kelly:** I am just finishing. We do not want to get into a position where there are potential court challenges to this crucial piece of legislation.

**The Presiding Officer:** I invite the cabinet secretary to wind up on the group.

**Michael Russell:** Thank you. I will make three brief points.

First, Mr Ruskell asked me why I thought that an Iranian citizen was less fit to stand for election than a European citizen. I do not think that that is the case, but, as in the first section, there are two different categories of individual involved and we cannot exactly equate them in terms of this bill and what their candidacy rights would be.

Secondly, Mr Ruskell wants me to work up to the limits of the powers of the Parliament. I am

very happy to work beyond the limits of the powers of the Parliament, but the basic point arises that if one tries to pretend that something is not the case, one cannot will it to be the case by passing legislation that could be challenged. That is the third point, and Mr McArthur and Mr Kelly have made a really important point. If the bill has within it items that could be challenged by the Advocate General, we would face a serious delay in putting it into practice. We hope that it will receive royal assent and then move forward, but a legal challenge would jeopardise our ability to implement the bill in time for the 2021 elections. We do not wish to do that, because the work is being done to put it in place.

In those circumstances, although I understand the argument, it is best that we move forward in a way that ensures that the bill can become law, should the Parliament support it later today—it is a supermajority bill—and begin to be implemented. I am glad that members will support my amendments, but, again reluctantly, I urge them to reject Mark Ruskell's amendments.

*Amendment 10 agreed to.*

*Amendments 11 to 14 moved—[Michael Russell]—and agreed to.*

*Amendment 24 moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

#### 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)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Presiding Officer:** The result of the division is: For 27, Against 92, Abstentions 0.

*Amendment 24 disagreed to.*

*Amendment 25 moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

#### 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)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Presiding Officer:** The result of the division is: For 26, Against 92, Abstentions 0.

*Amendment 25 disagreed to.*

*Amendment 15 moved—[Michael Russell].*

*Amendment 15A moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

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)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)

Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (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)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Presiding Officer:** The result of the division is: For 6, Against 113, Abstentions 0.

*Amendment 15A disagreed to.*

*Amendments 15B and 15C not moved.*

*Amendment 15 agreed to.*

*Amendment 26 moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)

Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (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)  
 Wightman, Andy (Lothian) (Green)

#### 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)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 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)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)

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

**The Presiding Officer:** The result of the division is: For 54, Against 65, Abstentions 0.

*Amendment 26 disagreed to.*

### **Section 3—Local government elections: nomination, election and holding office**

*Amendments 16 to 19 moved—[Michael Russell]—and agreed to.*

*Amendment 27 moved—[Mark Ruskell].*

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

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)

Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

#### **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)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)



McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Presiding Officer:** The result of the division is: For 27, Against 92, Abstentions 0.

*Amendment 27 disagreed to.*

*Amendment 28 moved—[Mark Ruskell].*

15:15

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

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)

Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Wightman, Andy (Lothian) (Green)

**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)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)

McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)

**The Presiding Officer:** The result of the division is: For 27, Against 92, Abstentions 0.

*Amendment 28 disagreed to.*

*Amendment 20 moved—[Michael Russell].*

*Amendments 20A to 20C not moved.*

*Amendment 20 agreed to.*

*Amendment 29 not moved.*

#### **Section 4—Voting by convicted persons sentenced to terms of 12 months or less**

**The Presiding Officer:** Group 3 is on convicted persons who are detained in penal institutions and their eligibility to vote. Amendment 30, in the name of Jamie Halcro Johnston, is grouped with amendments 31 to 35, 37, 38 and 40. If amendment 30 is agreed to, I cannot call amendment 31.

**Jamie Halcro Johnston:** Amendments 30, 34, 35, 37, 38 and 40, all in my name, are largely straightforward and have been explored previously at stage 2. They would remove the existing provisions relating to prisoner voting from the bill and replace them with a proposal for minimum compliance with the European convention on human rights and rulings of the European Court of Human Rights.

I will not rehearse at length the arguments but to go beyond what our legal situation necessitates, as the bill does, is to fly in the face of public opinion and it contrasts with the Scottish

Government's previous objections to prisoner voting. A similar objective has been achieved without the need for legislation through guidance for prison governors in England and Wales. Amendment 30 would bind the Scottish Government to taking forward the same measures.

I have taken cognisance of the cabinet secretary's comment at stage 2 that my earlier amendment could be seen as tying the Scottish Parliament to possible future changes in England and Wales. Although it is my view that uniformity across the UK is a positive thing for the election franchise, amendment 30 would not tie the Parliament to any future changes made elsewhere.

Amendments 34, 35, 37, 38 and 39 are consequential on amendment 30. They remove the additional provisions regarding prisoner voting that amendment 30 would replace.

I will also comment briefly on amendment 31, in the name of Mark Ruskell. His proposal to extend the franchise to prisoners who are serving sentences of less than four years is a significant departure from the Scottish Government's view that voting rights should be extended only to those who have committed less serious offences. To apply voting rights to those who are sentenced to less than four years would catch a variety of serious offenders and move far beyond what even the Scottish Government is proposing.

In amendments 32 and 33, Liam McArthur has lodged amendments that would seek to review the sentence length that is mentioned in the bill. Although I recognise that his inclination is probably to increase the sentence limit, the amendments do not make that presumption. They also allow for a review of the types of offence that the prisoner voting provisions apply to, which is an issue that I spoke about at the earlier stages of the bill. It is welcome that he has removed the provision that was in his stage 2 amendments that would have allowed change to the sentence limit to be brought about by secondary legislation. That would be an inappropriate power to pass down to secondary legislation. With the above in mind, we are minded to support those amendments.

I move amendment 30.

**Mark Ruskell:** I am bringing back my amendment to extend prisoner voting to those who are serving sentences of four years or less because, at stage 2, a number of members voted against it on the basis that they did not think that there would be a majority in Parliament even though they supported it themselves. I would therefore like to put that to the test this afternoon by asking all members to come to a view.

It is worth remembering that the Equalities and Human Rights Committee of the Parliament recommended in 2018 that the Scottish Government

“legislate to remove the ban on prisoner voting in its entirety.”

There will be members here today who signed up to that recommendation and who still believe in it. I am asking them to follow through with a more progressive extension of the prisoner voting franchise, which is in line with judgments from the European Court of Human Rights. To some members in the chamber—our friends on the Conservative benches—it might sound like a horribly radical step, but it was of course the norm for most prisoners to have the vote before 1969, so perhaps it is more about a return to traditional values. The Greens are the party of tradition, after all.

**Adam Tomkins:** It is not horribly radical; it is just horrible. What consultation did Mark Ruskell undertake with victims of crime and their supporters and representatives before lodging amendment 31?

**Mark Ruskell:** Mr Tomkins should recognise that a number of organisations that also work with victims, such as Sacro, back this approach as part of rehabilitation. To be honest, I want to sleep safely in my bed at night as well, and I want to know that prisoners have been effectively rehabilitated before they are released back into our communities. That means reintroducing a social contract with prisoners, which is why we need to see prisoner voting as part of a suite of measures.

Removing the right to vote from prisoners does not protect the public and it certainly does not punish criminal activity. If anything, it hinders rehabilitation, because taking away voting rights only weakens the individual's stake in society and their respect for its laws. Organisations such as Sacro that work with offenders know what makes offenders tick and they know how to rehabilitate them. Those organisations believe that extending the prisoner voting franchise beyond one-year sentences is so important. If we are to continue to remove voting rights from prisoners at all, it has to be proportionate. That is the lesson from numerous legal cases that have challenged the validity of voting bans for prisoners who are serving more than one year.

If there is to be a cut-off, using the sentencing distinctions that are already in place is more proportionate. There is a clear distinction between short-term sentences of less than four years and longer sentences of more than four years. More than 85 per cent of homicides, rapes and attempted rapes result in sentences of more than

four years. That is where the Welsh Assembly has drawn the line, and that is where we should draw the line, too.

Amendments 32 and 33, in the name of Liam McArthur, would kick the question into the long grass but would offer a lifeline should the Government face a likely legal challenge and need to revise the franchise in the future. Therefore, we will support those amendments.

**Liam McArthur:** Today, Parliament will hopefully take the long overdue step of putting an end to the illegal disenfranchisement of all prisoners. It has been clear for some time that stopping all prisoners from voting is not legal, fair, progressive or proportionate.

Five years ago, my former colleague Alison McInnes sought to do what amendment 31 is now looking to do. Accordingly, Scottish Liberal Democrats will support amendment 31. Although it may prove unsuccessful, I think that it reflects a belief that, welcome though the changes that we are seeing with the bill are, we will almost certainly need to go further in the future to ensure compliance with our human rights obligations. To that end, I have lodged amendments 32 and 33, which largely mirror the amendments that I lodged at stage 2, while also addressing the concerns that Jamie Halcro Johnston rightly mentioned about provisions being introduced through secondary legislation.

Both of my amendments make provision for a review of the legislation as it relates to prisoner voting: one for a more general review and the other for a review that specifically looks at the decision to base the franchise on the length of sentence, as opposed to the nature of the offence. That is because there has been no clear direction from the European Court of Human Rights on what exactly would ensure compliance. We know that a blanket ban is definitely not okay, but rulings from the court have tended to make distinctions based on the individual case. In the current context, having a future review to reflect on where the line is has the support of the Howard League Scotland.

Amendment 33 makes clear that actual compliance might be realised only with an offence-based distinction, which both the Howard League Scotland and the Scottish Human Rights Commission consider to be right. That said, I recognise the concerns that the cabinet secretary raised today and at stage 2. I thank him for his engagement on my amendments since stage 2.

I welcome his support for the more general review that is proposed in amendment 32. I agree that the review would be more helpfully carried out when we have the evidence, not just from the next Scottish Parliament election but from the local

authority elections thereafter. On that basis, my manuscript amendment 32A seeks to move the deadline for the review to 2023, rather than 12 months after the next “national election in Scotland”.

In relation to the other amendments in that group, I am conscious that the Scottish Human Rights Commission has made clear that

“the ECHR defines the floor rather than the ceiling of human rights protection.”

On that basis, Jamie Halcro Johnston’s amendments belong in the basement. There is no credible reason to reduce the scope of prisoner voting in the way that Mr Halcro Johnston proposes. If Scotland is to aim high on human rights, we should not follow that agenda. Therefore, the Scottish Liberal Democrats will oppose his amendments.

**James Kelly:** The amendments in the group deal with one of the central issues in the bill, which is the extension of the franchise to prisoners. That comes on the back of the 2005 ruling by the European Court of Human Rights, so the issue has been around for a long time. Therefore, it is correct for the Parliament to take a proper view on it. It is unsustainable to continue to ignore that court ruling. Scottish Labour supports the position that is set out in the bill for the extension of the franchise to those who are serving 12 months or less. That is right and proportionate. From that point of view, we do not support Mark Ruskell’s position of extending the sentence limit to four years.

I believe that Jamie Halcro’s amendment—*[Interruption.]* The Tory amendment—*[Laughter.]* It is these double-barrelled names, you know? *[Laughter.]* Jamie Halcro Johnston’s amendment seeks to introduce minimal compliance with the ruling of the European Court of Human Rights, but it does not respect it. If we are to be a modern and progressive Parliament, we must interact properly with that court ruling.

**Liam Kerr:** I will speak briefly on that point. Does James Kelly accept that the Government is going further than it is required to do, under the Hirst case, and that it does not need to go there?

**James Kelly:** As I said, if we are to be a progressive and modern Parliament, we require to consider these issues as the evidence develops. I will develop that more in my stage 3 debate speech. The Government has done that, and Scottish Labour has looked at it, and the position that we have arrived at is correct.

There are issues and complexities around that. From that point of view, it is right to support amendments 32 and 33, in the name of Liam McArthur, which support a review once the

legislation is implemented and we have seen how it operates during the course of elections. That would allow proper reflection, and then any appropriate changes could be made.

**Gil Paterson (Clydebank and Milngavie) (SNP):** I will say a few words on eligibility to vote. I am concerned about the number of women in prison. Therefore, the one-year threshold fits with the way that I think, because I also think that some women are in prison who should not be in prison, because they have committed low-level crimes—crimes that they committed in order to feed their families. I am comfortable with the one-year threshold.

I am one of the switchers in relation to the four-year threshold. After taking soundings from various places, I have changed my mind, on the basis that four-year sentences would include people who have committed sexual offences—some of them serious. Therefore, in my view, that threshold is too high.

**Mark Ruskell:** My understanding is that even crimes that have a sentence of up to one year would include people who have been convicted of sexual crimes. Therefore, even at the one-year threshold, we will be enfranchising people who have committed sexual crimes.

15:30

**Gil Paterson:** I appreciate that point, and I am glad that Mr Ruskell made it. However, this is about the seriousness of the crimes; serious sexual offences can come under the four-year threshold, whereas crimes under the one-year threshold are very low-level types of crime. That is why I changed my mind.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I understand Gil Paterson’s point. Sexual offences carry with them a range of sentencing and after-care support. However, at no point in sentencing for any crime—sexual or otherwise—is reference made to the franchise. It is an entirely arbitrary proposition. One could be sentenced to three years in prison for a crime and miss no elections, and could then be sentenced to three years again, for the same crime, but miss nine elections—as could have happened between 2014 and 2017. Having the franchise is not linked to sentencing, so why should it be linked to the offence?

**Gil Paterson:** Evidence at committee was that it is very difficult to have a level playing field—judges would have to make different decisions based on individual cases. That would take us back to the place that Alex Cole-Hamilton talked about, whereby some could, but others could not, escape the consequences of the same crime.

I support the changes that the Government is making.

**Michael Russell:** As we have heard, the group of amendments encompasses two distinct proposals on how to achieve ECHR compliance in relation to prisoner voting. I will say a word about each in turn, before I turn to Mr McArthur's proposal.

At stage 2, Jamie Halcro Johnston suggested that instead of designing our own distinct proposal, we should apply the guidance that is in operation in England and Wales. Amendment 30 seeks to achieve the same aim, but this time by express provision that would allow only prisoners who are on temporary release on licence on polling day to vote. Although the amendment would not tie us to future changes to Ministry of Justice guidance, as his previous attempt would have done, there are still many concerns.

The UK Government's response to European Court of Human Rights case law on prisoner voting did not enfranchise any prisoners in custody; instead, it focused on clarifying how those who are on temporary release could exercise their existing voting rights. Parliament has to make its own assessment of what is the appropriate response, and to seek—as James Kelly rightly asserted—to strike the correct balance for Scotland. We have our own justice system, with different temporary-release rules, so we need to make our own assessment of what is needed for ECHR compliance, just as the Welsh Government—and every other member state of the Council of Europe—has done.

Many people have argued that the approach of the UK Government is inadequate. At the very least, we should consider the assessment of the Welsh Assembly's Equality, Local Government and Communities Committee, whose report last June stated:

"We cannot take lightly the concerns raised that the current approach by the UK Government of minimal compliance may not continue to be sufficient in the future."

**Adam Tomkins:** Does the cabinet secretary accept that the Council of Europe—whose flag is still flown outside this building—has accepted that the UK's "minimal compliance" is exactly that—compliance? The Committee of Ministers of the Council of Europe, having examined the United Kingdom Government's response to the question, has closed its examination of the execution of the Hirst judgment, which means that the United Kingdom complies with international human rights law.

**Michael Russell:** That is an interesting point. However, as a lawyer, Mr Tomkins knows better than I do that that compliance is not the same as surviving a challenge on the issue—and much

opinion says that the UK Government would not survive a challenge. Mr McArthur's point about the basement was good. If the UK Government was challenged and fell, we would be in the same position. Mr Kerr is wrong: it is far better to have a position that we believe is resistant to challenge than to be in the position of the UK Government, which looks vulnerable to challenge. That is important.

Last August, I demonstrated our belief that urgent action is essential, when I made a convention compliance order to allow limited prisoner voting in the Shetland Islands by-election. I have repeatedly welcomed the unanimous agreement of the Standards, Procedures and Public Appointments Committee in its stage 1 report that the blanket ban is unsustainable, because it is at odds with the European convention on human rights.

The 12-month threshold that is set out in the bill is the Government's considered response on the issue, which has been reached following consultation of and deliberation by not one, but two parliamentary committees. The proposal has a direct link to a key aspect of the Scottish justice system—the sentence threshold for courts that sit without a jury—and it was the option that had the greatest support in the consultation. I therefore invite members to vote against amendments 30, 34, 35, 37, 38 and 40.

Mr Ruskell's amendment 31 seeks to enfranchise all prisoners who serve sentences of four years or less. I understand the arguments, and members will be familiar with them from stage 2. As I have just said, the bill's proposal of a 12-month threshold has a solid grounding in the consultation and in our justice system, in terms of sentencing. It also ties in with our new presumption against sentences of less than a year.

In considering the thresholds, it might assist members to have some prison population data. On Tuesday this week, there were 811 prisoners who would have been enfranchised by the one-year threshold and 3,156 who would have been enfranchised by a four-year threshold, from a total population of 6,475 convicted prisoners in custody. I remain convinced—I was pleased to hear Mr Paterson confirm that he has changed his mind and now takes this view—that 12 months is the best choice, on the basis of the substantial nature of the changes, the consultation and the Scottish legal system. I therefore invite Mr Ruskell not to move amendment 31.

On Liam McArthur's amendments 32, 32A and 33, I accept the merits of the case that he has put forward for seeking a route for further consideration of the test for prisoner voting. The bill is making an historic change, so I agree with

him that a review would be valuable. I am grateful to Mr McArthur for accepting my suggestion that a review should be able to take into account experience not just at the coming Scottish Parliament election but at the 2022 local government elections. I will therefore be pleased to support amendment 32, as amended by amendment 32A, which will mean that the review report must be delivered by 4 May 2023. That will mean that both elections can be considered.

I welcome the fact that Mr McArthur intends to change amendment 32, which is focused on the threshold, rather than amendment 33, which raised the possibility of tying the test to specific types of offence. We considered that approach seriously, but as our consultation paper highlighted, two offences of the same type can attract substantially different sentences.

We will support amendment 32 and manuscript amendment 32A, and I invite members to do the same, but I cannot accept the other amendments in the group.

**Jamie Halcro Johnston:** On Mark Ruskell's point about rehabilitation, his amendment 31 would, of course, allow prisoners to vote on day 1 of their sentences, before any rehabilitation had taken place.

Although I am sorry that the Conservatives will be standing alone in the Scottish Parliament against prisoner voting, I believe that we do so on the side of the vast majority of members of the public outside Parliament.

**The Presiding Officer:** The question is, that amendment 30 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)

McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 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 28, Against 89, Abstentions 0.

*Amendment 30 disagreed to.*

*Amendment 31 moved—[Mark Ruskell].*

**The Presiding Officer:** The question is, that amendment 31 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Wightman, Andy (Lothian) (Green)  
 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)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)

Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (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)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 10, Against 106, Abstentions 0.

*Amendment 31 disagreed to.*

#### After section 4

*Amendment 32 moved—[Liam McArthur].*

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

*Amendment 32, as amended, agreed to.*

*Amendment 33 not moved.*

#### Section 5—Residence of convicted persons in prison etc: uninterrupted residence

*Amendment 34 moved—[Jamie Halcro Johnston].*

**The Presiding Officer:** The question is, that amendment 34 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)



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

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

*Amendment 34 disagreed to.*

### **Section 6—Residence of convicted persons in prison etc: notional residence**

*Amendment 35 moved—[Jamie Halcro Johnston].*

**The Presiding Officer:** The question is, that amendment 35 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### **For**

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

#### **Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

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

**The Presiding Officer:** The result of the division is: For 28, Against 89, Abstentions 0.

*Amendment 35 disagreed to.*

#### After section 6

**The Presiding Officer:** Group 4 is on election meetings on the prison estate. Amendment 36, in the name of Jamie Halcro Johnston, is the only amendment in the group.

**Jamie Halcro Johnston:** Amendment 36 expands on an amendment that was lodged at stage 2 and relates to electoral meetings on the prison estate. The amendment has two main functions. The first is to ensure that candidates are not unfairly disadvantaged by not attending an election event on the prison estate. There are many conceivable reasons why a candidate may have objections to seeking votes in prison—for instance, he or she may have been a victim of crime. To have them placed at a disadvantage because of that objection would be wrong. The amendment would allow candidates to campaign in prisons only with the consent of the other candidates that they were opposing in their ward or constituency.

At stage 2, the cabinet secretary equated my proposals with the provisions in the Representation of the People Act 2000 regarding hustings and the use of community facilities. Amendment 36 is, in fact, quite different and reflects the unique circumstances that the bill will bring about.

As has been outlined, the bill will generally require prisoners to register to vote at their previous residences rather than in the constituency where the prison is located. The amendment takes account of that and applies a right to be informed of election meetings to candidates in the constituency where the prison is sited. Its key component is the requirement of the approval of all candidates in a constituency or ward for an election meeting to take place in a prison that any one of them proposes to attend. That will effectively ensure that all candidates in a particular electoral race are satisfied before any sort of campaigning can take place in prison, ensuring that they are all on a level playing field.

15:45

The need to seek the agreement of all candidates on the regional list, which I recognise would be a burdensome threshold to reach, would apply only when a candidate was standing only on the regional list and not in a constituency. That would provide proper and fair protection for candidates who might not wish to campaign on the prison estate.

The second element of amendment 36 is the requirement that a risk assessment must be made of any such meeting on the prison estate. That would ensure that prison governors could take necessary steps to ensure the safety of all concerned, whether they were candidates, prison staff or prisoners. Elections can be emotionally heated, and it would be unsurprising if political or other election events became a focal point for crime and disorder in a prison setting.

Amendment 36 makes it clear that its provisions would extend only to candidates operating in furtherance of their candidacy in an election. It would not impact on elected members meeting constituents in prisons or erect any additional hurdles to supporting or communicating with people serving time in prison.

I move amendment 36.

**Liam McArthur:** Amendment 36 is a curious beast. It masquerades as being compassionate by drawing on the principles of the Representation of the People Act 2000, but, on closer inspection, it is nothing of the sort. There is no evidence in the Representation of the People Act 2000 of the right to veto political interactions with potential voters. There is precedent for regulation around the use

of publicly owned spaces for electioneering and there is room for risk assessment and proper guidance to ensure that meetings that are held within prison spaces are safe and fair. Governors already have obligations in relation to the safety and integrity of what happens within our prisons. If further guidance is required, the Scottish Prison Service and the Electoral Commission would be best placed to address that.

In essence, like the amendments in the previous group, amendment 36 is a wrecking amendment and will not have the support of the Scottish Liberal Democrats.

**James Kelly:** I oppose amendment 36—*[Interruption.]* I am glad that Adam Tomkins is cheering my opposition.

The logic of the bill, which will be considered in full later, is that we are extending the franchise to include voting by prisoners, who will be an addition to the electorate and should be respected as such. That group of voters not only should be able to vote in an election but should be able to participate in the democratic process, and election meetings are an essential part of the democratic process. Amendment 36 is, in effect, a veto that would allow one candidate, by pulling out, to block the important process of democratic engagement.

Amendment 36 would not add anything to the important aims of extending the franchise and improving the democratic process that we are discussing this afternoon.

**Michael Russell:** I have some sympathy with the points that Liam McArthur makes—the amendment is superficially attractive but there are huge issues beneath it. Mr Halcro Johnston lodged a similar amendment at stage 2, and I said at that stage that it sought to resolve an issue that is unlikely to arise but would risk creating uncertainty and a disproportionate burden on the Scottish Prison Service.

I appreciate where Jamie Halcro Johnston appears to be coming from. Hustings can be an intimidating process for any candidate, and I am sympathetic to the member's concern for candidates who have been the victims of crime. However, I do not believe that seeking to mirror existing law on electoral meetings in schools or community rooms is either the solution or appropriate.

I think that Mr Halcro Johnston has misunderstood the bill. It is reasonable to assume that those who attend a community centre hustings reside nearby and are considering the same set of candidates, but we cannot make that assumption with prisoners, as they will largely be registered at their home addresses rather than at the prison address. It is true that the Scottish Prison Service has said that it will attempt to

accommodate such meetings, but it should not attempt to administer them, particularly as the burden could be huge.

The amendment would compel prison governors to seek the consent of a range of different “relevant” candidates, depending on who requested the meeting. Under the amendment, if several different candidates made a request, the governor would be expected to check each constituency, ward or region in question, identify the relevant candidates and then set about obtaining the consent of every person before a meeting could be held. That would not be just four or eight candidates. Given that one prison could hold prisoners from anywhere in Scotland, it could involve governors writing dozens of notes of consent, which would be disproportionate. It is not appropriate for prison governors to be expected to identify and contact so many candidates in that way.

The proposed arrangements would not only cut across the agreement of prison authorities to engage but add a complex, unnecessary bureaucratic burden. I said at stage 2 that the amendment was unnecessary, and I remain firmly of that view. I do not support amendment 36.

**Jamie Halcro Johnston:** Liam McArthur suggested that the proposal is not a veto; James Kelly suggested that it is a veto. They cannot both be right. Maybe they are both wrong.

The issues that the cabinet secretary highlighted come from his Government's proposal to allow prisoner voting. It is a sensible amendment that would protect those people who—as has been highlighted—may not want to, but may feel obliged to, campaign in a prison should that option be put to them.

I press amendment 36.

**The Presiding Officer:** The question is, that amendment 36 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

### Against

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

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

**The Presiding Officer:** The result of the division is: For 28, Against 89, Abstentions 0.

*Amendment 36 disagreed to.*

### Section 7—Method of voting by convicted persons at local government elections

*Amendment 37 moved—[Jamie Halcro Johnston].*

**The Presiding Officer:** The question is, that amendment 37 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

### Against

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

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

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

*Amendment 37 disagreed to.*

### Section 7A—Consequential modifications

*Amendment 38 moved—[Jamie Halcro Johnston].*

**The Presiding Officer:** The question is, that amendment 38 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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)

### Against

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

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

**The Presiding Officer:** The result of the division is: For 27, Against 88, Abstentions 0.

*Amendment 38 disagreed to.*

### After section 7A

**The Presiding Officer:** Group 5 is on review of the act. Amendment 39, in the name of Jamie Halcro Johnston, is the only amendment in the group.

**Jamie Halcro Johnston:** Amendment 39 would require a review of the effect of the legislation to take place following the next election after its enactment.

The bill will make significant changes to the electoral franchise in regard to foreign national voters and prisoner voting. It will require new rules and working practices, and it will also make a substantial difference to how our democracy works in practice. It is therefore right that the changes be properly reviewed by the Scottish Government and that conclusions be brought before the Parliament.

The cabinet secretary has previously observed that the Electoral Commission will produce a report following each election to the Parliament. My amendment proposes a narrower and more in-depth review. It could, of course, draw on the findings of the Electoral Commission's report, and

it could—it should—be based on wide consultation with the Electoral Commission and other bodies.

The review would look at the effects of the bill and the changes that have been made. That would involve a full response from the Scottish Government on the bill's effects, which would complement, not detract from, the report of the independent Electoral Commission.

Given the gravity of the changes that we are debating, I consider this to be an important step in ensuring that proper scrutiny of the proposals can be given.

I move amendment 39.

**Michael Russell:** Once again, Mr Halcro Johnston is returning to an issue that he first raised at stage 2. I appreciate that he has revised his initial proposal, but I remain strongly of the view that amendment 39 is not only unnecessary but undesirable, given that it overlaps with the statutory role of the Electoral Commission. The role of the commission, as an independent body, is to review the conduct of the Scottish Parliament and local government elections. It is not the Government's role to do that.

Looking back to the commission's report on the 2016 Holyrood election, I see that there is detailed information on electoral integrity, public engagement, registration, turnout, candidates and electoral fraud. Those are the same issues that Mr Halcro Johnston is now seeking to require the Scottish Government to review.

Moreover, I am concerned that the proposal implies that the bill risks undermining the security of our elections. Election professionals, including the Electoral Commission and electoral registration officers, have been involved in the development and the implementation planning of the bill from its earliest stages. Our consultation received 268 responses before it closed, in March 2019, and those responses were analysed and considered throughout the policy development process. I can think of no particular reason why the enfranchisement of either foreign nationals or prisoners would have a detrimental impact on the security of Scottish elections, which is the issue that is being addressed.

In addition, through Mr McArthur's amendments 32A and 32, the Parliament has just agreed—if the bill is passed, this will be definitively agreed—on a review.

For all those reasons, I cannot support amendment 39.

**James Kelly:** I am convinced of the need to support amendment 39. I appreciate that there cannot be a review of every piece of legislation, but, as we have seen in this afternoon's debate, there are important complexities and material

changes to do with the franchise. I do not think that we should be afraid of such a review. We should implement the changes confidently, but we should also check whether they have been implemented effectively and make any changes that are required.

We will support amendment 39.

**Jamie Halcro Johnston:** I thank James Kelly for his support and his point about the material changes. As I said to the cabinet secretary at stage 2, I am not sure why we should not review the legislation, given the importance and depth of the changes that we are making.

I press amendment 39.

**The Presiding Officer:** The question is, that amendment 39 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Fee, Mary (West Scotland) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 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)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (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)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)

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

**The Presiding Officer:** The result of the division is: For 47, Against 70, Abstentions 0.

*Amendment 39 disagreed to.*

### Schedule—Modifications of enactments in consequence of Part 2

*Amendment 40 not moved.*

16:00

**The Presiding Officer:** That ends consideration of amendments. Members will be aware—they should be very familiar with this by now—that, at this stage, I am required under the standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether the bill will modify the electoral system and franchise for Scottish parliamentary elections. In my view, the provisions of the Scottish Elections (Franchise and Representation) Bill do relate to the protected subject matter of the persons who are entitled to vote as electors in an election for membership of the Parliament. Therefore, the bill requires—for the first time in the Scottish Parliament—a supermajority in order to be passed. That means that 86 members—two thirds of members—are required to vote for the bill for it to be passed at stage 3 at decision time.

I suspend business for five minutes, for a short comfort break.

16:01

*Meeting suspended.*



16:07

*On resuming—*

## **Scottish Elections (Franchise and Representation) Bill**

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is the stage 3 debate on motion S5M-20922, in the name of Michael Russell, on the Scottish Elections (Franchise and Representation) Bill. I inform members at the outset that we are short of time and it may be the case that decision time will be later than 5 o'clock.

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** I thank all the members who have engaged with the Scottish Elections (Franchise and Representation) Bill today and throughout its parliamentary progress. My thanks go to the Standards, Procedures and Public Appointments Committee for its scrutiny and to electoral professionals for sharing their expertise. Many others, such as the Scottish Prison Service and the Scottish Refugee Council, worked constructively with the Government to develop what is historic legislation. It has two significant aspects: one is the expansion of the franchise, which I will come to in a moment; the second is prisoner voting.

Fifteen years ago, the grand chamber of the European Court of Human Rights stated in its Hirst judgment:

“the right to vote is not a privilege. In the twenty-first century, the presumption in a democratic State must be in favour of inclusion”.

Member states of the Council of Europe are afforded a margin of appreciation about how they achieve compliance with the European convention on human rights, and each country has adopted its own position. The Governments in Wales and at Westminster have taken their own views, based on their own circumstances. I have highlighted that the very limited approach of the United Kingdom Government only allows those on temporary release on polling day to vote. Although I accept Mr Tomkins's point about the Council of Europe, the UK Government's position has not yet been tested in court. However, we are not here to speculate on the outcome of such a test; rather, our duty is to take action that is proportionate, justifiable and tailored to our system.

In 2018, the Equalities and Human Rights Committee recommended that all prisoners should have the right to vote. Last year, the Standards, Procedures and Public Appointments Committee did not reach a consensus, and we have discussed a variety of proposals as the bill has

progressed. The bill, if passed, will set the threshold for prisoner voting at those who are serving sentences of 12 months or less. Twelve months was the most popular response in our consultation and it has a firm basis in our justice system. It is the maximum sentence that can be imposed in a case that is heard without a jury.

I remind members that, as the Presiding Officer reminded us before the meeting was suspended briefly, this is the first time in Holyrood's history that a bill will need not just a majority but the support of two thirds of all members who have been elected to this Parliament in order to be passed.

If the bill is not passed tonight, we will still be obliged to ensure that all future parliamentary elections are ECHR compliant. A remedial order was required last year to bring the franchise for the Shetland by-election into line with the convention. That was not a move that I wished to take, but I felt compelled to take it. Without the bill, we would have no choice but to lay another order in respect of prisoner voting in Scottish Parliament elections. I do not want to take such an action unless it is absolutely unavoidable. I recognise that prisoner voting is an important, emotive issue, and it is one on which I want the settled will of the Parliament to be expressed. I hope that that will be reflected at decision time tonight.

Although the bill's provisions on prisoners are driven by the compelling need to meet human rights obligations, our proposals on foreign nationals are driven by the reality and, I believe, the aspiration of modern Scottish society. European Union and Commonwealth citizens already have the franchise, but we must also recognise the enormous contribution that is made to our country by people from all over the world. That is why we are extending the right to vote in devolved elections to all foreign nationals who are resident in Scotland and have leave to remain.

Some have argued in the chamber—and, no doubt, some will argue this evening—that voting should be rooted in strictly traditional ideas of citizenship. I believe that it must be based on active participation in society. The extension of voting rights is especially meaningful in the atmosphere of uncertainty surrounding the UK Government's plans for the immigration system.

**Adam Tomkins (Glasgow) (Con):** The point that the cabinet secretary has moved on to is very important. My question to him is this: if the link between the franchise and citizenship is to be broken—we can take different views about that, but it will be broken by the bill—what is citizenship for?

**Michael Russell:** That is a very interesting question, which Mr Tomkins raised at a previous

stage. I would be happy to have that debate but, given the circumstances that we are in and the atmosphere of uncertainty over Brexit and immigration reform, I am happier to essentially recognise that the need for change is there. However, that does not exclude the debate that Mr Tomkins wants to have, and I would be happy to have it. It is part of the debate about modernising our society. I would argue that it is perhaps best expressed by having a modern nation to have that modern debate, although I do not believe that we presently live in a modern nation, given where the UK is. I do not want to dismiss that debate; I am simply not going to enter it now, because I do not have the full answers yet. However, we have an answer in terms of what we are attempting to do to modernise Scottish society.

We tried to cut through that uncertainty with our proposals for a new Scottish visa. However, as members will know, in a modern society, Scotland may accept that, but the UK dismissed it with contempt. That only serves to underline the importance of using the powers that we have to send the message that Scotland is open, is welcoming and is home to all those who choose to settle here. I am pleased to have introduced a bill that sends that message to the refugee community. I regret that we have not been able to find a workable way of extending voting rights to asylum seekers at this time, but I hope that that will not lead to any accusations that we do not wish to try to do so, that we are in some way dismissive or contemptuous of asylum seekers or that we are timid. We are going much further than almost any other country has done, and that should be recognised and celebrated.

The issue of who may stand as a candidate is related to that. There is a logic to the idea that candidacy rights should reflect voting rights, but the bill's passage has illustrated that that is not so straightforward to achieve. We cannot, for example, pass legislation that affects the employment status or capacity of foreign nationals in the UK. If we did so, we would take ourselves outwith legislative competence. I would like to be permanently within legislative competence because this Parliament had all the powers, but we are where we are.

However, following stage 2, we have identified areas in which we could rightly go further, and we have brought them into the bill. For example, although EU nationals with settled status could stand as candidates under the bill as introduced, those with pre-settled status could not. However, those people are European Economic Area nationals and, as a result, we have been able to take the matter forward in a progressive way.

The bill reflects the reality of modern Scotland. However, no franchise is static. All franchises

continue to grow, expand and develop. No doubt, franchise reform will continue in the chamber at some stage, perhaps in the not-too-distant future. I hope that those reforms will continue to reflect what the bill reflects: a Scotland that is committed to the treaties that safeguard our human rights, which wants to give a democratic voice to some of the most marginalised in our communities, and which welcomes those who seek to join our society. To make that vision a reality, we require the support of 86 members. I hope that members will recognise it as something that they wish to be part of, as they vote for the first time in a supermajority division.

I move,

That the Parliament agrees that the Scottish Elections (Franchise and Representation) Bill be passed.

16:15

**Jamie Halcro Johnston (Highlands and Islands) (Con):** The bill has two major functions: reforming the franchise in relation to residence and nationality, and bringing about prisoner voting. Having engaged with the bill at all stages, I would like to again extend my thanks to the legislation team and to the Standards, Procedures and Public Appointments Committee clerking team for all their support as we have progressed.

There is, of course, a far longer history behind our consideration of prisoner voting. We will be conscious of the decisions of the European Court of Human Rights, which loom over the choices that we make. However, equally, there are members in the chamber who have a sincere and long-standing commitment to enfranchising criminals who are still serving their sentences. On that point, I straightforwardly disagree.

Looking back, we can consider the period in the run-up to the 2014 referendum, when Scottish National Party members lined up to condemn prisoner voting and to object to the decision of the European Court of Human Rights. In 2013, the current First Minister refused to countenance it, saying:

"if somebody commits a crime that lands them in prison, they break their contract with society and therefore lose some of the rights that the rest of us take for granted."—  
[*Official Report*, 14 May 2013; c 19707.]

Unbelievably, I agree with her. It is a position that many people beyond the chamber still hold. Indeed, it is a popular one, as the former justice secretary Kenny MacAskill, who is now a newly elected SNP MP, recognised. He believed, it seems, that allowing prisoners to vote was the right thing to do, but the arguments in the corridors of St Andrew's house seemed to be solely against it, focused as they were on newspaper headlines and the effect on the opinion polls ahead of the

referendum vote. Mr MacAskill called that position “shameful”, and we can see why.

As I have said, many members and parties have sincere and moral positions on prisoner voting—in some cases, those are absolute; in other cases, they are qualified. Some believe that it should be restricted to less serious offenders, or to those who are undergoing rehabilitation with a view to soon re-entering the community. For others, the material point is compliance with the decision of the European Court of Human Rights. The bill does a poor job of satisfying any of those points. It does not address rehabilitation, it does not merely implement the decision of the courts, and it does not successfully exclude people who may have received relatively short sentences but who committed significant and unpleasant crimes.

If we are to accept the argument of the European Court of Human Rights that a blanket ban is a disproportionate interference with human rights, we should perhaps reflect on the circumstances here in Scotland. To be sentenced to imprisonment, even for a relatively short period, generally means that a serious offence has been committed, or that a person has a lengthy history of more moderate offending that has reached a head. A proportionality test is already built in. If we must accept the ruling of the court—and the Scottish Government has been reticent on that point for many years—we should not gold-plate the requirements that the ECHR places on us.

The UK Government has accepted—unhappily—that some movement has to be made on prisoner voting. It has set out a position that I would be tempted to term “minimal compliance”, and the Council of Europe has accepted it. The Scottish Government has not accepted that position and has voted against it today.

There can be little hiding from the fact that the bill will bring prisoners into our elections. That will be a consequence of a decision made at Holyrood, not of compliance with a court in Strasbourg.

As I have said, many people simply disagree with the proposal that prisoners—people who have stepped beyond the rules set by our society—should have the right to vote for the people who set those rules while they are still being punished and have yet to be rehabilitated and reintegrated into our community. Rehabilitation is necessarily a process, but it is not complete by day 1 of a short sentence. Even if the bill is to be passed today, several things could have been done to make it safer. I pressed two amendments. One was a commonsense approach that would have ensured that any election events taking place on the prison estate as a result of the bill were safe and did not disadvantage candidates who might for a variety of reasons not wish to campaign in a prison

setting. It would also have ensured that proper risk assessments would be carried out, with prison governors given a role to protect candidates, prisoners and prison staff.

The second amendment called for a review of the bill’s effect after the next round of elections. We should be mindful of the significance of changing our electoral franchise materially and I believe that the bill should be given the proper post-legislative attention that it merits.

On the question of the franchise for foreign national voters, I accept that there are arguments on both sides. In some cases, residence may demonstrate an attachment to place. However, it seems to me that citizenship is not an irrelevant consideration. For people who come to Scotland and live here for a sufficient amount of time, gaining citizenship demonstrates not only a right to residence but an involvement with the civic life of the country.

Today will mark the end of a rather uncomfortable process through which convicted prisoners who are spending time in jail will be brought in as part of our democracy. Some people may pay little attention to it. The numbers involved—just over 900 prisoners, spread around Scotland—may not have a huge influence on the results of any given election. However, it was also a process through which the SNP Government has, in forcing through prisoner voting, U-turned on its previous position, jettisoned its principles and put itself firmly at odds with the views of the voters whom we in this place serve.

**The Deputy Presiding Officer:** Before I call James Kelly, I can advise members that decision time is likely to be moved to 5.15 pm. I will advise better nearer the time, but the division bell will ring accordingly.

16:21

**James Kelly (Glasgow) (Lab):** I welcome the opportunity to open the debate for Scottish Labour on this important piece of legislation. There are two central parts to the bill: the extension of the franchise to include foreign nationals who are now resident in Scotland, and prisoner voting, which has been the subject of much debate this afternoon.

On prisoner voting, it is important to reflect on what has happened in the Parliament over the past six or seven years. The issue was considered ahead of the 2014 referendum and at that time the Government opposed extending the franchise to include prisoner voting, with Scottish Labour’s support. I spoke in the debate, from the seat that Mr Halcro Johnston is now sitting in, and I opposed prisoner voting. I suppose that a fair

challenge to me and to the Government would be to ask what has happened to change our position.

I will submit two central reasons, the first of which is the European court judgment. Although it was around at the time of the previous debate, the bottom line was that various Governments, including the UK and Scottish Governments, danced around it and delayed any proper interaction with that judgment. That position cannot be sustained and we need to put in place a proper solution that extends the franchise to include at least some prisoners. It must be a serious and proportionate response, not the one that was put forward in the Tory amendment.

**Liam Kerr (North East Scotland) (Con):** Will the member take an intervention?

**James Kelly:** Let me make my point about the Tory amendment, which would have allowed only those prisoners who were out on licence to participate in the elections.

**Liam Kerr:** Why does Mr Kelly think that we cannot stop at that level?

**James Kelly:** I will develop that point; I am trying to be helpful. As I said, I opposed the proposal in 2013 and one reason why I have changed my position is that I believe that we have to interact seriously with the European court judgment.

I will explain my second reason. As someone who held the justice portfolio previously and has recently returned to it, I have observed many of the justice debates, and it strikes me that, even among Tory members, many calls have been made for support to be provided for rehabilitation. I believe that giving prisoners with sentences of 12 months or less a vote in Scottish elections will help the process of establishing them as more responsible citizens who will make a greater contribution to society when they leave prison. I think that that represents a reasonable contribution to the rehabilitation process, alongside all the other rehabilitation techniques that we speak about in the chamber. For those reasons, I and Scottish Labour believe that the position that is established in the bill that we will vote on at decision time is the correct one.

The extension of the franchise to foreign nationals who are resident in Scotland is logical. People who reside here contribute to our economy and our communities, and they often work in caring professions such as those in the health service. Therefore, it is only right that we extend to them the right to participate in elections, to take part in the democratic process and to have a choice when it comes to the representatives who are picked and the Government that is elected.

My final point is one that I will expand on when I sum up. Allied to all the things that I have mentioned, there needs to be a process of voter registration and voter education.

As Mr Russell rightly said, the Scottish Elections (Franchise and Representation) Bill is an important bill that needs to achieve a two-thirds majority at decision time, and I hope that at least 86 MSPs will support it.

16:26

**Mark Ruskell (Mid Scotland and Fife) (Green):** The bill delivers important protections for the rights of EU and Commonwealth citizens and an extension of rights to refugees and others who have residency in the UK. Of course, Green members warmly welcome that tangible extension of rights; it is also an important symbol of how we increasingly base the definition of citizenship in Scotland on residency.

The Government has rightly used powers that were granted to the Parliament under the Scotland Act 2016, but I remain disappointed that it has not pushed right up to the limits of devolution by extending franchise and candidacy rights further. There will still be barriers to the rights of people in our communities, which will act against integration. Some of those barriers will be the result of choices that the Parliament has made this afternoon. Rather than having anything to do with immigration status, those choices represent a clear flinch away from administrative complexity.

Throughout the progress of the bill, the cabinet secretary has said repeatedly that the best is the enemy of the good, but it was clear in the vote earlier this afternoon on the proposed extension of the franchise to asylum seekers that there would have been a supermajority in favour of that change if the Government had actively chosen to resolve in advance the policy complexities that were flagged up months ago. Surely it cannot be beyond the capabilities of Government to work with electoral registration officers to take a 55,000-person franchise extension and add a further 5,000 people who have similar residency status issues.

The cabinet secretary will be relieved to hear that I am ready to move on, but I hope that the Government is, too. The debate about asylum seeker voting rights has been important but, of course, democracy is not just about single electoral events at which representatives are selected; it is also about participation. Maybe community councils could be opened up to asylum seekers who are resident in communities but who are not on the electoral register; maybe citizens juries and assemblies could include asylum seekers. Perhaps the Government can find a way

to revisit the issue of the franchise sooner rather than later.

**Adam Tomkins:** Will the member take an intervention?

**Mark Ruskell:** If I have time—I am sorry; I do not think that I do.

On candidacy rights—

**The Deputy Presiding Officer:** Excuse me, Mr Ruskell. I do not remember answering. I can give you time to take the intervention.

**Adam Tomkins:** I have a very short question. How can somebody who is not a citizen play a meaningful role in something called a citizens assembly?

**Mark Ruskell:** Because they are resident. If our citizenship is based largely on residence, the fact is that those people will be in communities. They have views, access services and contribute to society. They have voices and we want to hear those voices, because they might actually make our society a better place for them and for the rest of us.

On candidacy rights, the concerns about those who have limited leave to remain not seeing out terms is a red herring. Many people are granted repeated periods of temporary leave to remain over many years. In many ways, their circumstances are similar to those who face financial or health insecurity but still stand for election. Diverse proportional electoral systems with lists and multimember constituencies can handle departures, whatever the cause.

On prisoner voting, the one-year cut-off point is open to challenge. If the Government was confident of its position in the bill, it would not have accepted Mr McArthur's amendment to keep the door ajar. Many will be watching this space and I am sure that some will consider jumping into it.

Finally, I want to address candidacy rights for young people between the ages of 16 and 18. I am in no doubt about the capabilities of young people in leading our world. We only have to see the contrast between Greta Thunberg and Donald Trump to see that maturity and childishness can take unexpected forms. However, I recognise that matching the franchise with candidacy rights for young people requires careful thought and consideration, especially when it comes to safeguarding issues. The thinking has started and I hope that the next Government can be bold and formally revisit the issue.

Indeed, the whole process of electoral reform and revitalisation of our democracy has barely begun. There is much work to do, and it will require vision, a bold Government and a

Parliament that is willing to challenge and push the boundaries further and further.

16:31

**Liam McArthur (Orkney Islands) (LD):** As the cabinet secretary acknowledged, inclusion has been a common theme during today's debate and earlier debates on the bill. I am grateful, therefore, to have an opportunity to contribute on behalf of the Scottish Liberal Democrats and I pay tribute to the Standards, Procedures and Public Appointments Committee for its efforts in leading the scrutiny of such important legislation.

We need only cast our minds back to the previous parliamentary session, when amendments on prisoner voting from my colleague Alison McInnes were twice voted down, to see how far we have come to reach this point. I acknowledge the candour that was shown by James Kelly in talking about his journey in that respect. The legislation bears witness to the fact that even the most hardened narratives can be shifted if people are willing to make arguments or cases that are not easy or popular. In a week when self-defeating immigration policies rooted in xenophobia have been proposed, that is an important point to remember and cling to.

The UK is a nation of immigrants and we should be proud that people want to come to our country and work in our national health service and our schools, and to be part of our society. Those who want to make Scotland their home should be helped in their efforts to make a contribution to their new community. If someone has been forced to flee their home to escape war and persecution, they should not be confronted with needless barriers to integration. We should be tearing down walls, not building them. Extending voting to those who are legally here will help in a small but important way to do that.

Diversity in the UK should be celebrated. Our political institutions draw strength from the extent to which they reflect the people they are there to represent. Scottish Liberal Democrats are internationalists. We believe passionately in the values of human rights, democracy and equality. I am hopeful that the bill will play an important part in progressing those values in this country.

It is quite clear that the current blanket ban on prisoner voting flouts international law. The truth is that no other developed European democracy does that. It is not fair or progressive and it is not in the interests of rehabilitation. We know that if we are to reduce reoffending, we need to make people more aware of their responsibilities as citizens, rather than alienating them further.

I am not entirely convinced that drawing a line at 12 months is sufficient to meet ECHR obligations,

but I am grateful to the Government for accepting my amendment for a review, to leave the door open to further change if necessary.

In any case, Scotland should not make a habit of settling for the bare minimum on human rights, as we did with the age of criminal responsibility last year, despite my party's best efforts. Human rights are not pick-and-mix principles; they apply to everyone.

Prisoner voting rights are unrestricted in many developed nations across the world, including Austria, Canada, Denmark, Norway, the Netherlands and Sweden, to name but a few. Despite some of the rhetoric that we have heard this afternoon from Conservative members, those democracies have not collapsed in on themselves. Instead of stubbornly trailing behind international best practice, Scotland should be pushing it. Although the bill will not put us at the forefront, I remain hopeful of more progress in the future, which will build on the welcome steps that we are taking today. On that basis, Scottish Liberal Democrats will support the bill at decision time.

**The Deputy Presiding Officer:** I advise members that we are still running behind time. Therefore, I invite the cabinet secretary to move a motion, under rule 8.14.3, that the debate be extended by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Michael Russell*]

*Motion agreed to.*

**The Deputy Presiding Officer:** We move to the open debate and speeches of up to four minutes.

16:36

**Bill Kidd (Glasgow Anniesland) (SNP):** Over the course of this parliamentary term, members of the Standards, Procedures and Public Appointments Committee, of which I am the convener, have delved into poignant questions that have been posed by the Scottish Elections (Franchise and Representation) Bill.

As the bill's name suggests, the questions revolved around core elements of democracy: the role of the social contract, obligations of the state, protection of voting rights and extension of the franchise. Those are all complex points of discussion and I take this opportunity to thank my fellow committee members and the clerking team for their dedicated and sincere engagement with those points over the past months. A good deal of work has gone into the creation of the bill and I am pleased with the outcome so far.

We have collectively pushed on to find the most appropriate, legally compliant and just way

forward. In saying that, it should be noted that not all committee members agreed on every element, but any disagreement was carried out in a dignified and civilised manner and I thank the committee members for that. I echo the cabinet secretary's hope that a two-thirds majority, at the very least, agrees to the bill.

The need to bridge a legal contradiction that has arisen between the Scotland Act 2016 and the blanket ban on all prisoners voting necessitated the creation of the bill. The blanket ban has only a short historical precedence; in fact, until the 1960s—relatively recently—many prisoners in the UK were enfranchised. Now, our current law is at odds with the conclusions of many legislators in other healthy democracies and is in conflict with the ECHR and the Scotland Act 2016.

Following Scottish Government consultation and committee engagement, the bill amends current legislation to extend the franchise to prisoners who are serving a sentence of less than a year. That conclusion has been reached on the basis that there should be a relationship between the seriousness of a crime and the ability to vote. What is notable about the cut-off point is that 12 months is the maximum sentence that can be imposed in a summary trial. A summary trial does not involve a jury and considers only crimes of a less serious nature.

As the committee members did not all agree on everything, the committee found a balance of a 12-month cut-off, which reflects the outcome of the Scottish Government consultation. The balance also provides the Scottish Parliament with a way forward that is compliant with our specific ECHR duties under the 2016 act. In addition, that way forward maintains the extremely important link between the right to vote and the fulfilment of the social contract. Aside from those elements, the bill brings about other changes that will make the extension of the franchise reflect Scottish society in the globalised 21st century. An elevating element of the bill is to allow qualifying foreign nationals to vote. Such a legislative change means that the evolution of migration and its impact on the make-up of Scottish society is recognised.

Importantly, the change also ensures that EU nationals who are living in Scotland with settled status will still be able to vote in post-Brexit elections. Moreover, the legislation empowers refugees with leave to remain by extending the franchise to them. Anyone who has the right to remain will have the right to vote in Scotland, which is an incredible step forward.

Voting for legislation that takes crucial steps towards empowering vulnerable or socially disenfranchised groups is a powerful moment for legislators. Today, we have the opportunity to vote for a bill that will make our voting landscape

brighter and more reflective of the inspiring and evolving society that defines Scotland. I hope that everyone will join me today in making that a reality.

16:40

**Liam Kerr (North East Scotland) (Con):** I shall not vote for the bill, as it proposes to give the vote to prisoners who are serving sentences in prison.

I address my comments, not so much to the likes of Alex Cole-Hamilton, who has been consistent that the vote should be given to prisoners simply because—and I paraphrase here—they should have their voices heard and influence how the country is run. I fundamentally disagree with that premise, because I cannot accept that those who commit crimes of such severity that, despite the presumption against short sentences, the desire to give community disposals and the increase in electronic monitoring, they still go to prison, should be granted the vote over the rights of the victims that they offended against. However, I accept that that position will not be swayed by recourse to the cold reality of legal argument.

Furthermore, I shall not expend time addressing those whose position crumbles in the face of facts, yet will not change their vote. I have in mind those such as Gil Paterson, who rehearsed today during the debate on amendments what he said at stage 1:

“in my opinion, those who have been convicted of more serious crimes, particularly those of a sexual nature, violent crimes and crimes that harm people, have forfeited their right to vote.”—[*Official Report*, 28 November 2019; c 93.]

That accords with the Government’s position that voting rights should be extended only to those convicted of less serious offences. That is spot on. In 2018, nearly 9,500 people received a custodial sentence of 12 months or less. Of those, more than 100 were convicted of attempted murder or serious assault, 98 were sexual offenders and 329 were convicted of handling offensive weapons. Mr Paterson is right—they should forfeit their right to vote. Nevertheless, he voted at stage 1 to give them the vote and, in doing so, he made it clear that logical argument would not change his position.

Presiding Officer, I address my comments to those who seek the sanctuary of the European convention on human rights and say, “Look, I don’t like it but we must go to 12 months to be compliant.” That argument is fundamentally flawed, because nowhere does the convention accord an individual right for prisoners—or anybody—to vote. That makes sense, because when someone is punished by imprisonment for committing a crime, certain of their rights are

curtailed, such as the rights to freedom and privacy, as well as the right to vote. For 23 years, until the Hirst case in 2005 discovered it, there was no such right.

Leaving aside the difficulties in that case, which Adam Tomkins highlighted at stage 1, there was no respect in that judgment for the margin of appreciation on which the convention system depends. That margin is part of our law. At an earlier stage, the Law Society of Scotland made it clear that

“the franchise of prisoners may be restricted, provided that the restriction is proportionate”

to achieving

“a legitimate aim”.

The cabinet secretary is an authority for that. He stated that

“Members who are familiar with the Hirst ruling know that the court allows member states a wide margin of appreciation”

and that

“there is no one-size-fits-all approach to ensuring compliance”.—[*Official Report*, 28 November 2019; c 64.]

He is correct. That is why the United Kingdom’s solution to the Hirst case—to give the right to vote to prisoners who are released on temporary licence or on remand—has been accepted as a solution by the Committee of Ministers, which is the enforcement agency of the Council of Europe.

The inescapable conclusion is that this Parliament is not mandated to enfranchise this category of prisoners and is going further than is necessary or desirable in order to meet the Hirst requirements. Therefore, those who claim to vote for the legislation because of an obligation to comply with the law are misguided. They are making not a legal but a purely political decision.

Let there be no doubt that any member who votes for the bill at decision time tonight is voting to prioritise giving prisoners the vote over the human rights to life, to freedom from torture and to freedom of family life for victims and their families. They are doing so, not because they are required to by any law or legal principle, but because that is where their priorities lie. Let them live with the consequences and their consciences.

16:44

**Alex Rowley (Mid Scotland and Fife) (Lab):** I am pleased to speak in the stage 3 debate on the Scottish Elections (Franchise and Representation) Bill. In the stage 1 debate, I commended the committee for its report on the bill. I reiterate that and I commend the work that the committee has done to take the bill through to stage 3. I welcome the direction that has been taken by the bill and I

believe that it will strengthen and improve the administration of devolved elections here in Scotland.

Increasing participation in elections by encouraging people to vote and stand for election should be a key priority for any well-functioning democracy and I am glad that the bill will help in that regard. I welcome Scotland taking measures that will give the right to vote to more people who live, work and make their homes here.

During the debate on amendments, Professor Tomkins raised concerns regarding the concept of citizenship. I draw his attention to a briefing for the debate that came through this morning, from the Scottish Refugee Council. It states:

“As it stands, the vast majority of refugees cannot vote in any election in the UK until they have acquired British citizenship. Refugees from former Commonwealth countries are the only exception, as they are considered ‘qualifying foreign nationals’ for the purpose of elections. We believe that the requirement to obtain citizenship in order to vote creates an unreasonably high barrier to political participation for refugees. Not only is the citizenship process expensive and complex”

—and it is—

“it can only be applied for after a minimum of six years residence in the UK. Many refugees living in Scotland do not have British citizenship and live here either with leave to remain as a refugee (five years leave) or indefinite leave to remain.”

I welcome the fact that the bill is set to change all that by enfranchising everyone who is lawfully resident in Scotland, regardless of nationality.

As I said, foreign nationals who make their homes in Scotland contribute greatly to our society. It is only right that those who are legally resident in Scotland and who contribute to our society in Scotland should have a say on the decisions that affect their daily lives.

I am pleased to support the bill and I hope that it sends a message that Scotland is a welcoming, inclusive country, where everyone is treated equally, no matter where they are from. I hope that the bill has a positive impact in showing those who are lawfully resident in Scotland that they have a voice and that this country is their home. I also hope that it helps with further integration in our communities, and that it helps to deliver the inclusive Scotland that I believe all of us in this chamber want to achieve.

16:47

**Gil Paterson (Clydebank and Milngavie) (SNP):** Our making use of the powers over elections and franchise provisions that were devolved to the Scottish Parliament by the Scotland Act 2016 is essential to the creation of a fairer and more inclusive Scotland. The proposals

in the Scottish Elections (Franchise and Representation) Bill will—in my opinion—enhance democracy in Scotland, and enhance Scotland’s standing among the world’s democratic nations.

The decision by Parliament to lower the voting age to 16 has already had a significant and positive impact on political activity, through bringing appreciation of and involvement in the political process to Scotland’s younger voters—which is in stark contrast to their experiences elsewhere in these islands.

There is no doubt that issues including climate change and Brexit will have much more severe long-term implications for the younger generations, so their strong voice should be heard. In Scotland, because of franchise changes that have already been made, that can happen through the ballot box.

It has always shocked me that the so-called universal franchise in the UK is so restrictive. For example, EU citizens who make their homes and raise their families here, and who contribute to the economic and social wellbeing of this country were denied the right to vote in a referendum that will remove the UK from the European Union. People who have a legal right to residency in Britain should also have the right to vote. I am pleased that the bill will at least provide foreign nationals with that right, and with the right to stand for election in Scottish Parliament and local government elections. It is telling that 92 per cent of organisations and 78 per cent of individuals who responded to the Scottish Government’s consultation support the reform. To me, that says that we are going in the correct direction, towards creating a better and more inclusive society.

Although my heart says that we should incorporate asylum seekers in the new provisions, I have to agree with the comments that the cabinet secretary, Michael Russell MSP, made on 10 October 2019, when he articulated the problem to the Standards, Procedures and Public Appointments Committee in an evidence session, and which he backed up today very well. In essence, he said that, under UK jurisdiction, it would be extremely difficult to grant the right to vote to people who have no right to be in the UK in the first place. However, if migration is devolved to the Scottish Government or if Scotland becomes an independent nation, I am sure that that will change for the better.

The proposal to give voting rights to prisoners who are serving sentences of 12 months or less is just about correct. I am particularly interested in such sentences. I believe that women who have, perhaps repeatedly, committed low-level crimes to help their families should not be incarcerated; I find it barbaric. However, the fact that such women will be entitled to vote goes a little way towards



dealing with how I feel about that issue. Such women are in poor circumstances that have often been brought about by society and by pressure that we put on them by, for instance, cutting financial support to which they should be entitled.

As well as achieving compliance with the European convention on human rights, the provisions fulfil our desire for rehabilitation of prisoners, particularly those who are on short sentences and who have committed less serious crimes, while excluding those who have been convicted of serious crimes and who are a danger to our progress towards being a better and safer society. The majority of people in Scotland want that to happen.

16:52

**James Kelly:** Much of the debate has focused on prisoner voting. It is perhaps a sign of the progress that Parliament has made that, in 2020, we have arrived at a position in which we are prepared to support prisoner voting, or a partial extension to prisoners of the right to vote. I explained in my opening speech the reasons why I opposed such a measure in 2013 and why I support it now. Many members who will vote tonight took part in that vote in 2013. That shows that we are a democratic institution in which members are prepared not just to accept their legal responsibilities, but to examine issues in order to arrive at a position.

Jamie Halcro Johnston outlined a situation involving Kenny MacAskill and a lot of nervousness behind closed doors. That is possibly accurate, but we are where we are now.

Liam Kerr said that he feels that many members are hiding behind the European court judgment and saying that we need to do something to comply with it. However, from looking at the debates that have taken place on the issue, not just in the chamber but in committees, and from speaking to members around Parliament, that is not my experience.

This is a difficult issue for MSPs of all parties; members will have debated it in their party groups. Ultimately, the consensus at which Parliament will arrive will not only be the right one, but will be one that MSPs are comfortable with. In that regard, it is helpful that a supermajority in favour of the bill is required, because this is a big change. It is a change from our previous position that will require the support of 86 MSPs at decision time for the bill to become law. That shows that the arrangements around such legislation are robust.

I accept the point that Mr Russell made earlier on balance. I am sure that he will correct me if I am wrong, but I think that he said that based on the current prison population, 695 prisoners out of

a population of just over 6,000 would be covered. I think that that is right and proportionate.

Liam McArthur's amendments that were agreed to will provide the ability to review arrangements after Scottish Parliament and local elections have taken place.

There have also been good contributions on non-Scottish citizens who are legally resident here being part of the franchise. Alex Rowley made a very good speech on that. It is right, if we are a modern country and if we are asking people to live and work here, and to contribute to our community and economy, that those people have the vote.

Scottish Labour will support the bill at decision time. It makes important changes and will send the powerful message from the Scottish Parliament that we are extending the franchise.

16:56

**Adam Tomkins (Glasgow) (Con):** The cabinet secretary, Mr Russell, described the bill earlier as a

"significant—in fact, a massive—step forward"

and later described it as "a historic change", which I think it is. It is a historic change that goes to the heart of something that Bill Kidd said in his opening remarks when he talked about the role of the social contract. That is what I will talk about in my closing remarks.

The Scottish Conservatives will oppose both parts of the bill, for the same fundamental reason: we do not think that the franchise should be extended to foreign nationals on the basis of residency and we do not think that the franchise should be extended to prisoners who are serving terms of imprisonment in Scotland. The reason why we think that ultimately boils down to the fact that we think that voting and the franchise are intimately associated with citizenship.

There is an alternative view, which has been eloquently put in the debate by Mark Ruskell and Liam McArthur in particular. They take the view that there is no relationship any more, in the modern world, between citizenship and voting; that the historic link between the franchise and citizenship—which they must surely acknowledge as a matter of history—has now been broken; and that the right to vote is just like any other human right, in that it is basic and universal and shared equally by us all.

However, that is not the view on voting that we in the Conservative Party take. It is also not the view on voting that is taken in the European convention on human rights. As Liam Kerr correctly said, there is no right to vote in the European convention on human rights, because

those who wrote the European convention on human rights understood that the right to vote—fundamental as it is to our social contract—is not a human right, because we do not share it universally. It is a right that is associated with citizenship.

The United Kingdom is not and never has been a country that insists that someone must be a British citizen before they can vote here. We extend the franchise to Irish citizens and citizens of Commonwealth countries who are lawfully resident in the United Kingdom, because they have citizenship that is intimately associated with the United Kingdom. The bill goes so much further than that in breaking the link altogether between citizenship and the franchise.

If that is what we want to do—fine. I completely respect the position of Mr Ruskell and that of Mr McArthur, which is that the historic link between citizenship and the franchise is no longer material and that we should treat voting as a universal human right. That is fine and is a perfectly respectable position. However, the passage of the bill poses an interesting and profound question that the Scottish Parliament will need to address in the near future: what do we think citizenship does and what value does it add to residency if it is not partly encapsulated by the right to participate in and vote in elections and referendums in this country?

I do not think that citizenship is all about voting—there is much more to citizenship than that. However, I do not want to break that link between citizenship and the franchise. That is the reason of principle—the philosophical reason—why we will oppose the bill tonight. I fully understand that that is not the only principled position that one can take on modern electoral law, but that is our position and has been throughout the passage of the bill.

I will say a few more things about prisoners' right to vote and the Hirst judgment, which Liam Kerr so expertly demolished in his remarks. I have already said that there is no right to vote in the European convention on human rights, so the Hirst judgment rests on a double legal error: first, it pretends that there is a right to vote under the ECHR and secondly, it says that the then UK legal position was a blanket ban on prisoner enfranchisement. Several members have used the expression "blanket ban" this afternoon and they are—as was the European Court of Human Rights—with respect, wrong to do so. There is no blanket ban and there has never been a blanket ban on prisoners voting in the United Kingdom: prisoners on remand can vote and prisoners who are incarcerated because they are in contempt of court can vote; they have never been disenfranchised. That is not a blanket ban. It is a

general prohibition on voting, to which there are specific exemptions.

The European Court of Human Rights should never have gone anywhere near the issue because there is no right under the convention and no pan-European consensus on the matter, and because it should have given the United Kingdom the margin of appreciation that we are due as a member state of the Council of Ministers.

**Mark Ruskell:** Will the member give way?

**Adam Tomkins:** I am in the last few seconds of my speech, so I do not have time.

The European Court of Human Rights should never have gone anywhere near the issue for all those reasons. However, the solution does not rest in enfranchising all prisoners in Scotland who are sentenced to terms of imprisonment of up to a year. Minimal compliance with that doubly rotten judgment, which is what the United Kingdom is avowedly doing, is still compliance.

Mr Russell says that it is all very well for the Committee of Ministers to sign it off, but it could still be challenged in court. My question for the cabinet secretary—if he is still with us—is this: can he tell us of a case where the Committee of Ministers has accepted the position of a member state but where that position has nonetheless been challenged successfully in court? There is no realistic prospect of the UK's position being successfully challenged in court, given the view of the Committee of Ministers. Those are the reasons of principle on which the Conservatives rest this evening.

17:03

**Michael Russell:** I will follow on from what we have just heard from Mr Tomkins in a positive sense, because members hold genuinely different views, and there are different views on what the position is under ECHR. Since Hirst, the European Court of Human Rights has reiterated that the right to fair and free elections includes the right to vote. There is a margin of appreciation, but that is not unlimited. A blanket ban is outside that margin and that is where we are today.

There is a difference of opinion and there will always be a difference in opinion. We should respect each other in those circumstances. The only departure from that today came, regrettably, from Liam Kerr, who started out accepting the different views and then in his last few minutes went into the Tory law and order rant. I want to draw him back from that and towards a piece of evidence from Her Majesty's Inspectorate of Prisons for Scotland. The HMIPS is a body that is not partisan in the matter and in its submission to the Standards, Procedures and Public

Appointments Committee in September 2019, it said about people in prison:

“Their path into crime often starts with vulnerabilities not properly identified or responded to at the appropriate time or a lack of opportunities, sometimes linked to deprivation and other barriers that are not easily overcome. Exclusion from the electoral process may potentially only add to their sense of alienation and marginalisation in a way that may not help with efforts to encourage rehabilitation and reduce the risk of reoffending. That would not be in the best interests of society, even though that may not necessarily be fully recognised by the public.”

That is a very significant contribution to this debate.

We must recognise that our job is to take a proportional judgment between that position, which we respect, and the positions of others who are totally opposed to this, such as victims of crime. Not all victims of crime are opposed to it, but some are. We are trying to take that proportional position.

We are doing that in the context of franchise reform. No franchise is static; all electoral franchises are dynamic. There will be common ground. The Abbé Sieyès, the intellectual father of the French revolution, believed in direct, positive, participatory democracy. I am not trying to equate the Abbé Sieyès with Adam Tomkins, but he asked the question, “What is the nation?” Asking who is a citizen is an entirely legitimate thing to do.

The process of changing the franchise is not instantaneous. No franchise is ever fully formed; it continues to change and develop. What we decide here today will change in time and there will be different approaches. That is one reason why I backed Mr McArthur’s recommendation. It is right that we look at this again in future and ask whether there are changes that we still need. Those will not be considered in that review, but the equation between the right to vote and the right to stand is a legitimate issue that must be considered. We have not consulted on the right of 16 and 17-year-olds to stand, but that must be considered at some stage. Things keep evolving.

I do not say this unkindly, but one common theme in this debate has been the Conservative view that things should not change fast at all. The name “Conservative” gives that away. They think that things should not change. Radical voices will move us forward. That is why I respect Mr Ruskell’s ideas, but there is a job in the middle. That job is not to hold things back, but to make sure that they can be put in place in an efficient, effective and achievable way, because there is no point in doing things that are not achievable. That is what we have been trying to do.

Mark Ruskell urges me to get to the limits of devolution. I want to go well beyond the limits of devolution, but I want to do it in a way that is

sustainable and that allows us to say to the people of Scotland that we have done it, and that it is going to happen. We cannot do that and say to people that we have done something on a wing and a prayer and hope that it might work. We are responding to advice, as it is our job to do, and moving forward.

We must also recognise—which I am sure that Mr Ruskell will accept—that we cannot do everything under devolution. That is why I believe in independence. We must do things fully and completely. We cannot design an electoral system that takes in substantial issues of migration without saying that we need to change the system of migration. We must recognise that there are things that we should be able to do but cannot do. I want to be bold; I do not want to be timid or timorous and I am not, but boldness is not just about words. Boldness is about achieving. It is about actions that stick. It is moving things forward constructively so that they will stick. That is what we have been trying to do.

I will finish on another quotation. I started with one from the evidence to the Standards, Procedures and Public Appointments Committee. Alex Rowley quoted the evidence from the Scottish Refugee Council. We must keep in mind that this is a radical and progressive bill. Sometimes the forces of progress in this Parliament are divided by questions, including by the constitutional question. It is possible for the forces of progress to come together and to say that we have some common view of what Scotland should look like and that it is not only defined by the constitution. Can we put elements of that into place now, even with the limits of devolution?

This is one of those moments when we have the opportunity to look at the type of Scotland that we would all like to achieve—the things that are important in our vision of Scotland and to put them in place.

The Scottish Refugee Council talked about the bill in those terms in its evidence in the briefing note to which Mr Rowley referred. It said:

“This Bill is a truly exciting piece of legislation, set to address a longstanding democratic deficit whereby thousands of New Scots have been unable to participate formally in Scottish democracy ... By granting voting rights to all those who are lawfully resident in Scotland ... this legislation”

reflects Scotland’s reputation for being

“a welcoming, inclusive country, where everyone is treated equally no matter where they are from.”

Given that, for the first time ever under devolution, we are dealing with legislation that requires a supermajority, the passing of the bill requires 86 or more progressive voices. I have

never seen Mr Rumbles as one of those progressive voices—

**Mike Rumbles (North East Scotland) (LD):** Oh!

**Michael Russell:** —but sometimes I am wrong. I know that that is a surprise—I see that Mr McArthur and Mr Simpson look shocked by that idea. Yes, sometimes I am wrong, and if there are progressive voices to be heard, I look forward to hearing them, including from all the Liberal Democrats, as forces for progress.

We need 86 or more progressive voices in this chamber who will say, “That is the type of Scotland that we want to deliver. No matter our views on other matters, let us deliver it.”

To conclude, I go back to where I started. There are different views about how democracy changes and there are different views on the society in which we wish to live. Some contend, as the Conservatives do, that we already live in perfection. Some of us believe that we live in imperfection, and that we need to continue to change and develop the society in which we live. However, from time to time, all of us in this chamber get the chance to show what we believe, to show whether we believe in having a progressive society and to show our philosophical view of what society is. Mr Tomkins has laid out eloquently some of the elements of his own vision, but tonight we have a chance to move in a progressive way.

I ask all members in the chamber to consider very carefully before they cast their vote, given the requirement for two thirds of members to show their progressive instincts, the issues of prisoner voting and the wider franchise, and to ask themselves what that says about their views of Scotland. I ask that members vote with their conscience on the matter. I shall support the bill at decision time; I hope that they do, too.

## Terrorist Offenders (Restriction of Early Release) Bill

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of a legislative consent motion. I ask Humza Yousaf to move motion S5M-20921, on the Terrorist Offenders (Restriction of Early Release) Bill.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Terrorist Offenders (Restriction of Early Release) Bill, introduced in the House of Commons on 11 February 2020, relating to Scottish Ministers’ power to refer prisoners to the Parole Board, Scottish Ministers’ power to release prisoners when recommended to do so by the Parole Board and disapplication of certain powers held by Scottish Ministers in respect of the early release of prisoners, so far as these matters alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.—[*Humza Yousaf*]

17:12

**John Finnie (Highlands and Islands) (Green):** Earlier this week, the Justice Committee was invited to consider this legislative consent motion. If it is passed, the Scottish ministers’ executive competences will be altered. It will disapply their existing powers of early release of relevant prisoners and it will alter their executive competence by making transitional provision relating to the operation of supervised release orders.

Committees play a vital role in scrutinising legislation in this Parliament. The proposal was set out in the Justice Committee clerk’s note on three sides of A4. It said:

“The Bill is currently subject to an expedited timetable.”

I think it entirely fair to record that the Scottish Government indicated its reservations about the pace at which the proposal is being dealt with—there was just over a week between its announcement and its introduction. The UK Government has not consulted on the bill. There is no financial impact assessment, there is no equalities impact assessment, there is no human rights impact assessment and there is no community impact assessment.

Public safety is paramount. Although we should never be complacent, I think that there is satisfaction with the systems that exist in Scotland for dealing with such offenders. The cabinet secretary told us that there are five of them.

What problem is the UK Government seeking to address? Is it the sentencing policy in England and Wales? Is it prisoner rehabilitation in England and Wales? Is it the risk assessment associated with prisoner release in England and Wales? Is it the role of the Parole Board for England and

Wales? If it is, the UK Government should review and change those processes. If we legislate in haste, we repent at leisure.

I absolutely accept that policy matters to do with terrorism are reserved to the UK Government. Thus far at least, sentencing and penal policy have not been.

I believe that this legislative consent motion creates a dangerous precedent in both the speed of the proposed change and the overt intrusion into our legal system. We need to make evidenced decisions, and MSPs normally spend several months considering proposals, not 20-odd minutes. We did not hear from practitioners and did not hear anything on how the profile of prisoners in Scotland differs from that elsewhere. As I said, I certainly gained the impression that the Scottish Government was not actively promoting the LCM.

The Scottish Government asserts that the

“law will not be workable if relevant changes that affect executive competence of the Scottish Ministers are not made.”

Differences exist at the moment between the legal systems in the application of sentencing and release. Has there been a problem with that? If approved, the proposed change will mean different treatment within our legal system, and that may yet be a problem. We make laws because there is an evidence base, but no such evidence has been forthcoming in this case. The whole approach to the LCM devalues our Parliament and our legal system, and it should be voted down.

Members might be interested to know that Jonathan Hall QC, who was appointed in May 2019 by the Home Secretary as independent reviewer of terrorism legislation, has said that these proposals could backfire and are counterproductive, and that the House of Lords should consider striking them out. I would encourage members to heed Mr Hall’s wise counsel and oppose this legislative consent motion.

17:16

**The Cabinet Secretary for Justice (Humza Yousaf):** I can understand why John Finnie has decided to oppose this legislative consent motion. When I debated the LCM with Mr Finnie at the Justice Committee earlier this week, I made clear that I had deep reservations about the speed with which the UK Government bill is being rushed through Westminster. I also made clear that I had deep reservations about the UK Government’s policy intent of simply locking up terrorist offenders for longer without clear accompanying steps to effectively deradicalise them.

On that latter point, I was very clear that there is substantial evidence that suggests that one of the most challenging places in which to deradicalise individuals is a custodial environment. I am under no illusion that the UK Government might well be guilty with this legislation of simply kicking the can down the road. It is not just me who thinks that but also, for example, David Merritt, the father of Jack Merritt, who tragically lost his life in the London Bridge attack late last year. It is worth reflecting on what David Merritt said:

“Longer sentences by themselves just = kicking the can down the road, allowing prisoners to radicalise each other & build greater resentment. Key has to be deradicalisation, rehabilitation, supervision & diverting people from this path in the first place.”

Now, as John Finnie said, we also have the independent reviewer expressing concerns.

In that context, the Scottish Government was faced with a decision when the UK Government decided that its Terrorist Offenders (Restriction of Early Release) Bill would extend to Scotland. In order for the UK bill to work without error or confusion, some changes in the law on the functions of Scottish ministers are required and those changes trigger the need for an LCM. Without those changes being made, the law in the area of enforcement of terrorist sentencing would be unclear at best, possibly defective and inoperable at worst.

I will give the chamber a specific example that I also gave to the Justice Committee. Currently, a long-term prisoner can be considered for parole at the halfway point of their sentence and release will take place by a decision of the Scottish ministers if the independent Parole Board for Scotland recommends it. However, the bill requires a change to those Scottish ministerial functions as it requires consideration for parole from the two-thirds point of the sentence onwards. That is why the LCM is necessary, as the bill changes the executive competence of the Scottish ministers.

If the LCM is not agreed and the UK Government removes the relevant provisions from the bill, that will lead to confusion over when a long-term terrorist offender should be released from prison. Should they be released at the halfway point or the two-thirds point? There is the risk of errors arising in how that area of law operates. Whatever the rights and wrongs of the policy intent of the UK Government bill, I do not think that any member of the Scottish Parliament can think that such errors or confusion should be allowed to happen in the law.

It is also the case that the Scottish Government cannot legislate for terror offences, because they are, as John Finnie mentioned, a reserved matter. The UK Government’s policy intent of changing the point at which Parole Board discretionary

release can operate from the halfway point of the sentence to the two-thirds point requires, as I said, a change in the functions of the Scottish ministers. The change in function will permit the Scottish ministers to release relevant offenders when recommended to do so by the Parole Board. As I explained, for long-term prisoners serving terrorism sentences, that will be from the two-thirds point of the sentence rather than the halfway point, as at present. There are other similar changes in the functions of the Scottish ministers, which are specified in the legislative consent memorandum.

On balance, and after careful consideration, with the reservations about the policy intent that I have expressed, I am asking members to support the LCM in my name, as not to do so could bring with it error and confusion in the law of sentencing.

I am pleased that the Justice Committee report recommended that Parliament approve the LCM. Although I respect the position of John Finnie—as I always do on human rights issues—in opposing the LCM, I ask members to approve it at decision time for the reasons that I have given.

**The Presiding Officer:** The question on the motion will be taken at decision time.

## Business Motion

17:20

**The Presiding Officer (Ken Macintosh):** The next item is consideration of business motion S5M-20956, in the name of Graeme Dey, on behalf of the bureau, which sets out a revision to business on Thursday 27 February.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Thursday 27 February 2020—

delete

2.00 pm Parliamentary Bureau Motions

2.00 pm Ministerial Statement: COP 26 - Our Contribution to Global Climate Action

*followed by* Portfolio Questions:  
Health and Sport

and insert

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Health and Sport—[*Graeme Dey.*]

*Motion agreed to.*

## Decision Time

17:21

**The Presiding Officer (Ken Macintosh):** The first question is, that motion S5M-20922, in the name of Michael Russell, on the Scottish Elections (Franchise and Representation) Bill at stage 3, be agreed to. I remind members that, for the first time ever for a bill in the Scottish Parliament, this bill requires a supermajority to be passed. That means that 86 members are required to vote for the bill for it to be passed. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

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

Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (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)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East 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 92, Against 27, Abstentions 0. That means that a supermajority has been achieved.

*Motion agreed to,*

That the Parliament agrees that the Scottish Elections (Franchise and Representation) Bill be passed.

**The Presiding Officer:** The final question is, that legislative consent motion S5M-20921, in the name of Humza Yousaf, on the Terrorist Offenders (Restriction of Early Release) 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (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)  
 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)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (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)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 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)  
 Whittle, Brian (South Scotland) (Con)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Finnie, John (Highlands and Islands) (Green)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 McArthur, Liam (Orkney Islands) (LD)  
 Rennie, Willie (North East Fife) (LD)



Rumbles, Mike (North East Scotland) (LD)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Wightman, Andy (Lothian) (Green)  
Wishart, Beatrice (Shetland Islands) (LD)

**Abstentions**

Grahame, Christine (Midlothian South, Tweeddale and  
Lauderdale) (SNP)  
McDonald, Mark (Aberdeen Donside) (Ind)  
White, Sandra (Glasgow Kelvin) (SNP)

**The Presiding Officer:** The result of the  
division is: For 105, Against 11, Abstentions 3.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions  
of the Terrorist Offenders (Restriction of Early Release) Bill,  
introduced in the House of Commons on 11 February 2020,  
relating to Scottish Ministers' power to refer prisoners to the  
Parole Board, Scottish Ministers' power to release  
prisoners when recommended to do so by the Parole Board  
and disapplication of certain powers held by Scottish  
Ministers' in respect of the early release of prisoners, so far  
as these matters alter the executive competence of  
Scottish Ministers, should be considered by the UK  
Parliament.

**The Presiding Officer:** That concludes decision  
time.

*Meeting closed at 17:23.*



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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