



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

**Tuesday 18 August 2020**

**Session 5**



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# Scottish Parliament

*Tuesday 18 August 2020*

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

## Time for Reflection

**The Presiding Officer (Ken Macintosh):** Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is the Rev David Graham, the minister of Abbey Church of Scotland in North Berwick and Dirleton parish church.

**The Rev Dr David J Graham (Abbey Church of Scotland, North Berwick; Dirleton Parish Church):** Presiding Officer, members of the Scottish Parliament, thank you for the opportunity to address you today.

One of the things that has suffered from the recent lockdown is outdoor activities. Access to the countryside has eased a little recently, but for many weeks it was not possible, and that was during the time of year when many people would normally enjoy the great outdoors, during spring, Easter and summer.

My days of climbing Munros and serious hillwalking are probably past now, although I still enjoy rambles if they are not too challenging. We know that social media can be a good servant or a hard master, but I love some of the groups that are devoted to hillwalking. Their photos of the Scottish hills in particular can be breathtaking. We live in a beautiful country, yet the recent lockdown has also highlighted the problems of litter, fly-tipping and general antisocial behaviour. Places that should be enjoyed for their natural beauty can easily be trashed by a few inconsiderate people.

I grew up in the Borders and I have always loved the hills and countryside. My first subject at university was earth sciences, but my concern for the environment comes first from my faith. In common with all the major religions, Christians believe that a world created by God is to be looked after by us for the benefit of others and for future generations. We have a responsibility to care for and steward it.

Fifty years ago, some people in the Church in Scotland had a vision of engaging more with science and the environment, and the society, religion and technology—SRT—project was born. Today, it is still an active mover, shaker and voice in scientific, medical and environmental issues, ecumenical in outlook and drawing on the insights of other faiths and cutting-edge scientific expertise.

At the beginning of the Hebrew scriptures, which are venerated by Jews, Christians and Muslims alike, God creates the world and declares that it is “very good”. Human beings are then given the responsibility to look after it. That needs the commitment of every individual and community, but also the commitment of our elected leaders and lawmakers, so may God bless you and encourage you all as you work to make this possible for us all.

## Topical Question Time

14:03

### Care Homes (Covid-19 Hospital Patients)

#### 1. Donald Cameron (Highlands and Islands)

**(Con):** To ask the Scottish Government what its response is to reports that 37 hospital patients were transferred to care homes after testing positive for Covid-19. (S5T-02313)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Before I start, I take this opportunity to welcome Mr Cameron to his new responsibility.

Discharge decisions for individual patients are made by clinicians, based on each patient's needs. If somebody is discharged to a care home, that should be because that has been assessed as the best place to meet that person's needs.

As has happened in other parts of the United Kingdom, guidance on discharge and admission to care homes has evolved since the start of the pandemic as our understanding of the virus has developed. Current guidance sets out the steps that are to be taken to ensure that patients are screened clinically, so that people who are at risk are not transferred inappropriately.

Any individual who is being placed in a care home must be subject to an appropriate risk assessment and be isolated for 14 days. A testing regime is also in place to ensure that all care home staff are offered routine testing, and that people being admitted to a care home from either a hospital or the community are tested appropriately.

We have worked to make as much data available as is practical on a range of issues related to Covid-19, which is why I have today asked Public Health Scotland to work with boards to produce validated statistics and analysis on the number of patients who tested positive for Covid-19 and were subsequently admitted to a care home. That includes examining how many were assessed as being discharged when they were considered to be infectious, and the rationales that were in place for such a discharge, for example in the case of palliative care concerns.

**Donald Cameron:** I thank the cabinet secretary for her words of welcome at the start. However, I have to say that it has taken months for the Parliament and the Scottish public to learn about those 37 patients who were sent to care homes. The First Minister has a broadcast every day and she did not mention it. We heard about those appalling mistakes—mistakes that possibly cost lives—only because of a newspaper investigation,

which did not even include responses from every health board in Scotland.

How many Covid-infected patients did the Government send to care homes? More important, how many people were infected second-hand as a result of those colossal and potentially fatal mistakes?

**Jeane Freeman:** The Government did not send people to care homes. As the First Minister and I have repeated, those are clinical decisions. Our national clinical director and our chief medical officer have consistently been crystal clear that the decision about where an individual goes on discharge is a clinical decision, following a risk assessment and in conversation and co-operation with a care home, if that is the place to which the individual is being discharged. It is entirely wrong to say that the Government sent people to care homes. We did not.

It is for individual health boards to determine whether they can respond, given the limits and cost of freedom of information provisions. Clearly, some boards decided that they could not. The work that I have commissioned today from Public Health Scotland will look across all health boards and will cover the robust validated statistical output and analysis that I have described. It will provide additional information about whether individuals were considered to be infectious at the point when they were discharged and, if they were, what the rationale was for that discharge decision.

**Donald Cameron:** I am afraid that the cabinet secretary's answers are wholly unacceptable. Nearly 2,000 people have died in care homes in Scotland from coronavirus—every single one of them an unspeakable tragedy. The Scottish Conservatives wrote to the Lord Advocate weeks ago, but we have still not heard whether he will investigate. Why do 2,000 bereaved families not deserve answers? Does the cabinet secretary agree that a public inquiry into the scandal should start immediately?

**Jeane Freeman:** It is not for me to comment on the Lord Advocate's area of locus; I would simply say that, as I would have hoped that the member would know, the Crown Office has set up a unit to look at deaths in care homes. It will receive information and, where it considers it appropriate, it will investigate. The Crown Office will get on and do that job independently, as it should.

The First Minister has been clear, as indeed have I, that in due course there should be a public inquiry into all aspects of the handling of the pandemic, including, importantly, the issue of care homes. An inquiry would consider whether the guidance that was produced at various stages, based on the information and evidence that we

had at the time, was appropriate and was implemented, and whether that guidance was properly updated as new evidence emerged, based on growing understanding of the virus, which is of course new.

These questions have been answered. There can be no doubt that I and this Government take very seriously the situation in our care homes, but I hope that, equally, there is no doubt that we have, at all times, acted with the best of intention and based on the information that was available at the time.

**The Presiding Officer:** A large number of members want to ask questions on the issue.

**Neil Findlay (Lothian) (Lab):** Is no one accountable for this public health disaster, which I believe is due to neglect? The reality is that they could not get people out of hospital quickly enough. Many of those people had been in hospital for months and months, as long-term delayed discharge cases. The issue was not about the best clinical care but about clearing the decks of all those elderly people—our loved ones. I ask the cabinet secretary: who is responsible for that?

**Jeane Freeman:** I have to disagree completely with Mr Findlay. I would never be so offensive as to describe clinical decisions as “clearing the decks”. I would never undermine the professionalism, skill and compassion of every one of the clinicians who work in our health service and, indeed, those in our care homes who are also party to the decisions about whether someone is admitted from hospital. I really wish that Mr Findlay would not characterise individuals in that way.

I have made it clear that I am accountable for the decisions that I have taken as the health secretary. This Government is accountable for the decisions that it has taken throughout the pandemic, and, in the proper time, a public inquiry will look at all those decisions and judge whether we took the right decisions, based on the information that we had at the time, in the right way and updated them accordingly and whether the guidance and the decisions that we took were implemented appropriately. That is the right way to do it. It does not assist anyone to impugn the motivation of those who work in our health service and in care homes, all of whom are doing the best job that they can.

**Emma Harper (South Scotland) (SNP):** Is the Scottish Government aware of hospital patients in other parts of the UK being transferred to care homes after testing positive for Covid-19 from early on in the outbreak?

**Jeane Freeman:** The answer is yes. In the four-nation discussions that I have with my colleague health ministers from the other three nations of the

United Kingdom, we have discussed the issue and the guidance and its updating. Across the United Kingdom, we have wrestled with those challenges, as, indeed, have individuals and our counterparts in Europe and elsewhere. I will write today to my colleagues in Wales and Northern Ireland, and to Matt Hancock in the UK Government, setting out what I have asked Public Health Scotland to do and asking them to consider initiating a comparable exercise so that we can look across the UK’s four nations, learn from that and have comparable data across the country.

**Alison Johnstone (Lothian) (Green):** In its response to this issue, Scottish Care said that there has been “a breakdown in relationships” between hospitals and the care sector because the “eagerness of hospital discharge” has resulted in individuals being placed in care homes when it was clear that they needed nursing rather than residential care. How does the cabinet secretary respond to that statement? What will she do to repair, strengthen and support those relationships and to ensure that the relationship between the care and hospital sectors is an equal one?

**Jeane Freeman:** The first thing that I will do in response to what Ms Johnstone has said is ask Mr Macaskill from Scottish Care why, in the many meetings that he and I have, he has never raised that difficulty directly with me. I will then seek to understand what concerns him and what he and I together can do to resolve the matter. Looking forward, what we can do, should there have been a breakdown in the relationship between an individual hospital and a care home, is ensure that both understand their responsibilities. The care home has a responsibility to be confident that it can receive a resident into its care and meet that resident’s needs. If it does not believe that it can do that, it has a responsibility to be clear that it cannot, and alternative care must be found for the individual until it or another care home is ready.

Mr Macaskill is—helpfully and productively—a member of the recovery group that is working with me and a range of stakeholders on how we not only remobilise our health and social care services but ensure that the proper lessons are learned from the early days of the pandemic and that the proper planning is in place should we see an upsurge in cases as we enter autumn and winter.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I find it unbelievable that, all these months later, the Scottish Government still does not know the full extent of the tragedy. That is a devastating revelation. We now know that the Government was accelerating the movement of Covid-positive cases into care homes at the same time as the international community was screaming about asymptomatic transmission. We did not know how

the virus was moving around in hospitals and our care homes had no PPE.

When the cabinet secretary talks about lessons learned, does she recognise that the only way for the Parliament and the country to learn those lessons is through an independent public inquiry, which she must commission now?

**Jeane Freeman:** I believe that I have already answered the question about the need for a public inquiry. The First Minister has made it clear that there should be a public inquiry into every aspect of the handling of the pandemic and that, when the time is appropriate, she will commission such an inquiry. It will carry on and do the job that it is supposed to do.

I must correct Mr Cole-Hamilton in respect of PPE. In our care home sector, it is the responsibility of the private, independent and public sector providers to acquire PPE. When we knew, on 19 March, that their private supply lines were experiencing difficulty, the NHS and our national procurement service stepped in to ensure that there was a direct supply of the appropriate PPE, in volume and quantity, to care homes, and we have continued to do that where it is necessary. We will continue to do that for as long as it is required by the care home sector and other health and social care sectors.

**Monica Lennon (Central Scotland) (Lab):** I have listened carefully to the cabinet secretary, and I am disappointed that she has used the clinicians as a shield instead of taking responsibility for her Government's guidance.

Care staff, the majority of whom are working class, low-paid women, were ringing the alarm about safety in care homes from the very beginning of the pandemic. Before the pandemic hit, the Government was well aware that there was a crisis in social care, especially in many privately run care homes that had had really bad reports from the Care Inspectorate. Why was it deemed safe to discharge Covid-19 patients to care homes that were not able to keep them and other residents and staff safe?

Does the cabinet secretary now accept that any patient who is known to have Covid-19 should not be discharged to a care home setting with other vulnerable people? Does she regret not acting sooner on the concerns of care staff and their unions?

**Jeane Freeman:** I dispute completely the statement that I am using clinicians or anyone else as a shield. I have said more than once in Parliament—including today—that I am accountable for the decisions that I have taken. However, it is clear that the 13 March guidance—which was issued before the virus was in full community transmission—says very clearly that

patients discharged from hospitals should be screened clinically. It is not me who screens them; it is for clinicians to screen those patients and to have those conversations. That is a simple statement of fact. It may not suit the argument that Ms Lennon wants to promulgate, but it is a statement of fact. I am certain that patients would not want me or any other politician to be screening them. That is not our job, and it is not the job that we are qualified to do. I am not using clinicians, care home staff or anyone else as a shield.

I am clear about my accountability and about the facts of the matter, which include that, from 2012, care homes were expected to abide by the "National Infection Prevention and Control Manual", which includes basic infection prevention and control measures. We assumed that that was happening—the Care Inspectorate has a role in ensuring that that is the case. The guidance and PPE that we introduced were additional to that, to deal with the pandemic. As Ms Lennon now knows, residents are tested before entry into care homes, whether they are coming from the community or from hospital. That is a step to ensure that no one who is Covid-positive enters a care home unless there is a clinical reason—agreed between the hospital or the community and the care home—why that is the best place for that person to be. In those circumstances, as in others, they should be isolated for the appropriate length of time.

**Graham Simpson (Central Scotland) (Con):** The fact is that the cabinet secretary today has been hiding behind clinicians. She has repeatedly used the phrase "clinical judgment" and she is, in effect, saying that it was down to them. If people thought that it was okay to send patients who had tested positive into care homes, that was because of the guidance that was issued. Why will the cabinet secretary not take responsibility for that?

**Jeane Freeman:** Quite simply, because Mr Simpson is wrong. It is a very long time since I had clinical training, but I am not shielding behind clinicians or using clinicians. It is a statement of fact that clinical assessment—whether it is about delayed discharge, what happens to someone who pitches up at A and E, or treatment once someone is suspected of having cancer—is a clinical decision, and rightly so. I will defend that on and on, and I will support clinicians in taking those decisions. That is what they are qualified to do, and that is where their expertise and compassion lie. That does not mean that I am not accountable for the Government's decisions in these matters; it is a statement of fact, and I am very sorry that Graham Simpson does not like it.



### Schools (Covid-19 Positive Tests)

#### 2. **Beatrice Wishart (Shetland Islands) (LD):**

To ask the Scottish Government whether it will provide an update on the return of schools and the number of pupils and staff who have tested positive for Covid-19. (S5T-02318)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** As a direct result of the collaboration between all partners, and the commitment shown by the public in adhering to the measures in place to suppress coronavirus, I can confirm that the vast majority of our schools were able to reopen as planned last week for the new term. That was a significant milestone in our recovery from Covid and a recognition of the importance of having our children and young people back in school.

However, being back at school is not the same as going back to normal. School life will feel very different for pupils, parents and staff. Regrettably, there are now a number of community clusters of coronavirus cases among school-age children and young people. As far as we can determine, in all cases the transmission relates to out-of-school activities rather than to transmission within schools. As a result of the community transmission, and to protect others, affected pupils and staff have been asked to self-isolate.

Managing the situation is exactly why we have implemented a series of measures under our enhanced surveillance and testing programme for schools. The surveillance and testing is an essential component of our joint planning to ensure a safe welcome back for pupils and staff. The data will provide important information on levels of infection in our school communities.

I also confirm that the severe weather last Tuesday night meant that several schools were unable to open due to storm damage, but by Monday 17 August only one school, in Aberdeenshire, remain closed. I am glad to report that it reopened today

**Beatrice Wishart:** I have been contacted by parents wondering whether the right precautions are in place, and the Educational Institute of Scotland has today called on the Scottish Government to “do more” on school safety. Young people are used to wearing face coverings in shops and on public buses, so will the Scottish Government now mandate the wearing of face coverings on school transport?

**John Swinney:** The Government has worked closely with our local authority partners, professional associations and other stakeholders in formulating the guidance that has been issued to all schools in relation to the reopening after the summer break.

That guidance must be followed in all circumstances. Within the guidance, there are a number of measures to mitigate any risk that is experienced by young people and staff, and to create a safe environment for all. It is vital that the guidance be followed at local level.

I have made it clear to Parliament that the Government will continue to review the guidance that is in place, to ensure that it remains appropriate for the challenges that we face. The EIS has written to the Government with its suggestion about face coverings. We will take further clinical advice on that point, because the guidance is consistent with the clinical advice that we have received to date. Further discussions on that question will be held in the education recovery group, which is responsible for production of the guidance.

**Beatrice Wishart:** There is logic to wearing face masks on school transport. Pupils who get a Lothian Buses or First Group bus—or indeed a ferry, in Shetland—to and from school have to wear masks, and wearing a face covering on school transport would not be an impediment to children’s education in the way that doing so in a classroom would be.

The Scottish Government has been clear that this is about balances and trade-offs. Would not face coverings on school transport be a sensible precaution to help to minimise transmission and allow schooling to stay on track?

**John Swinney:** On Beatrice Wishart’s comment about keeping schooling “on track”, I reiterate—on the basis of the information that is available to us today—that although some pupils have tested positive for coronavirus, there is no evidence that any of that transmission has happened in schools. It has all been about community transmission. That provides me with the opportunity to reiterate the fundamental point, which is that suppression of community transmission is crucial to maintaining school opening arrangements.

Our clinical advisors have expressed to us the view that dedicated school transport should be considered as an extension of the school estate, in which the wearing of face coverings is not mandated. I appreciate that that is a significant question for a number of stakeholders, not least the EIS, and I assure Parliament that we will take further advice on it and discuss it with the education recovery group, to ensure that we can properly address any issues that are of concern for pupils, staff and parents, as part of the safe resumption of schooling in Scotland.

**Jamie Greene (West Scotland) (Con):** If an individual pupil tests positive, the response is that that pupil should go home and isolate, with test and protect measures kicking in.

However, the biggest fear for many parents is about what happens if a large number of teachers test positive and school transmission occurs. What pre-emptive work has been done to ensure that staffing levels in schools are adequate, so that whole schools or classes do not have to revert to blended learning and to reduced face-to-face contact? How many additional teachers have been recruited in the past few months? If the Deputy First Minister does not know the answer, why not?

**John Swinney:** The answer is held by local authorities, which are currently recruiting, because—as I have had to remind Mr Greene on several occasions—the Government does not recruit teachers.

The Government is putting in place the resources to enable recruitment of 1,400 additional teachers to the schools of Scotland. We will wait to hear from our local authority partners, who have democratic and statutory responsibility for employment and recruitment of teachers locally. We have put those resources in place to try to boost the school teaching population, in order to address exactly the issue that Mr Greene raised. I hope that that reassures him that appropriate action has been taken to address the issue.

**Iain Gray (East Lothian) (Lab):** I am sure that other members will, like me, have been contacted by the parents of children who live with conditions such as diabetes and who have returned to schools in which few, if any, pupils and teachers are wearing face coverings. Those parents just cannot understand why their sons and daughters are protected in supermarkets by everyone wearing face coverings, but not in classrooms.

I heard what the Deputy First Minister said about the clinical advice, but for the life of me I cannot explain the logic of that to parents. Will the Deputy First Minister have a go?

**John Swinney:** The logic of the advice, which is, of course, published, as Mr Gray asked us to do and which we have done, is that the risk of transmission among young people is judged to be very low, and that provided that staff maintain physical distancing from pupils within schools, the risk of transmission between them and staff is low. Of course, physical distancing also exists between staff within schools. Provided that those rules are being followed, the risk of transmission in schools is low. That is the foundation of the advice that we have had.

However, as I said to Beatrice Wishart, the Government is taking further advice from our clinical advisers. That advice will be reflected on by the education recovery group, in which all our stakeholders are participants, to make sure that

we can address the legitimate issues that Mr Gray raises.

There is, of course, the need for young people who have been shielding because they have diabetes, for example, to have their circumstances individually assessed by their schools, in order that they can be assured of their safety.

**Patrick Harvie (Glasgow) (Green):** I recognise that the phrase “school cluster” can be thrown around a bit too much and is ambiguous—it does not necessarily reflect whether infection of pupils has taken place in the school or in the community. However, the Government seems to be relying on the assumption that infections of pupils will reflect community transmission and will not drive community transmission in the future. It is too early to have picked that up already, given how recently schools have reopened, and none of us wants to be in the position, in a few weeks or months, of realising that that judgment was just a wee bit wrong.

I have also heard from teachers, who share the concern of parents and pupils, which Iain Gray asked about. They want greater emphasis on distancing and they want wearing of face coverings to be expected inside schools. Does not the cabinet secretary recognise that there is a case for erring on the side of caution?

**John Swinney:** Fundamentally, the Government has erred on the side of caution in all our actions in relation to Covid. Indeed, we have been criticised on many occasions by many Conservative members for erring too much on the side of caution, so I am not paying particular attention to what is being muttered behind my back on that side of the chamber today.

I hope that I have adequately set out to Parliament that we are considering the substantive point that Mr Harvie raises. There will be arguments about whether the measures are appropriate at present. We have sought clinical advice, and we will continue to seek clinical advice, to inform the judgments that we make.

However, based on the evidence that I have so far, none of the positive cases appears to have emanated from within schools. It is the other way around—they have emanated from the community and the virus has gone into the school with a pupil. We must concentrate our efforts on ensuring that we have a safe regime within schools, but we also have to ensure that we are doing all that we can to suppress community transmission, because suppressing community transmission will give the best prospect of our school hygiene measures being as effective as I hope they will be.

### Aberdeenshire Train Derailment

#### 3. Gillian Martin (Aberdeenshire East) (SNP):

To ask the Scottish Government how it is assisting in the aftermath of the train crash near Stonehaven. (S5T-02314)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** Our thoughts and condolences are with the family and friends of those who have lost their lives and those who were injured in the tragic rail incident near Stonehaven.

Scottish Government officials within Transport Scotland are liaising closely with investigating bodies and the rail industry. In addition, I have met with Network Rail and Abellio ScotRail, the Office of Rail and Road, the Rail Accident Investigation Branch, and the emergency services and agencies that dealt with this tragic event.

Transport Scotland has also supported Abellio ScotRail to ensure that connectivity to Aberdeen is maintained by replacement buses. Transport Scotland senior officials also participate in regular calls with industry partners to discuss the derailment situation and the recovery arrangements.

**Gillian Martin:** I put on record my condolences to the families of those who lost their lives and those who were injured and my thanks to the emergency services.

An assessment of the condition of the line and the surrounding area will be of the highest importance and passengers and railway staff will want to have full confidence that everything is being done to ensure the safety of the rail infrastructure and the embankments along the line. Can the cabinet secretary give more detail of what work is being carried out in that regard?

**Michael Matheson:** In addition to the on-going investigation by the Rail Accident Investigation Branch, Police Scotland, the British Transport Police and the Office of Rail and Road, Network Rail has been asked to provide an immediate assessment of similar risks across the wider Great Britain network, with an interim report expected by 1 September and a full report later this year. Additionally, from my discussions with the lead investigators of the incident at the RAIB and the ORR I understand that any factors identified during the course of their on-going investigation that they believe need to be brought to the attention of the rail authorities will be identified early and brought to the authorities' attention in order that immediate action can be taken.

**Gillian Martin:** The events of last week continue to be extremely traumatic for survivors and the families of those affected and will also have been difficult for the emergency services

personnel who attended the scene. In addition, a few of my constituents who work on the railway have got in touch with me to say how upsetting they found the approach to the reporting of the tragedy in *The Sun* newspaper, and the insensitive door-stepping of the victims' families very soon after they received the devastating news. What support are those affected being given to help them?

**Michael Matheson:** I am aware that insensitive approaches have been made to families and victims affected by last week's rail incident. Such approaches are completely and utterly unacceptable and the Scottish Government does not condone that behaviour in any shape or fashion. I hope that those involved in making such insensitive approaches take a long, hard look at themselves and recognise the sensitivity of the matter. I advise Gillian Martin that Abellio ScotRail has met the families of both Brett McCullough and Donald Dinnie and has offered support. In addition, I understand that the rail authorities' arrangements to offer support to passengers' families affected by the incident are well advanced.

**Liam Kerr (North East Scotland) (Con):** This tragic accident, which is nothing short of a disaster, has had a massive impact that extends well beyond the toll last Wednesday. How is the Scottish Government assisting third sector organisations to deal with the friends, families and colleagues across the north-east and beyond who have been affected by the incident?

**Michael Matheson:** As I mentioned in my response to Gillian Martin, the rail authorities are already taking forward work with appropriate agencies to provide support to those families who have been affected by this tragic incident. However, if the member has in mind a particular third sector body that has been involved in the matter and requires assistance, I am more than happy to give consideration to that. I can assure the member, though, that assistance is being provided where it is sought and that the rail authorities have put arrangements in place to ensure that.

**Lewis Macdonald (North East Scotland) (Lab):** The cabinet secretary will know that the men and women of the railway family across the network will be marking one week since this disaster with a one minute silence at 9.33 tomorrow. Those affected will be in all our thoughts at that time. Does the cabinet secretary agree in principle that the rail disaster near Stonehaven should lead to accelerated investment in improving the safe running of trains between Aberdeen and Dundee and must not result, however inadvertently, in any avoidable delay?

**Michael Matheson:** The member has raised an important issue, but it would be wrong for me to pre-empt the outcome of any of the investigations that are taking place across four different agencies.

The member will also appreciate that the operation, maintenance and renewal of the rail network is regulated by the Office of Rail and Road, which makes determinations every five years as part of its periodic review process of any operational, maintenance and renewal matters that need to be taken forward, including safety, within a control period. Clearly, depending on the outcome of the various investigations being taken forward, it would be for the ORR to look at whether determinations need to be made to Network Rail for further enhancement, maintenance or renewal works to be undertaken on the particular line. However, at this stage, it is too early to say what the exact causes of the incident were and what measures need to be put in place to prevent an event of this type from occurring again.

## United Kingdom Internal Market

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on S5M-22437, in the name of Michael Russell, on the internal market. I advise members who wish to contribute to the debate to press their request to speak buttons now.

14:39

**The Minister for Europe and International Development (Jenny Gilruth):** In 1997, the people of Scotland voted overwhelmingly—by 74 per cent to 26 per cent—to establish the Scottish Parliament. Many will have done so in order to stop a Conservative Party with no mandate in Scotland from imposing policies with little or no support. Throughout the 18-year period of Conservative rule in the 1980s and 1990s, the Tories tried to recast Scotland in their own right-wing image. Undoubtedly, that was a major driver for many people in the campaign for devolution. Parties with different views of Scotland's ultimate constitutional destination came together and focused on where we agreed, rather than disagreed. I hope that we will see a similar spirit in this debate, because the Tories have not lost their hunger to recast Scotland in that right-wing image.

The previous Tory tactic was to try to stop the Scottish Parliament from being re-established. Having failed, the Tories' current tactic is to try to bypass and constrain this Parliament and Scotland's democratic choices. That is what the United Kingdom Government's internal market proposals will do—they take power from this Parliament and hand it to Boris Johnson and Dominic Cummings in Westminster. The Tories have hijacked and distorted reasonable principles such as mutual recognition and non-discrimination to disguise that power grab. To add insult to injury, not only do their proposals flagrantly undermine devolution, but they use Brexit, which the people of Scotland voted overwhelmingly against, as a justification for doing so.

The Scottish Government will oppose those proposals at every opportunity and will work across the chamber and with the people and businesses of Scotland to build consensus in doing so.

**Dean Lockhart (Mid Scotland and Fife) (Con):** Jenny Gilruth says that the UK Government is undermining devolution and the powers of the Scottish Government, but under the Scottish National Party's UK Withdrawal from the European Union (Continuity) (Scotland) Bill, which was introduced by the cabinet secretary, this Parliament will become a passive rule taker and be required to adopt regulations without any real

scrutiny. Those new regulations will force businesses in Scotland to comply with the requirements of two conflicting regulatory systems. Does the member not recognise the fundamental contradictions in her arguments?

**Jenny Gilruth:** I have to say that that is completely untrue. In terms of handing back powers to Brussels, what the Tories are planning would be unlawful under EU law. Every single country needs to agree to standards under EU legislation. In this context, we are not being asked for permission or for our views—it is an overriding of this Parliament through a unilateral approach. I do not accept the point that the member makes at all.

I will move on. The UK Government attempts to justify its proposals on the grounds that, having taken Scotland out of the EU and the rules that govern its single market, new arrangements are needed to ensure that trade continues as it does now across the UK. However, UK ministers have not been able so far to provide an example—not a single one—of devolution threatening trade across the UK.

As the Scottish Government's initial analysis of the "UK Internal Market" white paper shows, the reality is that devolution is a driver, not an inhibitor, of prosperity. The white paper's repeated dogmatic insistence on the danger of barriers to trade sits oddly with UK Government's decision to remove Scotland and the UK from the EU, which is a prosperous and highly integrated trade and regulatory partnership of 450 million consumers. Of course, that is the real threat to trade and prosperity in Scotland and across the UK.

I want to set out very clearly why those proposals are such a threat to devolution, jobs, businesses, consumers and citizens in Scotland. On devolution, there is an explicit power grab. There is a blatant acknowledgement that the UK Government is going to reserve the devolved policy area of state aid. However, as reported in the *Financial Times*, that is clearly a source of tension in the UK Government. Indeed, an individual close to the discussions was quoted as saying:

"the current plan is an odd combination of reserving state aid (for control from London) but then agreeing to a free-for-all. They just want to be able to bung money at things and do not want UK internal market legislation cutting across that. It is very confused."

Elsewhere, the UK Government wants to introduce a system in which standards set by Westminster must be accepted in Scotland in devolved areas, utterly regardless of the wishes of the people of Scotland or the votes passed in this Parliament. The implications of that are clear and profoundly worrying.

Scotland's world-class food and drink industry employs more than 115,000 people across the country and is worth £15 billion a year to the Scottish economy. Its success is built on the quality and provenance guarantees that come with the Scottish brand. Indeed, just the other week, on a visit to the constituency of the Cabinet Secretary for the Constitution, Europe and External Affairs, the UK chancellor described Scotland as one of the UK Government's "powerhouse brands".

However, Rishi Sunak did not mention that brand Scotland will be under direct threat from a US trade deal that lowers standards on food safety and animal welfare. He did not mention that that threat exists because the UK Government refused to accept an amendment to its Agriculture Bill that would have protected farming from substandard food imports. He did not mention that, shamefully, all six Tory MPs from Scotland voted against that amendment. Under the UK's internal market proposals, if Westminster accepts those lower standards, Scotland will be forced to accept them as well. I look forward to Douglas Ross explaining that to the farmers of Moray, when he is not too busy running the line.

There will be the ever-present threat of court action being taken by companies with deep pockets. Paragraph 9 of the white paper says that the proposed legislation will

"guarantee the continued right of all UK companies to trade unhindered in every part of the UK."

Are private health companies or private water companies operating in England to have a guaranteed right to trade in Scotland? Members should remember that when the Tories say that Brexit will be good for business, those are exactly the types of businesses that they mean. It will be a race to the bottom with "nothing off the table", to quote Donald Trump.

Those are not just the Scottish Government's concerns. Despite the ludicrously short consultation period, which, as alluded to in the Green amendment, was just four weeks long and came in the middle of recess, months before the end of the transition period and in the middle of a global pandemic, organisations from key sectors around Scotland—business, industry, farming, teaching and the environment—have made it clear that the proposals are unacceptable.

NFU Scotland says:

"the proposals pose a significant threat to the development of Common Frameworks and to devolution. The Union stresses the need for agricultural support policies to diverge where necessary to reflect different needs and objectives in different parts of the UK".

[*Interruption.*] No, thank you.

The Scottish Council for Development and Industry warns that

“The imposition of a single approach across the UK in devolved policy areas could be to the detriment of Scottish businesses and consumers.”

Scottish Environment LINK is clear that the UK Government plans could

“force Scotland to follow the lowest common denominator, especially where countries negotiating bilateral trade deals with the UK demand lower standards, seriously undermining efforts to combat climate change and biodiversity decline”.

The General Teaching Council for Scotland—I refer members to my entry in the register of interests—said that it would

“not support the White Paper proposals for the Scottish teaching profession and believes that to do so would undermine the four UK nations’ devolved education functions.”

The white paper says that there will be exclusions from those measures, but paragraphs 50 and 144 make it clear that the exclusions could change, and paragraph 154 makes clear who will decide those changes: it will be Westminster and not this Parliament. The white paper says:

“the Government has made clear that the evolution and overall shape of the UK’s Internal Market will be overseen by the UK Parliament, and that key decisions will be put to the UK Parliament for approval”.

Everything is up for grabs.

The proposed new law is wholly unnecessary to protect trade. The Scottish Government has participated in good faith in the common frameworks project and, once implemented, the voluntary arrangements will be more than adequate to address any of the regulatory consequences of leaving the European single market.

Work is progressing well on the common frameworks, despite the difficulties caused by the UK Government’s changing Brexit policy. The Scottish Government has now agreed with the other devolved Governments a revised delivery plan for common frameworks. We remain fully committed to work to deliver those frameworks on the basis of mutual agreement between the devolved Governments around the United Kingdom. However, for the frameworks to operate as intended, we need far greater clarity and detail from the UK Government. With less than five months left of the transition period, we still do not know what the UK’s future relationship with the EU will look like.

I will now address the fundamental flaw in the UK Government’s proposals, which is the entirely inaccurate assertion that this is simply a matter of replicating the system of harmonised standards that the UK enjoyed as an EU member state.

That misconception comes partly from the assumption that there is a clearly defined and

commonly understood system of laws and institutions that defines the UK internal market in a way that is comparable with the European single market. The white paper ignores the profound differences between the way that power is exercised and decisions are made in the EU and the regime that is envisaged in the UK internal market proposals.

For example, the development of the European single market has been based on the principles of equality, co-operation, co-decision, subsidiarity and consent, and setting a baseline of minimum agreed standards with which all member states’ own rules must be compatible. The UK Government’s proposals are based on unilateral decision making and imposition, with no minimum standards or guarantees; they provide a vice-like grip for a Government with no electoral mandate in Scotland.

The European single market rules recognise and allow for policy objectives alongside pure market economic considerations; for example, the health benefits of minimum unit pricing. The European single market principles ensure that decisions are taken as close as possible to affected citizens, that member states abide by the rules agreed to by the EU, and that rights can be enforced by individuals and companies against their own governments if necessary. The institutions of the EU also ensure that regional variations are taken into account.

The UK Government is proposing the opposite of the European single market approach. The white paper includes no mechanism for negotiation or agreement between the four Governments of the UK. Instead, the mutual recognition mechanism would allow the UK Government to decide its standards for England, which would have to be accepted by the other nations of the UK. In practice, it would reserve the right, under the doctrine of parliamentary sovereignty, to undo any decisions taken by the devolved Governments that might be considered a constraint on the decision-making powers of the UK Parliament.

In reality, that means that the UK Government could impose decisions on the devolved Governments with no right of repeal or means of redress. The Conservatives are kidding themselves if they cannot see how that undermines the very foundations of devolution. Indeed, the distinguished legal commentator Professor Michael Dougan noted that

“the parliamentary sovereignty of Westminster ... means that, inherently, the legislative aspect of the internal market will never be independent and impartial in a way that would be recognised in the EU”.—[*Official Report, Finance and Constitution Committee*, 19 June 2019; c 11.]

The white paper makes it clear that the UK Government wants to impose uniform standards in policy areas such as building regulations, which were never part of European single market rules.

The Tories were anti-devolutionists in 1997. Much like they did then, the Tories have got things badly wrong on this issue, but it is not too late for them to change tack.

The proposals will be bad for business. It is not devolution that is causing business uncertainty, but the reckless decision of the UK Government not just to leave the EU, but to leave the transition period in less than five months' time in the middle of an economic crisis.

The proposals will be bad for consumers. They will open the door to lower food standards and provide an end to the precautionary principle that has served Scotland so well.

The proposals will be disastrous for devolution. This Parliament's wishes and the democratic choices of the people of Scotland will be undermined and overridden. The Scottish Government will not stand for it and neither should the Scottish Parliament.

I move,

That the Parliament calls on the UK Government to withdraw its proposals for a UK internal market regime, which are incompatible with devolution and the democratic accountability of the Scottish Parliament; notes that the proposals would be detrimental to businesses, consumers and citizens across Scotland, and agrees that they would fundamentally undermine legitimate devolved policy choices on a range of matters, including the environment, public health and social protections.

14:52

**Dean Lockhart (Mid Scotland and Fife) (Con):** In her opening remarks, the minister raised a number of constitutional questions surrounding the UK Government's proposals for the internal market. Before I deal with those questions, it is vital that we recognise the wider economic context in which we debate those proposals. We are in the middle of the most serious economic crisis in memory and people in Scotland rightly want the Parliament to focus on the issues that matter most to them.

Young people are entering the workforce, worried about whether they can find a job, small business owners face closure and thousands of workers are worried that their jobs might disappear at any moment. This debate should be about safeguarding the jobs, livelihoods and small businesses throughout Scotland that depend on trade with the rest of the UK for their survival. Trade with the UK internal market supports more than 60 per cent of all trade in Scotland. According to the Fraser of Allander institute, trade with the

UK internal market supports some 550,000 jobs across Scotland.

That economic context was emphasised by the Confederation of British Industry earlier this week, when it said that the UK internal market is key to increasing prosperity and raising living standards and opportunities for people across the UK. The Scottish Retail Consortium made it clear that Scottish consumers benefit enormously from unfettered access to the internal market, which helps to reduce shop prices and provides more choice.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I understand the logic of Mr Lockhart's argument in the current crisis that we are in. Does that logic not, therefore, mean that we should have accepted Europe's offer and allowed an extension of the process to negotiate Brexit and get ourselves through the current crisis? Is that not the logic of the argument that he is making?

**Dean Lockhart:** No, that is not the argument that I was making. Unlike Mr Rowley, I am confident that a comprehensive free trade agreement will be in place at the end of the transition period.

In her opening remarks, the minister claimed that the UK Government's proposals will undermine devolution and create significant uncertainty for business in Scotland. However, we will not take any lectures from the minister on those areas, because, as I said, it is the SNP's UK Withdrawal from the European Union (Continuity) (Scotland) Bill that will force this Parliament to become a passive rule taker and require it to adopt new EU regulations without scrutiny, which will force businesses in Scotland to comply with the requirements of two conflicting jurisdictions. The continuity bill would effectively take—

**Jenny Gilruth:** Will the member take an intervention?

**Dean Lockhart:** I will in a second—the minister should listen to this. The continuity bill would effectively take a wrecking ball to the UK internal market.

The minister also claimed that the UK Government is determined to undermine devolution and the powers of the Parliament. The reality of the past decade shows us precisely the opposite. Over the past decade, the UK Conservative Government has transferred unprecedented powers to this Parliament, including powers in the area of taxation, 11 different welfare powers—although they are not used by the SNP—and powers in areas of consumer protection. That is what real devolution looks like.

I turn to the constitutional questions that were raised in the minister's opening remarks. The internal market proposals cannot be viewed in isolation—they have to be seen in the context of the significant new powers that are coming to this Parliament. At the end of the transition period, the Scottish Parliament will enjoy a power surge, making it more powerful than ever. That power surge will be delivered by the transfer of powers through three avenues. The first is the direct transfer of more than 100 additional powers from the EU, which are coming straight to this Parliament for the first time. Those powers are in a number of different areas, including air quality, animal welfare, land use and energy efficiency. They currently sit with the EU, and the SNP wants to surrender them straight back to the EU.

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** Will the member take an intervention?

**Dean Lockhart:** I will in a second, but the cabinet secretary has to listen to this. The SNP wants to surrender those powers straight back to the EU in what would be the biggest power surrender this Parliament has ever seen.

**Michael Russell:** Has Dean Lockhart ever been present during a debate in the chamber on, say, animal welfare or food standards, which have involved setting powers in regulations? Did those not exist—were they a fantasy—or, as is more likely, is the repetition of Michael Gove's fantasy simply what Dean Lockhart has to do in his job?

**Dean Lockhart:** I am amazed that the cabinet secretary has to ask that question. He views powers as one dimensional. Some of those additional powers relate to areas in which the Scottish Parliament already has competence, but they are additional powers nonetheless. The cabinet secretary should know that.

If the SNP had its way, it would hand back powers in Scotland's fishing sector, thereby reversing the chance for us to become an independent coastal state, and it would hand back powers over Scottish agriculture. That is the ultimate hypocrisy of the SNP's approach to the proposals—at a time when the UK Government wants to make this Parliament the most powerful that it has ever been, the SNP instead wants to surrender those powers back to Brussels.

The second avenue by which additional powers will come to the Scottish Parliament will be the common frameworks, which are to be agreed between the UK Government and devolved Administrations. All Administrations, quite rightly, agree that powers under the common frameworks will form a cornerstone of the UK internal market and deliver a balance between ensuring the proper functioning of the internal market and

recognising competent policy divergence at devolved levels. The common frameworks will also deliver significant new powers to this Parliament in vital areas such as fishing, agriculture and public procurement.

Paragraph 16 of the Scottish Government response to the white paper anticipates that six common frameworks applicable to Scotland

“will be fully ... implemented by the end of”

this year,

“with provisional frameworks being established in 25 remaining policy areas”.

We hope that that is the case, and we will work with the Scottish Government to achieve those outcomes. Earlier today, I spoke to the NFUS, and the minister is right to say that its absolute priority is for the common frameworks on agriculture to be agreed to secure common standards and regulatory divergence in that sector. However, that will be possible only if the Scottish Government takes a new constructive approach. The cabinet secretary's decision to walk away from the common framework discussions 18 months ago represented a massive lost opportunity to progress those frameworks. I encourage—

**Michael Russell:** On a point of order, Presiding Officer.

**Dean Lockhart:** I will give way. I encourage the cabinet secretary to accept the offer from—

**The Presiding Officer:** Mr Lockhart, I think that Mr Russell wants to make a point of order, rather than an intervention.

**Michael Russell:** Mr Lockhart is not yet the Presiding Officer.

On a point of order, Presiding Officer. If you possibly can, I ask that you insist upon accuracy and do not allow members to say things that are not true. The Scottish Government has not departed from the common frameworks process—it did not and will not do so. It is wrong to mislead members in the chamber.

**The Presiding Officer:** I will rule on points of accuracy; however, those are debating points.

**Dean Lockhart:** I refer the cabinet secretary to the evidence that he gave last week to the Finance and Constitution Committee, when he said that he and officials had walked away from discussions with the UK Government.

I encourage the cabinet secretary to take up the offer from Alok Sharma, the Secretary of State for Business, Energy and Industrial Strategy, to fully engage at ministerial level. Stakeholders and the economy require that of the cabinet secretary.



Although the common frameworks will form an important cornerstone of the internal market, they will not be sufficiently comprehensive to safeguard the operation of the entire UK internal market, as paragraph 21 of the internal market white paper makes clear. It says that common frameworks

“tend to be sector-specific”

and cannot

“address the totality of economic regulation”.

**Jenny Gilruth:** Will the member take an intervention?

**Dean Lockhart:** I have given way enough, thank you.

That is why the third area of powers that are coming to this Parliament will come through the internal market proposals. Under those proposals, additional powers will come to the Parliament in areas that were previously regulated by the EU but which will now sit outside the common frameworks.

The proposals are based on two fundamental principles: supporting trade across the UK, and mutual recognition and non-discrimination. The mutual recognition principle has been described by the Scottish Parliament information centre as reflecting the

“EU approach for ... goods by proposing that any good which meets the rules and standards required in one of the UK’s nations should as a result be able to be sold in any of the four nations.”

Earlier this week, the CBI welcomed the principles as being essential for business operating across the UK. It also highlighted that there will have to be a number of exemptions from the principles of mutual recognition and non-discrimination in order to reflect regulatory divergence across the four nations on grounds of public policy, public health, environmental protection or otherwise. I again call on the Scottish Government to work constructively with the UK Government and business organisations to agree what those exemptions will apply to.

The internal market proposals represent a dynamic approach to safeguarding the integrity of the UK internal market, while safeguarding the powers of the devolved Administrations to pursue competent policy divergence.

In order to put the issue beyond doubt, the white paper expressly recognises that each devolved Parliament will continue to be able to legislate on a basis appropriate for its jurisdiction. Alok Sharma made that clear in the white paper when he said:

“These principles will not undermine devolution, they will simply prevent any part of the UK from blocking products or services from another part while protecting devolved powers to innovate”.

**Jenny Gilruth:** On the point about divergence, there is a contradiction on page 82 of the white paper, which states:

“A diverging UK constituent part could increase regulatory requirements, imposing significant market-specific ... costs. This ... might discourage suppliers from”

entering the UK market.

Is the member honestly saying that everything is on the table and that the UK Government would not be dictating to the Scottish Parliament, for example, on minimum unit pricing? Is he saying that that is not up for grabs, that there will be divergence, and that it is all fine?

**Dean Lockhart:** I am finding it difficult to pick my way through that question. However, I say to Jenny Gilruth that all the stakeholders are asking the Scottish Government to agree the key common frameworks that will apply in the key sectors. That cannot be done if there is no constructive engagement with the UK Government.

I will address the question of dispute resolution and oversight, because there is confusion on the SNP’s side about that, too. The UK proposes an independent body—it will be independent of all Parliaments—responsible for monitoring and advising on the evolution of the internal market and for providing expert guidance to devolved Administrations.

We agree that additional clarity is required on that point, but the UK Government has made it clear that the advice of the independent body will not be legally binding on any of the devolved Administrations. Therefore, the SNP’s claims that the body would prevent regulatory divergence or policy innovation are simply not correct.

The SNP has accused the UK Government of taking a political and not an economic approach to the internal market. However, we all know that it is the SNP that is approaching the proposals with political cynicism. Let us face it: the SNP has no interest in making a success of the UK internal market. It is, after all, its policy to separate from that market.

We recognise that the internal market white paper raises a number of questions, and the UK Government has committed to provide answers in short order. The net effect of the proposals will be that 60 per cent of Scotland’s trade will be safeguarded in this time of economic crisis, and this Parliament will have more powers than ever—powers that the SNP wants to hand straight back to Brussels, in what would be the biggest power surrender in the history of this Parliament.

I move amendment S5M-22437.3, to leave out from “UK Government” to end and insert:

“Scottish Government to engage constructively with the UK Government on all legislative and other measures being undertaken to safeguard the integrity of the UK internal market, while also safeguarding the powers of devolved administrations to pursue competent policy divergence; understands concerns that any barriers to trade between Scotland and the rest of the UK internal market would be detrimental for jobs, businesses, consumers and citizens across Scotland, given that over 60% of Scotland’s trade is with the rest of the UK and that over 550,000 jobs in Scotland are directly supported by this trade, and recognises that it is vital to secure Scotland’s trade with the rest of the UK in light of the unprecedented economic crisis caused by COVID-19.”

15:04

**Alex Rowley (Mid Scotland and Fife) (Lab):** I want to make a direct plea to the UK Government to recognise that any arrangements for the UK internal market must be reached by agreement among the four nations of the UK. The idea that the Westminster Government can and will force its point of view on the other three nations, regardless of what they think, not only is ridiculous but will almost certainly build support for Scotland not remaining part of the UK and lead to the ultimate break-up of the United Kingdom as we know it.

We know that Brexit is not going to be good for Scotland. Today, the Tories talk about 60 per cent of Scotland’s trade being with the rest of the UK, and they rightly point out that we need to protect it. However, I suggest that forcing their ideological will on another country is not the way to achieve that.

It is also worth pointing out that UK exports to the EU in 2018 were just over 45 per cent of all exports. Brexit involves a lot of risks that the Tories seem to have wiped from their minds. I understand that the Tories have a historical track record of opposing devolution and of being opposed to spreading wealth and power as widely as possible. Now it seems that they want to dismantle the powers of devolution.

**Dean Lockhart:** On devolution, does Alex Rowley not recognise the massive powers that have been transferred to this Parliament by the UK Conservative Government over the past decade? That is not open to debate—it is a fact of life.

**Alex Rowley:** Discussions on the common frameworks were progressing under Theresa May’s leadership, but since Boris Johnson came into power, he has completely ditched them. Boris Johnson seems to have no respect for devolution or for the Governments of the other nations. That will lead to the break-up of the United Kingdom—by Boris Johnson.

Presiding Officer, when it comes to devolution, you do not have to take my word for it. NFU Scotland had this to say about the Tory plans:

“NFU Scotland supports the intention ... to ensure that the UK Internal Market continues to operate as it does now—with free movement of goods and services produced to the same basic regulatory standards.

However, it is the clear view of NFU Scotland, and the other farming unions of the UK, that the proposals pose a significant threat to the development of Common Frameworks and to devolution.”

It also said that

“The proposal on ‘mutual recognition’ ... raises the potential for Common Frameworks to be rendered meaningless.”

NFU Scotland

“is clear that Common Frameworks would provide the most effective alternative to manage ... divergence ... whilst respecting devolution, and so enable the UK Internal Market to operate without friction or distortion.”

The UK internal market proposals appear to

“limit the devolved administrations’ ability to act if any standards were lowered and give the UK Government a final say in areas of devolved policy, such as agriculture, the environment or animal health and welfare.”

I do not think that the NFUS is trying to play constitutional politics; it is saying what is right for its members and for the majority of the people of Scotland. Not only are the Tories trying to undermine devolution, they are trying to roll back devolution. That cannot, under any circumstances, be allowed to happen.

It is not only in agriculture that there are concerns. Scottish Health Action on Alcohol Problems states that the UK Government’s proposed approach to the UK internal market is deeply concerning, and its apparently wide scope to the commitment to frictionless trade risks undermining the ability of devolved Administrations to effectively implement important public health measures that meet the needs and protect the health of the local population.

Those are not organisations playing politics. They are organisations warning that this legislation will be damaging for Scotland.

It was interesting that, in a briefing that it circulated, the Royal Society of Edinburgh welcomed the three key objectives that are set out in the white paper. Those are:

“to continue to secure economic opportunities across the UK ... to continue competitiveness and enable citizens across the UK to be in an environment that is the best place in the world to do business”

and

“to continue to provide for the general welfare, prosperity and economic security of all our citizens.”

People might ask what there is not to like about those objectives. However, the RSE briefing paper goes on to state that it is not convinced that the legislation that is proposed in the white paper is required to achieve those objectives.

I agree, and that is why we are supporting the Scottish Government's motion today. To be clear, we require work across all four nations to agree a much stronger institutional framework for the development and enhancement of the UK internal market. However, that will not be achieved through the white paper and the proposed legislation that has come from the Westminster Tory Government. That is why it must be withdrawn.

Many organisations across Scotland have raised concerns, and they all need to be listened to. Another issue, which was highlighted by the group Radical Options for Scotland and Europe, is the powers of this Parliament to be able to give financial assistance to commercial activities for the purpose of promoting or sustaining economic development and employment. Those powers are at risk.

It is fitting to finish with the statement from the RSE on subsidiarity and proportionality:

"The principles of subsidiarity (that action should be taken at the most local level practicable) and proportionality (that this action should only be broad enough to achieve its aims and no more) are important mechanisms of the European Single Market in countering accusations of centralisation ... no such principles currently exist in the UK, or in relation to devolution".

If a legislative solution is needed for the UK internal market, the RSE advocates including subsidiarity and proportionality as the mechanisms for guarding against inappropriate UK-wide legislation that would damage the devolved settlement. Therefore, the Tories must think again. If they want to damage the United Kingdom beyond recognition, they should continue with their actions and continue to support Boris Johnson.

I move amendment S5M-22437.1, to insert at end:

"and these proposals would hinder the capacity to utilise state aid interventions, including public ownership, to generate locally-rooted economic development grounded in local democracy."

**The Deputy Presiding Officer (Linda Fabiani):** I call Patrick Harvie to speak to and move amendment S5M-22437.4.

15:13

**Patrick Harvie (Glasgow) (Green):** Thank you. I welcome Alex Rowley's speech, particularly the last point that if the Tories want to damage the UK they should batter on with this plan of theirs. I will come back to that at the end, because perhaps there is a glimmer of hope there for some of us.

I welcome the fact that we are having this debate. I do not welcome—at all—the fact that we were unable to have it during the window of consultation that the UK Government set out. The main concern in my amendment is about the

process and timing of this incredibly brief consultation.

The white paper on the UK internal market raises broad and complex issues. The idea that not only do we have just a four-week window of consultation for this contentious and complex area of policy, but that those four weeks are timed—almost perfectly—to coincide with the recess periods of this Parliament, the Welsh Parliament and the Northern Ireland Assembly is simply extraordinary—[*Interruption.*] A voice from the side has suggested that that is a remarkable coincidence, but I do not think that it is believable that it is entirely a coincidence; it is very clearly an intentional decision of the UK Government.

It knows that the proposals will be contentious in Scotland, Wales and Northern Ireland. Strong political voices, including from unionists in Wales, are strongly opposed to the measures that are being proposed. It was perfectly obvious that that would be the reaction, yet the UK Government chose deliberately to time the four-week window of consultation in a period that almost entirely covered those three recesses.

Alok Sharma, the secretary of state who is responsible for the white paper, was invited to give evidence via videoconference on the one day that the Parliament's Finance and Constitution Committee had to take evidence on the matter, but he refused. The man had been in Glasgow just the week before. He is willing to travel here for other purposes, but he is not even willing to take part in an hour-and-a-half-long videoconference with a parliamentary committee to start answering questions on whether his plan can be held up to scrutiny. That is an extraordinary level of contempt for the parliamentary process.

Even the Public Administration and Constitutional Affairs Committee at Westminster said:

"This one month consultation is not proportionate to the importance of the issues dealt with".

Even a parliamentary committee with a Conservative majority at Westminster made that clear. The committee went on, as others have, to talk about the importance of the substance of what is included in the white paper. It said that the proposals

"will effectively create new reservations in areas of devolved competence."

That flies 100 per cent in the face of the commitments that were given in the wake of the Brexit referendum by supporters of the Brexit project, who said that coming out of Europe would lead to powers being transferred wholesale. They said that there would be no new reservations—well, there will be.

The PACA Committee continued by saying:

“The Government should indicate whether, in such circumstances, it would intend to override the Sewel convention.”

The UK Government needs to do more than merely indicate whether it intends to do that; it needs to give a cast-iron guarantee that that will not be done, because it would be utterly unacceptable to Scottish democracy.

The RSE paper, which has been referred to, sets out serious objections to the substance of what is proposed. It says that it is not convinced that the legislation that is proposed is required to achieve even the UK Government’s own outcomes. It says that any outcome that

“leads to the Sewel Convention being overridden should be considered a failure of intergovernmental relations.”

The RSE says that the expectation should be that, on leaving the EU, any areas of law that are no longer subject to the pre-emptive effect of EU law and which do not fall into the reserved category should go to the devolved level. That would be the clear expectation of anyone.

Mr Lockhart, who has cast his party as the supreme defenders of devolution, despite having already passed legislation to cut the powers of the Scottish Parliament without its consent, is all set to do that again.

**Dean Lockhart:** I thank Patrick Harvie for summarising my speech. Perhaps he should write my speeches in the future. He is a strong believer in devolution and local powers. Does Patrick Harvie, like the SNP, want to hand all the additional powers that are coming to the Scottish Parliament straight back to Brussels?

**Patrick Harvie:** I absolutely want Scotland to be a full member of the European Union with a vote and a voice in a democratic assembly that is a lot more democratic and open than the Westminster one.

My colleagues in the Green parties in Scotland, Northern Ireland and England and Wales have joined together to produce a response. It is worth reflecting on the fact that, in the discussions that led to that response being developed, many members of the Green Party of England and Wales shared the concern that any decisions that elected politicians have the power to make—not just in relation to devolution in Wales but to functions that are exercised at a lower-than-UK level in England, such as those exercised by elected majors and local government—could be at risk. That would be the case for decisions that could be subject to even a spurious challenge by the private sector, which might say that the decision would create a barrier to trade.

The proposals are, however, an assault on our Parliament in Scotland. Any passage of the legislation without the consent of the Scottish Parliament would be a very clear breach of section 28(8) of the Scotland Act 1998, as amended. If that happens, I urge the Scottish Government not just to oppose it but to challenge it in court.

In the context of there being clear alternatives, through common frameworks, by negotiation, and clear evidence that the legislation is not necessary, we surely have to be able to challenge the idea that the UK Government is acting within the parameters of the phrase “not normally”. It is time that we had the courts define what that means and limit the UK Government’s power to legislate on devolved matters without our consent.

I look forward to hearing more from the passionate defenders of devolution about why they intend to continue ripping up the settlement.

I move amendment S5M-22437.4, to insert at end:

“; notes that the consultation on the proposal was only four weeks long and almost entirely covered a period when the Scottish Parliament, the Welsh Parliament and the Northern Ireland Assembly were in recess, and that the Secretary of State for Business, Energy and Industrial Strategy refused an invitation to give evidence to the Finance and Constitution Committee; regards this as an unacceptable sign of contempt for the parliamentary process, and agrees that for the UK Government to proceed with legislation as proposed without the consent of the Scottish Parliament would be a clear breach of Section 28(8) of the Scotland Act 1998.”

15:20

**Willie Rennie (North East Fife) (LD):** I start by endorsing the view that the House of Lords Select Committee on the Constitution expressed last month in its letter to Lord Callanan on the white paper, in which it said:

“We are not convinced about the need to legislate for the UK internal market and we are unsure precisely what problems the white paper is seeking to solve.”

The white paper is a confusing jumble of proposals that chases around problems that do not really exist in the current internal market and refuses to take the opportunity to establish a modern system of joint decision making between the four Administrations to protect the market going forward.

It is disappointing that the UK Government has not been able or willing to give joint ministerial decision making the place that it should have under the decentralised constitution. That was one of the constructive proposals from the Smith commission—which I recall included Conservative members—back in 2015, when it said:

“the Joint Ministerial Committee ... structures ... must be reformed as a matter of urgency and scaled up significantly”.

Scotland should not be left with a choice between a UK Conservative Administration that is intent on centralising decision making in Whitehall and a nationalist Government in Edinburgh that is prepared to erect formal trade and business borders between Scotland and England. Each of those approaches will harm Scottish and UK interests. There is an opportunity for us to do better than that. I urge the UK Government to withdraw the current white paper and enact a federal-style approach to future decisions on the UK internal market.

The white paper quotes the examples of Australia and Switzerland, which are both constitutionally federal states. In Australia, the different Governments of the states and territories agreed in the early 1990s to adopt a mutual recognition system, and they all passed legislation to allow that to happen. In the UK, all Administrations should be involved in taking the decisions. Working together, we would be able to protect the workings of the UK single market from what would, in effect, be unilateral action by a single Administration. That is a federal idea of co-operation, and it contrasts with the proposals in the white paper, which appear to give control of those issues entirely to UK ministers.

I am grateful to NFU Scotland—hardly a bastion of nationalism—for writing such a clear and distinct case against the white paper. It sets out the damage that the current white paper proposals will bring. NFU Scotland is clear that it wants no new barriers to trade in the UK, and that it wants collaboration across the United Kingdom. Neither the Conservatives’ centralisation plans nor the SNP’s independence plans can achieve both of those things. People and businesses in Scotland deserve better than a choice between those two unpalatable and destructive options.

My amendment offers a way forward. I want overarching frameworks to be progressed and agreed between the four Administrations, and I want joint ministerial committees to be up and running, with a dispute-resolution process to keep things moving. Once the frameworks have been agreed by all four Administrations, the detailed implementation can be left to the individual Administrations, safe in the knowledge that the fundamentals of the internal market are protected. My former colleague Tavish Scott proposed amendments to support that style of working in Scotland as part of the continuity legislation back in spring 2018. There was some support from Conservative members at that time.

SNP ministers, however, were less keen. They would clearly prefer to take unilateral decisions

within Scotland, and they do not prioritise the continuation of an internal UK market. Their plans for independence bring an automatic border that will damage trade and business in all parts of the United Kingdom.

The Conservatives need to recognise that the United Kingdom has changed, that authority and power rests in the nations and regions of the UK, that not all power should or must rest in Westminster and Whitehall, and that there is a legitimate voice in all parts of the United Kingdom. That voice must be heard.

I move amendment S5M-22437.2, to insert at end:

“; urges that the current proposals be replaced with proposals to assist a smooth-running UK internal market through agreed frameworks and joint decision-making between the four UK administrations in a federal arrangement in order to recognise the development of devolution since 1999, and believes that an internal market without unnecessary borders is good for business and consumers across the UK, and that joint decision-making will protect people in Scotland and the rest of the UK from lower standards being imposed by the actions of a single administration.”

**The Deputy Presiding Officer:** We now move to the open debate. We are already a bit short of time, so I ask members to stick to six minutes or less, please.

15:25

**Bruce Crawford (Stirling) (SNP):** I am pleased to be taking part in this important debate on the proposals in the UK Government’s white paper on the internal market. Obviously, I am not making this speech as convener of the Finance and Constitution Committee, although the committee’s views were set out in a letter to the UK Government last week. The committee made it clear that it opposed the direction of travel of the UK Government, and I believe that the conclusions reached by the committee were mature and reasonable. They represented a genuine spirit of trying to secure agreement on the best way forward across the four nations of the United Kingdom.

I say to Dean Lockhart and the Tories that we on the SNP benches need no lesson on the importance and benefit to Scotland of barrier-free trade with the rest of the UK. How could it be otherwise, given the obvious fact that Scotland conducts the majority of its trade with the rest of the UK? No one could seriously oppose the intention to ensure that the UK market continues to operate in a similar fashion to how it operates now. Make no mistake, however: the proposals that the Tory Government has set out in its white paper pose a serious and direct threat by

potentially introducing friction and distortion to the market.

**Dean Lockhart:** Bruce Crawford has said that he is concerned about barriers between Scotland and the rest of the UK, but that is precisely what the SNP's UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill will deliver. If Scottish companies are forced to comply with EU regulations and UK-wide regulations at the same time, that will create a barrier to trade between Scotland and the rest of the UK. Does Bruce Crawford not recognise that?

**Bruce Crawford:** I will come, in just a minute, to where the real barriers exist.

**Dean Lockhart:** So, he has no answer.

**Bruce Crawford:** Yes, I do—and it will come.

Of course, it is the Tory Government that is content to create new barriers to free trade for Scotland, by removing us from the largest internal market in the world. It is the Tories who are intent on removing the people of Scotland, against their will, from a free market of around 450 million people, instead imposing new trade barriers with 27 countries on Scotland's exporters—complete with tariffs and border controls. According to the Fraser of Allander institute—and I will say a bit more about it in a moment, as the Tories are obviously keen to talk about it—the exports to those 27 countries are worth more than £16 billion.

If we dig down deeper into the export numbers, we find even more revealing truths. As the Fraser of Allander institute demonstrated in February:

“Scotland actually exports more manufactured products – i.e. things that are exportable over international borders – to countries outside the UK than it does to the rest of the UK”.

It is therefore absolutely clear that it is the Tories who are creating barriers to free trade, by removing Scotland from the EU and through their ideological thirst for centralised control, as laid out in the white paper. Furthermore, their

“proposals pose a significant threat to the development of Common Frameworks and to devolution.”

Those are not my words or the words of an SNP cabinet secretary or minister; those are the words of NFUS Scotland. The views of NFUS very much chime with those of the Finance and Constitution Committee, and they are worth quoting—indeed, Alex Rowley and Willie Rennie have already done so.

The NFUS said:

“Since 2017, the Common Frameworks process has intended to specifically manage policy differences between all parts of the UK based on agreement and founded on respect for devolution.”

It went on:

“However, the UK Internal Market proposals put forward limit the devolved administrations' ability to act if any standards were lowered and give the UK Government a final say in areas of devolved policy, such as agriculture, the environment or animal health and welfare.”

There we have it—the threats are clearly laid out.

I turn to a specific threat to Scotland's reputation for clean, green food production. I will take an example that was provided to the Finance and Constitution Committee by Professor Dougan from the University of Liverpool. With regard to the principle of mutual recognition proposed in the white paper, he said:

“any good which is lawfully sold or service which is lawfully provided in Territory X, should be allowed to be lawfully sold/provided also in Territories Y and Z, without having to comply with any further standards, checks or requirements in the host country.”

He went on to say:

“Territory X might ban the production of GMOs within its own borders—but it cannot stop the importation of GMOs which have been lawfully produced in Territory Y.”

Given that the growth and sale of genetically modified organisms are permitted in England and Wales but opposed in Scotland, we have a clear and very real threat to the clean, green status of Scotland's multibillion pound food and drink sector, as well as a wider threat to agriculture, the environment and animal health and welfare.

For goodness' sake, even the Public Administration and Constitutional Affairs Committee at Westminster, which is chaired by a Tory and has a Tory majority, has said that the proposals will

“effectively create new reservations in areas of devolved competence.”

At the end of the day, the central question for the Scottish Tories is: will they stand with the majority to defend devolution and protect Scotland's interests or will history show them to be simply Boris Johnson's little helpers in Scotland?

15:32

**Adam Tomkins (Glasgow) (Con):** The Scottish Parliament has competence to make laws that have the potential to interfere with all manner of aspects of trade, market access and goods and services. As we have heard, we could make public health rules that restrict access to goods; we could make food-labelling rules that impose additional costs on manufacturers; or we could impose additional regulatory requirements on professions or services. All those are within our devolved competence. Until now, our exercise of those powers has not disrupted or threatened the integrity of the UK's internal market, because all of the powers have had to be exercised subject to EU law, and EU internal market law, which has of

course bound every part of the UK since the dawn of devolution, has acted as a check on the exercise by the Scottish Parliament of its powers over trade, markets and goods and services.

When we leave the transition period at the end of this year, that check will disappear, and at that point the exercise of devolved competence could for the first time disrupt or threaten the integrity of the UK's internal market. That would be contrary to not only the UK's interests but the interests of Scottish consumers, producers, manufacturers and distributors, much as Bruce Crawford just said.

Let us not forget that Scotland trades one and a half times as much with the rest of the UK as it does with the whole of the EU and the rest of the world put together, and that the UK's internal market is worth nearly four times as much to Scots as the EU's single market is. Therefore, no one, whether unionist or nationalist, should imagine that it is in their interests to erect new barriers to trade between Scotland and the rest of the UK. [*Interruption.*]

I will not give way at the moment.

Over the past few years, a series of so-called common frameworks have been developed that aim to address that problem, but those are not legal instruments and, in any event, they do not cover the whole of the field. Necessary and welcome though they are, I have always been of the view that, without legal underpinning, they were unlikely on their own to be sufficient. The UK Government now proposes to provide that legal underpinning, guaranteeing the future integrity of the UK internal market, and I warmly welcome that—in my view, we all should. As I have said, it is in no one's interests for Scotland's unimpeded access to markets in the rest of the UK to be disrupted. [*Interruption.*]

I will not give way at the moment.

I have, however, a number of reservations about the way in which the UK Government currently proposes to legislate in the area. Common frameworks are based on two principles: to enable the functioning of the UK internal market and at the same time to acknowledge legitimate policy difference. That is critical.

It is perfectly possible and, moreover, it is surely desirable to accommodate regulatory divergence within a single market. Let us take alcohol minimum pricing as an example—it is an example that has been used by a number of other members this afternoon. If one part of the UK considers that, for reasons of public health, it wants to impose a measure such as that, but other parts of the UK consider it to be unnecessary, that is regulatory divergence within a single market, but is the

divergence so severe or disruptive that it threatens the very integrity of that market?

Of course, we do not want such severe divergence that access to the market becomes unreasonably burdensome, but many regulatory differences can be managed without burdens becoming too severe. It is all about balance. In European law, and indeed in legal systems around the world, that balance is achieved by the all-important doctrine of proportionality, which Alex Rowley rightly talked about earlier. Proportionate interferences with market access, as minimum unit pricing was found by the courts to be, are lawful as falling within the scope of legitimate policy difference. It is only when regulatory divergence is disproportionate that it becomes unlawful.

We have two principles at stake here, both of which are important: safeguarding the integrity of the internal market; and protecting legitimate policy divergence—or, to express the second principle differently, protecting devolution. The UK Government's internal market white paper puts a lot of flesh on the bones of the former but says next to nothing about the latter. The two core policies that the white paper proposes—mutual recognition and non-discrimination—will indeed strengthen and safeguard the UK internal market, and they are well known to anyone who knows anything about internal market law. They are well-established principles of European law, they are coherent, practicable and sensible, and the white paper is right to want to promote them, but they need to be balanced by other equally well-understood policies that promote and protect our second principle—the safeguarding of legitimate policy divergence.

The best tool that we have to do that work is the doctrine of proportionality, as developed not only by the European courts but by courts right across the Commonwealth and beyond. Proportionality should not be understood as an alien notion of foreign law that has no roots in our own common law traditions; it is as much part of our legal heritage as it is of anyone else's, and it is much more than mere policy. It is legal doctrine enforceable by courts of law.

The UK Government is absolutely right to understand that our departure from the EU means that we need to take steps, including legislative steps, to underscore, strengthen and safeguard the UK's internal market. That can readily be achieved compatibly with our devolution settlement, and it must be achieved compatibly with devolution. In order to get there, we need to ensure that our new internal market law enshrines not only mutual recognition and non-discrimination as foundational legal principles, but the doctrine of proportionality. That way, we can safeguard the

internal market and protect legitimate policy divergence all at once.

15:38

**Joan McAlpine (South Scotland) (SNP):** Only a Government with contempt for democratic decision making could have produced the internal market white paper proposals. There is nothing proportionate about these plans. I say that not just because of the white paper's attack on this Parliament, which the convener of the Finance and Constitution Committee and the minister have outlined. The contempt for devolution in the UK Government paper is indiscriminate and it seeks to misrepresent any devolved system.

Take, for example, paragraph 85 of the white paper. In grasping for an illustration to justify its power grab, the UK Government has used the very unlikely example of Germany, where it claims that there are trade costs between the Länder. It is widely understood and admired that Germany has one of the most successful federal systems in the world. I say that as someone who wants more than federalism for Scotland. Länder such as Lower Saxony and Bavaria are economic powerhouses. All German Länder have access to the largest free trade zone in the world—the European single market—an advantage being stripped away from Scotland. That misrepresentation of German federalism in paragraph 85 has not been as widely publicised as it should have been but it sums up the absolute absurdity and inaccuracy of the white paper, which is based not on facts and analysis but on ignorance and ideology.

When I looked for a reference to justify the nonsense claim that German states are crippled by internal trade barriers, there was no evidence and the footnote said that the comparison modelling was “hypothetical”.

Hypothetical could describe the entire contents of the white paper. It is also mendacious because of a false comparison between the European single market and what it calls the UK internal market. The Royal Society of Edinburgh paper that was released ahead of this debate, which has been quoted by Alex Rowley and others, outlined the difference between the two very different systems—the EU single market and this so-called internal market—and bears repeating for that reason.

The society pointed out that the European single market treaties enshrine the principles of subsidiarity—that action should be taken at the most local level practicable—and proportionality, which is that the action should be broad enough only to achieve its aims. No such principles of subsidiarity or proportionality currently exist in the

UK. It also pointed out that free trade operates smoothly across the UK already without the need for the legislation that is proposed in the white paper.

As I have said, this assault on devolution is unnecessary and ideologically driven. The anti-European extremists who chanted “take back control” are now imposing command and control from London. In the EU, Scotland was afforded the same discretion as a member state in interpreting EU regulations and implementing EU directives. In contrast, the white paper means that any law in a devolved area that this Parliament makes could be challenged, as Ms Gilruth outlined.

Even areas of Scottish legislation that predate devolution are at risk, such as building control. The white paper says:

“If England and Scotland diverged on their approach to building regulations ... it would become significantly more difficult for construction firms to design and plan projects effectively across the UK.”

Those differences already exist and for very good reasons. There are traditional differences between England and Scotland's building needs, such as weather, building materials, topography and traditions, and there is also the very contemporary need to improve standards.

In the wake of the terrible Grenfell fire, the UK and the Scottish Government both brought forward proposals to regulate the use of combustible material in new buildings. The new safety certifications are more wide ranging in Scotland; the new regulations and standards in England apply to new residential buildings with a storey at 18 metres above ground but in Scotland to buildings with a storey at 11 metres above ground level. That is just one example of significant difference. No doubt there will be developers who do not like it, but a big developer grumbling about a safety measure is no barrier to trade. Under the UK Government proposals, they could go to court to stop the Scottish Government from protecting its citizens in that way.

I will comment on the Labour amendment. The power to subsidise key sectors of the economy is currently not reserved and this law will snatch that power away. Professor Michael Keating made that clear in committee last year, when he pointed out that state aid was reserved in the unsuccessful Scotland Act 1978, which some members might remember, but not reserved in the Scotland Act 1998, which established 20 years later the powers of this Parliament. Professor Keating observed that

“Somebody must have known what they were doing.”—*[Official Report, Finance and Constitution Committee, 19 June 2019; c 25.]*



That somebody in 1998 was the late Donald Dewar. He deliberately devolved state aid because he knew that one of the biggest drivers of devolution was the mass industrial closures and control of key industries that Scotland had seen for the 20 preceding years.

When Scots see powers that were designed to protect them against a repeat of Thatcherite vandalism being snatched away from Scotland's Parliament by the anti-European Thatcherite children, they will not remain quiet. This white paper is the greatest ever threat to devolution. It is also the greatest threat to the union, and the Tories will reap what they sow.

15:44

**Jackie Baillie (Dumbarton) (Lab):** I understand and even sympathise with many of the issues that Mike Russell has raised in his motion. We will also, of course, support the Green and Liberal Democrat amendments. This is an incredibly uncertain time for business and our economy. Brexit is not something that I voted for, but, whatever one's view of it, any proposals that have an effect on how business, industry and the devolved nations operate must be fully consulted on and scrutinised.

I echo many of the concerns that have been raised by my Labour colleagues in the Scottish Parliament and at Westminster and by the Welsh Labour Government. The UK Government's white paper has a significant number of flaws in both its content and the manner in which it has been consulted on. Along with colleagues in the Finance and Constitution Committee, I have expressed regret that the proposals in the white paper were published during the Scottish Parliament's recess and that, even more frustratingly, only four weeks were allowed for consultation. Indeed, the members of the Welsh Parliament's Legislation, Justice and Constitution Committee described the timeframe as "wholly inadequate". I suspect that they were being polite.

It is completely unjustifiable to allow such little time for consultation on legislation that has such momentous repercussions. It was also very unhelpful and disappointing that Alok Sharma declined the committee's invitation to provide evidence. His comments would have helped to inform our response to the consultation. On the morning that the committee was taking evidence on the white paper, he told us that he could not come. It would have been helpful for us to have been able to explore the policy objectives that underpin the proposals with the minister. I am sure that the views that we submitted to the consultation would have benefited from a reflection on the minister's comments, had he

taken the time to meet us. Unfortunately, no such opportunity was given to us.

For the proposal to progress further, we need better, more transparent consultation. We need better involvement. Without it, the market will not function effectively in support of the four UK nations, which is ultimately what we all desire. We need co-operation and consensus rather than a high-handed, take-it-or-leave-it approach. I agree with the UK Government that the solution to the challenge of a UK internal market is needed. However, the solution must be arrived at with the full consideration and input of the devolved nations of the UK. I have repeatedly stressed the need for full co-operation between Scotland and the UK on a range of different things, in general terms. I much prefer consensus to stand-offs, which do not help anybody.

In particular, we need co-operation between all four nations on the decision-making process to arrive at agreed frameworks for the internal market. We do not know what mechanisms will be put in place to enable and promote that cross-Administration co-operation, and it is essential that we know exactly how the legislative bodies of Scotland, Northern Ireland, Wales and England work together so that we can be sure that devolved powers are not undermined.

I commend the suggestions of my Welsh colleagues that any plans for a UK internal market post-Brexit must include an independent oversight framework and a dispute resolution mechanism. However, once again, I do not see any sign of those suggestions manifesting themselves. That creates further uncertainty in a situation in which certainty and confidence are a must. Having a proper UK-wide and independent dispute resolution mechanism would go a long way to providing the protection and reassurance needed by devolved Administrations that is currently missing from the white paper.

At a UK level and in Scotland, the Labour Party has consistently called for the devolved nations to be protected in any legislative change to the internal market. We created the Scottish Parliament and we respect and support the devolved Administrations and the devolved settlement. It is therefore paramount that the standards in any post-Brexit settlement are no lower than the current standards enjoyed by devolved nations under EU membership. Administrations should be able to move beyond such standards but should not be allowed to go below them.

Similarly, current state aid rules must be mirrored in any new legislation. Devolved nations have to be able to provide support to industries where it is deemed necessary. At a UK level and in Scotland, we have called for better consultation

and a UK-wide dispute resolution mechanism—something akin to a European Court of Justice. Whatever the solution, we need to arrive at it together, and plans for the current formulation in the white paper need to be withdrawn. Where I depart from Mike Russell's view is that I think we need plans to legislate for the future but the key issue is what is in those plans, and the white paper in its current form is not fit for purpose.

A number of issues need to be addressed that possibly would have been addressed had the Government allowed for a proper period of consultation and dialogue. Above all, the interests of the devolved nations must be respected, but that is not currently the case. The UK Conservative Government needs to respect the devolved settlement across all four nations if it wishes to succeed in creating the conditions for an effective and robust internal market.

15:51

**Tom Arthur (Renfrewshire South) (SNP):** It was useful when, in opening the debate, the minister, Jenny Gilruth, brought us back to “the dawn of devolution”, as Adam Tomkins described it, in 1997. When we discuss devolution and the referendum in 1997, an oversight that we are all guilty of is that people in Scotland voted not only for devolution within the United Kingdom but for devolution within the United Kingdom and the European Union—that was clearly understood. That position was reaffirmed by the people of Scotland in 2014 and 2016. When we consider the question of whether the drafters of the Scotland Act 1998 were ignorant of the potential for the UK to leave the European Union and whether, therefore, powers that should automatically flow back to the Scottish Parliament would not flow back to the Scottish Parliament, we have to remember the circumstances in which the people of Scotland voted for devolution. It was devolution within the UK and the European Union.

With the proposals from the UK Government, we now face a fundamental threat to the settlement that was agreed in 1997, legislated for in 1998, brought into effect in 1999 and that has been enhanced since. There is the direct undermining whereby powers that should flow back to the Scottish Parliament have been frozen and taken to Westminster, but there is also an indirect threat emanating from the proposals for a UK internal market—the threat to, in effect, render meaningless aspects of legislation passed by the Scottish Parliament through a mechanism of mutual recognition, or the market access principle. That is of grave concern to me and many people across Scotland, as we have heard this afternoon, because, fundamentally, a mutual recognition principle has the potential to be a Trojan horse.

Regardless of what standards we chose to set in Scotland, we would ultimately be at the mercy of standards that were set elsewhere in the United Kingdom.

That comes back to a fundamental problem in seeking to transpose the language of the European single market into the notion of a UK internal market: England makes up 85 per cent of the UK population, so it is not a straightforward transposition. The aspiration should be—this has been touched on by Alex Rowley, Willie Rennie and Adam Tomkins—to ensure that there are sufficient checks and balances. Agreement could be found by moving towards a position of co-decision making and making the Scottish Parliament not subservient or subsidiary but a sovereign equal to the Westminster Parliament. I think that that state of affairs could command support from people who support the union, and those of us who want to go further and see Scotland become independent could at least accept it just now.

We heard from Alex Rowley and others that the UK Government is taking an approach that involves, in effect, imposition and that renders aspects of devolution meaningless. That will increase support for independence, because it will give the people of Scotland a clear sense of the UK's direction—that is, no longer to be a union state but to be a unitary state.

Debates have been going on for more than 300 years about the nature of the union and whether there should be an incorporating union or something approximating a federal solution. The UK Government's proposals, and its attitude and conduct around Brexit over recent years, have signalled not only a lack of understanding of what the union historically has been for many unionists—that is, a partnership—but a fundamentally different approach that is about incorporation and undermining Scottish autonomy.

If we want to take the matter forward collectively as a Parliament, we should at least try to agree some principles. We could agree, first, that there should be no roll-back of devolution. As we heard from Willie Rennie and Alex Rowley, although our parties disagree on how far we want to go down the road of constitutional change, we are sure that we do not want to go backwards. That position will command majority support across Scotland.

I think that even opponents of independence would concede that, if there were an independence referendum tomorrow, the likelihood is that Scotland would vote to become independent. However, that is by no means certain, whereas if we asked people where in the United Kingdom the powers should lie on decisions that are relevant to Scotland—the kinds of decision that will flow from Brexit—an

overwhelming majority of people in Scotland would want those powers to lie with the Scottish Parliament.

I recognise that Mr Lockhart has a job to do. He is his party's spokesman and he has to stand up and defend a position. However, I remind him that, like me and every other member in this chamber, he is a member of the Scottish Parliament and we have an obligation and a duty on behalf of our constituents to protect the powers of this Parliament and not see them rolled back. The UK Government's proposals threaten to do exactly that.

15:57

**Peter Chapman (North East Scotland) (Con):**

The EU defines its internal market as

"an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured".

The UK internal market white paper proposes the same principles to protect the internal market of the UK and allow the unrestricted movement of goods and services between the four nations of the United Kingdom. I wonder why so many members are ready and willing to accept the basic principle of an internal market from a Parliament in a foreign country and not from our Parliament on these very islands.

The UK Government's white paper sets out two important principles of any internal market. The first is mutual recognition, which means that goods and services that are produced in one part of the UK are recognised as being as good as the goods and services from any other part of the UK. The second is non-discrimination, which means that it is not possible for one regulatory system to introduce rules that discriminate against goods or services from another. Those two principles are also evident in EU single market legislation, so I ask again why members are happy to accept the exact same principles from Brussels but not from Westminster.

Let us not forget that the proposed legislation is about proportionate divergence, as my colleague Adam Tomkins so expertly explained—*[Interruption.]* I will not take an intervention just now. More than 60 per cent of Scotland's exports go to the rest of the UK. In what world would a Scottish Government of any hue not see the value of protecting its largest and most profitable export market? It is clear that the Scottish Government is adopting its usual tactics of faux outrage, constitutional grandstanding and grievance politics.

I ask the minister to do what is right for Scotland, not what her narrow separatist politics demand, and to start engaging constructively with

the UK Government in order to safeguard the economy and protect jobs instead of playing the usual constitutional games. If the minister and the wider Scottish Government are unable or—as is more probable—unwilling to do that, the Scottish Government should come clean with the Scottish people and admit that its *raison d'être* is separation at all costs.

There is an unassailable economic argument for an internal UK market—one that the Scottish Government's own white paper on independence acknowledged in 2013, stating the need for

"a fully integrated market with products able to be bought"

and sold freely

"across Scotland and the rest of the UK".

The UK Government's proposals will create certainty for businesses that might otherwise have faced a complex and increasingly fragmented regulatory environment. Indeed, the SNP's own stated intention is to follow EU rules and regulations to the letter in the years to come, in the vain hope that an independent Scotland can rejoin the EU, so it is obvious that barriers to trade in the UK could quickly become problematic.

It is incredible that, at a time of the greatest economic uncertainty in living memory, the Scottish Government is willing to go against the needs of Scottish businesses and put at risk more than 500,000 jobs that are reliant on frictionless trade with the rest of the UK. I am absolutely astounded that the SNP is prepared to sacrifice so many Scottish jobs to further its divisive party politics.

SNP members are stoking fears of a so-called power grab and a threat to devolution, but the UK Government has made it absolutely crystal clear that all powers that have been devolved will remain devolved. The UK Government has always been a strong supporter of devolution, believing that decisions should be made at the level closest to the citizen they affect.

**Bruce Crawford:** In that case, does Peter Chapman agree or disagree with NFU Scotland, which says that this is not only a threat to devolution but a threat to the market in the United Kingdom and a threat to Scotland?

**Peter Chapman:** I disagree with NFU Scotland. I normally respect its views, but it has got it wrong, wrong, wrong on this occasion—I am sorry, but it has.

The SNP's own website says that

"to protect Scotland's interests ... the Scottish Parliament should receive substantial new powers."

I like to deliver good news—the Scottish Parliament is getting 111 of them. I have another question for the SNP: of those 111 new powers,

are there any that the Scottish Government does not want? There is no answer from the SNP.

We all know that, if the SNP had its way, it would give all those powers back to Brussels in a blink. How big a power grab would that be, ladies and gentlemen? Our fishermen desperately want out of the common fisheries policy and our farmers can have a better future out of the common agricultural policy. I remind members of my entry in the register of members' interests. Who is the minister willing to betray first, our farmers or our fishermen?

This legislation adds a whole new raft of powers to what is one of the strongest devolved Parliaments anywhere in the world. It is not a lack of powers that the Scottish Government suffers from but a lack of ambition and talent to use the ones that are already at its disposal.

16:03

**Annabelle Ewing (Cowdenbeath) (SNP):** In response to Mr Chapman, I say that what is astonishing at this time of great economic uncertainty, in the midst of a global pandemic, is that the UK Tory Government wishes to take us over a cliff edge in just over four months.

The consultation paper had just four weeks for comments and was published on 16 July, so I would argue that it was sneaked out during the summer holiday period. It was quite clear why the UK Government would seek to sneak it out, because the propositions in the white paper represent the biggest threat to our reconvened Scottish Parliament that we have ever seen.

I will start with the UK Government's desire to legislate for what it terms the "UK Internal Market". That there is already a market across these isles is beyond doubt. The 31 December Brexit shambles date looms ever larger for Scotland, when we will be dragged out of the EU against our will by the UK Tory Government and the EU single market rules will thereafter have no direct effect in Scots law. The UK Tory Government proposes to take all powers in those areas for itself, even those devolved to the Scottish Parliament. The UK Government is proposing to do that without any mechanism for agreement with Scotland or the other devolved nations as to the rules going forward and with no fair and effective mechanism for dispute resolution built in that would give individual remedies to citizens, businesses and so on.

The UK Government talks of the principle of non-discrimination, which is odd because it is a legal term of art that normally refers to relations with independent third countries. However, the UK Government refers to that principle and the principle of proportionality as underpinning its

approach. I will just pause here to compare and contrast that with the status quo. In fact, the EU single market is based on international agreement among equal nations that all sit at the top table and have a vote in determining the rules. The proposed UK internal market legislation, on the other hand, is based solely on London determining the rules.

The EU single market provides for a minimum harmonisation of standards, set at a high bar, that must then be mutually recognised by all member states. The proposed UK internal market legislation, on the other hand, assumes a race to the bottom in terms of standards and proposes, in effect, a one-way system of mutual recognition—London's way or the highway.

The EU single market allows member states to invoke exceptions in certain circumstances—for example, public policy and public health protection—and, in the event of a dispute, they can be tested in the courts with the European Court of Justice as referee. The proposals in the UK white paper, on the other hand, are based on London removing Scotland's right to invoke legitimate protections and removing the referee.

From Scotland's perspective, what on earth is there to like about these proposals? It is as if the Tories hope that, by bulldozing them through, they can pretend that devolution never happened, that the people of Scotland never voted in significant numbers for more control over their own affairs and that our Scottish Parliament was not, in fact, reconvened by my mother, Winnie Ewing, who famously said at the time:

"The Scottish Parliament, which adjourned on 25 March 1707, is hereby reconvened."—[*Official Report*, 12 May 1999; c 5.]

With a nod to the words of the late, great Canon Kenyon Wright, I say that we are the people and we say no, for the UK Government's proposals are unconstitutional, incoherent as a matter of law and anti-democratic. More insidiously, perhaps, they reflect an increasingly hostile environment for Scotland within the union. What happened to the no campaign refrain of 2014 "Lead us, don't leave us"? What happened to "We love you, Scotland"? This is a very strange kind of love. Of course, the biggest lie of all was "Vote no to protect Scotland's place in the EU"—I will just leave that one there.

Patience in Scotland for the UK Tory Government is running out across all parts and all sectors of Scotland. Indeed, what right-minded person would put their trust in senior UK Government Tory ministers such as Mr Michael Gove, who believes that it is wise to drive around for 30 minutes to test your eyesight, with a young child in the back of your car? We are all fed up with this nonsense. We do not want to see chlorinated chicken or hormone-fed beef here; we

do not want our environmental and public health protection standards lowered; and we certainly do not want to see Mr Matt Hancock, the hapless UK Tory health secretary, having anything to do with our national health service or see salami-slicing privatisations through the back door.

In the short term, the solution is for the UK Government to withdraw these proposals and put them in the bin. Beyond that, the solution remains for Scotland to take control over her own affairs, determine her own future and take a better path.

16:10

**Claudia Beamish (South Scotland) (Lab):** It is with a conflicted sense of sadness and relief that I speak in the debate on the internal market: sadness that it should be necessary at all, due to the withdrawal from the EU and the UK Government's subsequent failure to develop common frameworks in a timely and—I stress this—inclusive, way, now mirrored in the UK white paper, which is disrespectful to the devolved Administrations; and, at the same time, relief that there is an opportunity to explore how best to proceed in the interests of Scotland, working with the Scottish Government, our Parliament and a range of stakeholders.

As the Scottish Labour Party's amendment highlights, localism is also threatened in our—*[Inaudible]* This unilateral imposition hinders local-level democracy, jurisdiction and economic—*[Inaudible]*—which can so often enable better outcomes for communities and allow them to shape their own lives. Restrictions on the development of community wealth building would be regrettable as we come out of Covid-19.

The white paper's proposals are beholden to capital and have no loyalty to place, collaboration or subsidiarity. They risk undermining any partnerships between local public sector bodies, communities, locally owned businesses and trade unions.

I will specifically turn to the environment, which is my brief. I emphasise the four guiding UK environmental principles: precaution, prevention, rectifying pollution at source and polluter pays. Those principles matter for our communities and our sustainable development—from the quality of the air that we breathe to the water that we drink, from the purity of the sea water around the northern isles, where there are mussel farms, to the sustainable—*[Inaudible]*—and much more. The UK Withdrawal from the European Union (Continuity) (Scotland) Bill, which is before the Finance and Constitution Committee and the Environment, Climate Change and Land Reform Committee, gives the opportunity to ensure that environmental principles are enshrined in Scottish

law—indeed, possibly more of them: human health, innovation, non-regression, sustainable development and either a duty to have regard to principles or a requirement to act in accordance with them.

Those are all significant issues to explore and get right, but they pale into insignificance when we reflect, as we do today, on the threat to it all from the aims—both explicit and implicit—of the UK internal market white paper. The serious lack of respect that has been shown for the devolution settlement is arrogant and completely unacceptable. In my view, the writing was on the wall when the common frameworks did not materialise quickly, and now the white paper poses a serious threat to a range of those common frameworks themselves.

The UK Government's cavalier attitude to environmental standards and other important EU developments in the public interest is at the heart of a dangerous challenge to our devolution rights. It is clear that the UK Government is not aiming for a baseline that we can all live with but has a very different agenda: weaker regulation of business. As the cabinet secretary stressed in his statement,

"The only certainty is that these proposals would undermine the high quality and standards that Scotland has set for food production and animal welfare for the sole purpose of allowing the UK to do bad trade deals."—*[Official Report, 30 July 2020; c 40.]*

The Royal Society of Edinburgh shed light on the stark dangers that that presents in its submission to the ECCLR Committee on the continuity bill. It said that:

"It is important to remember that the environment is not constrained by territorial boundaries. The development and agreement of common frameworks on the environment between the UK and Scottish Governments will therefore be crucial. A common environmental framework will ensure measures enacted in Scotland are not undermined by incompatible actions taken in other UK nations by establishing a mutually acceptable baseline of environmental protection."

Indeed, in some cases, Scotland has chosen to go further than the EU, for example on renewables; and to do differently from England, as we have heard from others, such as in our robust position on genetically modified crops, and on some of our marine protection commitments.

All that could remain possible, but it would have to be from an agreed baseline with no cap on higher standards. Professor Campbell Gemmill summarised the latter possibility well when he said:

"We may choose to do more, different and better and that should be done in the full knowledge of the efforts of, and through active partnership with, our colleagues across the EU."

However, all that is blown to smithereens by the UK white paper, which I strongly oppose, as does the Scottish Labour Party.

The Finance and Constitution Committee is absolutely right to call for a much longer and more transparent and inclusive public debate on the proposals, given the significance that they have for all UK citizens.

As it is, Scottish Labour will not contemplate supporting the proposals, for the reasons that I and Scottish Labour members—and members of other parties—have highlighted.

16:16

**John Mason (Glasgow Shettleston) (SNP):** The Finance and Constitution Committee is clear that we recognise the economic benefits to business across the four nations of the United Kingdom of having a set of rules that ensures that there are no barriers to trading within the UK.

We want our farmers, food manufacturers, engineers and beer and whisky producers, among others, to be able to sell freely in other parts of the UK. I find it bizarre that the Conservatives stress the importance of that 60 per cent of our trade but seem quite relaxed about the other 40 per cent, including the 18 per cent that is with the EU, which we can ill afford to lose.

I repeat what other members have said about how disappointing it was that the UK Government held the consultation during the Scottish Parliament summer recess and that it would not take part in our committee meeting last week.

The Welsh Parliament response to the consultation was good. It was short, sharp and to the point, as was the quote from it that Jackie Baillie cited. For example, it said:

“The timeframe for consideration of your proposals”—

that is, the UK Government’s proposals—

“is wholly inadequate.”

The Welsh Parliament is also unconvinced that primary legislation is needed.

We appreciated receiving evidence from a number of organisations, including the Royal Society of Edinburgh, which said that the EU has a clear definition of a single market but that, in contrast, the UK internal market

“is a contested term with no single agreed definition.”

The RSE also suggested that the EU principles of subsidiarity and proportionality should be adopted within the UK internal market. As many of us know, subsidiarity means that decisions should be made at the lowest appropriate level, which often means Edinburgh, Cardiff and Belfast, rather than London.

As the committee’s letter in response to the consultation says, we previously considered evidence that suggests that there are two fundamental questions, which are

“The degree to which the internal market requires the harmonisation of laws and regulations and how far the requirement of harmonisation extends; and

What range of goods and services should be included in the internal market?”

As the white paper does not really address those questions, it is difficult to understand the model of internal market that the UK Government is proposing.

As the committee’s letter also says,

“there is no discussion about how baseline standards or fundamental principles in relation to environmental policy can be achieved across the UK given that this is a devolved competence.”

The current devolution settlement and EU law already allow for significant policy divergence. It seems to be agreed that frameworks will maintain equivalent flexibility, as is afforded by current EU rules. That suggests a fair degree of flexibility for the devolved nations but—again—there seems to be a lack of clarity on that.

One of the greatest concerns is that the proposals could mean that a reduction in standards in one part of the UK, particularly in England, would have the effect of pulling down standards elsewhere in the UK. Scottish beef, salmon, and whisky—to name but three of our products—are of a high standard and I am confident that they can continue to command a premium price on world markets. However, if standards in England repeatedly fall lower, for example because of trade agreements, it will make it difficult for producers who aim for high quality, along with decent wages and high animal welfare and environmental standards, to compete on a level playing field. We have to remember that the UK is a relatively small player on the world stage and it is unlikely to be arguing from a position of strength in trade agreements.

One of my greatest concerns is that there might be limitations on the measures that Scotland could take to deal with particular health issues that we face. As others have mentioned, one of the examples is our problem with alcohol and the introduction of minimum unit pricing. That was challenged by the whisky producers, who claimed that it was unwarranted interference with the market but, thankfully, the EU had a proper structure, including the courts, and we could defend the policy and eventually won. However, we are left wondering how the UK would deal with such a case. Similarly, when Germany disagreed with EU rules on tobacco advertising, clear procedures were in place to settle the dispute;

Germany won, because the EU was reckoned to have gone beyond its powers and breached the principle of subsidiarity.

The EU had and has those safeguards, but the UK does not seem to. What happens if the UK Government goes beyond its powers? Who would rule against it?

The whole process says a lot about Westminster's attitude and, in particular, Westminster Conservatives' attitude to the Scottish Parliament and to Scotland as a country. We are a nuisance to them, they see Scotland as a region of England, and the more powers they can take from Wales, Northern Ireland and us, the happier they will be.

For many Conservatives, England and Westminster is the place to be; they want all the power to be there and all decisions to be made there. Presumably, that is why the new leader of the Conservatives in Scotland left Holyrood after only 13 months. Actions speak louder than words.

Boris Johnson and his Government have choices to make; by listening to the committee report and today's debate, will they respect this and the other devolved Parliaments, or will they seek to undermine devolution and encourage us to seek our own path for the future?

16:21

**Alexander Burnett (Aberdeenshire West)**  
(Con): I refer members to my entry in the register of members' interests.

Alongside my Conservative colleagues on the Finance and Constitution Committee, I was disappointed that we had to dissent from the submission as a whole to the UK Government white paper, because there were points—and parts, if they had been slightly amended—in it that we might have supported. That dissent is no reflection on the clerks or on the excellent chairing by Bruce Crawford, who in my time on the committee has excelled at getting the committee to reach consensus. However, on that occasion, with the length of the submission and shortage of time, if we had followed the normal process, our colleagues on the committee would not have appreciated it if it had begun to look as though there was an attempt to have the first submission filibustered. Hence, we took the position that we took.

However, there will still be ample time for further debate and questioning of ministers, once the bill is published.

Of course, there is much to be covered by the bill. For the internal market to continue to operate effectively, there are three guiding principles. They are that there should be no new barriers to trade,

that there should be collaboration across the UK, and that there should be fair, independent and trusted adjudication.

The UK Government has already committed to working with the devolved Administrations to agree common frameworks to cover specific policy areas that are returning from the EU. The UK internal market proposals would not change that; they would build on and complement the progress that has already been made in developing common frameworks, and provide additional certainty for businesses.

As has been mentioned, shortage of time has been an issue. We can only wonder how much more informed we would be had Mike Russell not decided to pull Scottish Government civil servants out of the single-market discussions early last year. I believe that the UK Government wants to work constructively with all the devolved Administrations on the proposals, so I was pleased to hear that it has stated that the door remains open for the Scottish Government to rejoin, and it urges it to do so. I hope that Mike Russell can put aside his personal grievances and, for the benefit of Scotland, take the UK Government up on that offer.

I also think that it is clear that the UK single market is of no interest to the SNP, except as an opportunity to create division. To show how little the SNP cares for the single market's true value, there is not a single mention of it in the 71 pages of the Scottish Government's economic recovery plan that was published the other week. Although it has been mentioned several times today, the value of that market to Scotland clearly needs to be repeated, because the SNP seems to be particularly slow on the uptake about its importance. Once again, I note that it is 60 per cent of our trade and is worth more than £50 billion. It supports more than half a million Scottish jobs and is nearly three times as valuable as our trade with the rest of the world, and nearly four times as valuable as our trade with the EU.

However, these are evolving times, so last week I asked the cabinet secretary what the Scottish Government is doing to monitor the value to Scotland of the UK internal market. Although he said that it reviews and considers its value, that information is clearly as confidential as the Alex Salmond inquiry papers, because—sadly—it failed to appear in the economic recovery plan.

In fact, I cannot recall the SNP ever publishing the value of our largest trading market. Like the majority in Scotland, I would be happier if, rather than looking for opportunities to argue for separation, the Scottish Government were to provide regular updates on the volume of trade that Scotland has with the rest of the UK, and was quick to find ways to improve on it. However, as always, it is left to

the Scottish Conservatives and those who understand the important relationship of the UK internal market to defend businesses and jobs in Scotland.

The Food and Drink Federation Scotland has said:

“Many businesses within the Food and Drink manufacturing industry view the UK (and the Republic of Ireland) as an internal single market”

and the Scottish Retail Consortium has said that

“Scottish consumers and our economy as a whole benefit enormously from the UK’s largely unfettered internal single market”

through

“economies of scale”.

The director general of the Confederation of British Industry—an institution that is sometimes known as “the voice of Brussels”—says that the internal market principle of mutual recognition

“is essential to guard against any additional costs or barriers”

in the UK. We need to protect those close economic ties and the jobs that rely on them.

It was interesting to see that the Welsh and Northern Irish submissions demonstrate not only brevity when making points that are similar to those in our submission, but much greater focus on the economic importance of the issue. Here, we have instead the usual focus of the SNP: constitutional arguments and thinking that we are better off without the UK, despite the overwhelming evidence that shows that that is not the case.

At our committee meeting last week, the cabinet secretary was keen to quote George Orwell. We certainly live in Orwellian times. The cabinet secretary might like to know that Orwell also said:

“Nationalism is power-hunger tempered by self-deception.”

The cabinet secretary might be deceiving himself with a strategy of non-co-operation, but he is not fooling anyone else.

16:26

**Kenneth Gibson (Cunninghame North) (SNP):** There is no one more nationalist than the British nationalists on the Tory seats over to my left.

It is clear that few people are being taken in by Tory assertions and assurances. Folk are not so daft—they have long memories and remember that the Tories fought tooth and nail against the very existence of this Parliament. Few people believe that the Tories have any interest other than in tightening London’s grip, so the members

who are sitting opposite me should at least have the honesty and decency to admit their intention.

A coalition of 40 Scottish environment charities has warned that the UK Government plans to create a post-Brexit UK internal market that could end up causing significant harm to Scotland’s wildlife, landscape and food standards, given that it is aimed both at removing regulation and at forcing all four nations of the UK to adopt the same standards, irrespective of each nation’s environmental context or needs.

Scotland will have to accept the lowest common denominator, especially when countries that are negotiating bilateral trade deals with the UK are demanding lower standards, thereby seriously undermining efforts to combat climate change and biodiversity decline. As Charles Dundas, who is the chair of Scottish Environment LINK, said last week:

“Scotland’s world-renowned natural environment is central to all our lives, and we must not allow arrangements for a UK internal market to put it in jeopardy by dragging standards down.”

As we have already heard, last Friday, NFU Scotland expressed its concern in a press release that was headed, “White paper proposal presents risks to vital internal UK markets”. It is worth restating that point. The press release went on to say:

“It is the clear view of NFU Scotland, and the other farming unions of the UK, that the proposals pose a significant threat to the development of Common Frameworks and to devolution. The Union stresses the need for agricultural support policies to diverge where necessary to reflect different needs and objectives in different parts of the UK”.

NFU Scotland also said that

“The proposal on ‘mutual recognition’ contained in the paper raises the potential for Common Frameworks to be rendered meaningless”

and went on to say that the

“UK Internal Market proposals put forward limit the devolved administrations’ ability to act if any standards were lowered and give the UK Government a final say in areas of devolved policy, such as agriculture, the environment or animal health and welfare.”

The internal market consultation took place over a period of only four weeks in the midst of summer. We have already heard that UK minister Alok Sharma contemptuously refused to participate in the inquiry during the devolved Parliaments’ and Assembly’s recess, which tells us that there was no real desire to secure well-considered views. After all, the opinion of Scotland’s Parliament will not actually be taken into consideration by the UK Tory Government, will it?



The impact of the proposed internal market on Scotland's trade, economy, businesses, employment and people would be momentous. Although we are getting used to it, it is shocking once again to see the Sewel convention being violated.

The Tory talk of "a power surge" is deliberately misleading. The white paper makes it clear that state aid will be removed from this Parliament and reserved to the UK. It also clearly identifies minimum unit pricing, the smoking ban, animal health and welfare, environmental standards including on recycling targets and deposit return schemes, food safety procurement and other devolved policy areas as being at risk from the proposals.

However, Dean Lockhart is easily pleased: he talked about a mass of "new" powers that are already devolved. I will give a couple of examples of that. Council tax benefit powers were devolved, but with only 90 per cent of the budget having been devolved, which costs this Parliament £22 million and local government £17 million each year. Powers on employability were devolved, but only after a 93 per cent cut in the budget. Tory MSPs might be happy with those costly crumbs from the table, but we have higher ambitions for Scotland.

The Scottish Parliament is, largely, being ignored. A few points—six, to be precise—will be put before committees to be scrutinised. I know that we will do that to the best of our ability, despite the general feeling—among everyone but the Tories—that although we take Scottish Parliament deliberation seriously, the Tories, as they prove time and again, do not.

Hazardous substances planning will come to the Local Government and Communities Committee, on which I serve. It has become all too clear recently how devastating the consequences can be when things go wrong. The Scottish Environment Protection Agency is dealing with an application from the Ministry of Defence to increase discharges of radioactive waste from Faslane into the Firth of Clyde, which will inevitably have a detrimental impact on Scotland's environment and on the local communities.

If the application is approved, liquid waste from the reactors that drive Royal Navy submarines and from processing of Trident nuclear warheads will be discharged from Faslane into the nearby Gare Loch via a proposed new pipeline. That location was decided under the guise of replacing ageing waste facilities with a new nuclear support hub—words that somehow make it sound almost sustainable. However, the plan will lead to cobalt-60 discharges that are estimated by the MOD to be 52 times higher than the average annual discharge over the past six years. The

consultation opened on 13 January and closed on 13 March. Due to an incredibly high number of responses—more than 7,000—SEPA is still reviewing them.

In addition, when the UK Government's Oil and Pipelines Agency applied to Argyll and Bute Council to use two underground tanks to store more petroleum products at the fuel depot in Garelochhead in April, it did not bother to detail what the substances are made up of.

Should we lose powers over such matters? That would be a truly retrograde step. In keeping an eye on the UK Government and protecting our people, the work of the Scottish Parliament and its agencies matters more than ever to the safety, wellbeing and prosperity of Scotland and those who live here.

How the UK Tory Government has treated the devolved nations makes it painfully clear that what we have heard from Tory MSPs—who are utterly beholden to London and their new king over the water, Douglas Ross MP—regarding increasing the powers of this Parliament is simply hogwash.

16:32

**George Adam (Paisley) (SNP):** Presiding Officer, I know what you are thinking—what can I possibly bring to the debate after a long afternoon in the chamber?

I want to bring up a couple of points and go over what we have discussed. The Tories started off with Dean Lockhart, who waffled on about various things that he believed and defended the Tories and the UK Tory Government as much as he possibly could. I actually believe that, in his heart of hearts, he knows that there are issues with the proposals.

Then we had Peter Chapman, who attacked the NFU. I never thought that I would see the day when Peter Chapman attacked the NFU, but I heard him do that today. My colleagues will be cutting and pasting his comments on to social media as quickly as they possibly can.

We have also heard from Alexander Burnett. All that I can say about him is that he must be one miserable individual, because I have never heard any positivity about anything from him in the chamber.

The contributions from members on the Tory benches really show the difference between them and SNP members, who are arguing for a positive future in Scotland.

Members should do not think for one minute that, as the Tories would like you to believe, the internal market is a simple case of replacing EU rules with the proposals that are set out in the UK

Government's white paper. It is a lot more than that—it is a power grab from the devolved nations by Westminster. Not only that, but the proposed processes are woolly at best. Even if we could all agree on everything, it would still be difficult to work within them.

The UK Government claims that the proposals are to protect business and consumers, but that appears not to be the case. For example, some of our world-renowned products, such as Scottish meat and fish, which are reared to high animal welfare standards, could be ruthlessly undercut by cheap, mass-produced food from outside Scotland, where far less care is given to the product that is produced. We would be required to accept such goods that meet whatever standards the UK Government decides. For me, that is a worrying prospect, because the UK Government would decide on anything that it wished when it came to a trade deal.

Talking out loud about the first thing that comes to mind, let us say that Donald Trump comes to town and decides that he wants a trade deal with the United Kingdom. Trump and the UK Government would quite happily sell their grandmothers to make sure that they would get that deal done—not for the benefit of Scotland or for the people of Scotland, but for their own grubby self-interest. That is the only reason that they would want to do it.

It has been a bit of a panto season in the chamber today: when anyone mentions chlorinated chicken, the Tories get really animated. The point is that if a trade deal with the United States meant that there was a chance that there would be chlorinated chicken in Scotland, what would the Scottish Parliament be able to do to stop it? Under the current proposals, it would be able to do absolutely nothing.

Why do we not find a way for the four devolved nations to work together, with mutual respect, to resolve their differences? That is the way that things are done anywhere else in the world, but not here, where it is all about the Tory Government regaining control and then taking even more control.

If we look at the scenario in front of us, we see that the UK Government proposals would at best confuse, and at worst negate, the arrangement that we now have. That, for me, is a worry. For the sake of debate, imagine a situation in which the Scottish Parliament does not agree with the UK Government. I shudder to think that that would ever happen, but if it did, there is nothing in the proposed processes that gives any of the devolved nations an opportunity to do anything about it.

I have been a member of the SNP since I was a teenager, and that was not yesterday. I have wanted Scottish independence for most of my life, but I also believe passionately in this place—our nation's Parliament. It is an institution that I respect and would defend with every fibre of my being. The proposed UK internal market is a threat to this place. We cannot allow a Government that was not elected by Scotland—that Scotland did not vote for—to dictate to Scotland's Parliament.

**The Deputy Presiding Officer (Christine Grahame):** We now move to closing speeches. There are two members not in the chamber, as far as I can see, who should be in it for closing speeches. I hope to hear from them when they are good enough to return.

16:38

**Willie Rennie:** They might miss my corker of a speech, Presiding Officer, which would be such a shame. I am sure that I can repeat it to them later.

The Liberal Democrats will support the Green amendment, the Labour amendment and our own amendment, as well as the Government motion, but we will not support the Conservative amendment.

Claudia Beamish's speech was one of the best. She summed things up well when she said that she felt a mixture of sadness and relief about the debate: sadness that it was necessary at all, but relief that there was an opportunity—she is ever the optimist—to explore how best to progress.

Annabelle Ewing, who said that it was "London's way or the highway",

summed up the situation with some accuracy. However, Jackie Baillie, as always, was the best, as she spoke about not only the value of the internal market but the need for us all to have a say in how it works. That summed it up well.

Peter Chapman—a great opponent of the NFU—spoke with great passion. He asked who on earth would not be in favour of working with our closest and biggest economic neighbours. If only he had said that more loudly during the Brexit referendum, we might not be in this position in the first place.

Then the debate was full of SNP members who were great converts to the cause of co-operation across the United Kingdom. John Mason, Tom Arthur and Bruce Crawford all said, "If only we could come together and reach some kind of co-operative agreement across the UK." That is despite the fact that they have spent all of their political careers trying to dismantle the UK and the co-operation that exists. [*Interruption.*] I will not take an intervention now, because I am coming on

to speak about Adam Tomkins, whom I thought spoke quite well.

**Members:** Quite well!

**Willie Rennie:** I know—"quite well" is high praise from me. He spoke about balance, proportionality and having some form of dispute resolution process. He was right about that, but I regret that he is not prepared for that dispute resolution process to include greater involvement of the nations and regions of the UK in a democratic way. That would help to solve the issues that John Mason, Tom Arthur and Bruce Crawford rightly talked about and would create rules that we could all have a role in. We all value economic co-operation, in the UK or across the EU, especially in these times of the pandemic. It is really important that we have that, and that we try to work together.

Yesterday in *The Scotsman*, Stephen Phillips, who is on the Brexit group at the law firm CMS, made this point particularly well:

"In the EU system, no member state is powerful enough to dictate standards and there is a complex oversight system involving the EU Commission, Council of Ministers, national governments, and the European Parliament to create broad consensus."

That is all that we are trying to seek in these circumstances.

Australians view their own system this way:

"Mutual recognition of standards is a decentralised means of harmonising regulation. Each State is able to pursue its own approach while meeting minimum national standards, and a cumbersome and centralising process of establishing uniform national standards is avoided. In the long run, however, mutual recognition promotes increased uniformity of regulation."

I think that they put that very well.

The Law Society of Scotland has looked into the issue in some depth, too. It points out that England and Scotland already diverge in the law relating to building regulations: the Building Act 1984 is for England and Wales, and the Building (Scotland) Act 2003 is for Scotland. Building regulations are now on the UK Conservatives' list of areas on which decisions will be taken in Whitehall.

The Law Society of Scotland also points to paragraph 17 of the white paper, which refers to

"processes for obtaining construction permits".

That, too, is covered by devolved legislation under the Town and Country Planning (Scotland) Act 1947, and it is on the Conservatives' list of areas on which decisions will be taken in Whitehall.

I have listened to the Conservatives in the debate. They have clearly set out that they want a uniform system to be imposed across the whole of

the UK on their say-so alone. That problem begs the question: why do they want that?

The great suspicion—and I do not believe that the Scottish Conservatives know enough to be in a position to dispute it—is that the UK Government thinks that it needs the power to impose products such as chlorinated chicken and hormone beef across the UK in order to get a trade deal with Donald Trump. If it is not those products, it might be something equally unpalatable. That is why we fear what the Conservatives are planning to do, and it is why my amendment should be attractive across the UK.

We need a federal structure and co-operation, and we need to ensure that the nations and regions of the UK have partnership at their heart, so that people can trade in Peterborough and Perth equally according to basic standards, while recognising the power in each of the Parliaments and Administrations of the UK.

Let us agree that common approach. That is the best way to keep the UK together and have the internal market as strong as it possibly can be.

**The Deputy Presiding Officer:** In order to allow all closing speakers the opportunity to have their full time, I am minded to accept a motion without notice to move decision time to 5.20 pm. I ask Willie Rennie to move the motion.

**Willie Rennie:** Moved, with honour.

**The Deputy Presiding Officer:** I do not know what to say to that.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be moved to 5.20 pm.—[*Willie Rennie*]

*Motion agreed to.*

16:44

**Patrick Harvie:** I will support the Government's motion and the Labour amendment. Obviously, I will oppose the Conservative amendment. I am afraid that the Liberal Democrat amendment places just a little too much confidence in the idea that shared decision making will, in fact, protect the people of Scotland; I am not at all convinced that it will.

I suppose that it was pretty much inevitable that today's debate would involve at least one or two rants about separatists. That name is thrown across the chamber by people who support the Brexit project. Apparently, they call us separatists without either self-awareness or irony. It is pretty clear that supporters of independence are the true internationalists in the chamber, and we will continue to make that case.

It is clear that a number of members across the chamber share the central concern that there is a mechanism for an internal market but no principles for how it should operate. That is what is being proposed. Whether we are talking about subsidiarity, proportionality, sustainability or any of the other principles from the whole host that we could be debating, they are not defined in the UK Government's proposals. That is why it was a little strange to hear some members—perhaps unconsciously—use the phrases “internal market” and “single market” interchangeably. The EU single market is clearly defined according to certain principles. The UK proposals for its internal market are not defined. We have evidence from a number of respected bodies that the very term is contested, so it is clear that it is premature to legislate on it in those circumstances.

Another slip of the tongue was made by a few members, including some in the SNP, who, instead of talking about the single market or the internal market, accidentally talked about the free market. Those are fundamentally different ideas. Whether one is a hard-right libertarian who gives guest lectures with the Cato Institute or a social democrat who believes that market activity needs to be regulated well and effectively in the interests of the public, there is an argument for having a single market and a wide area that complies with, broadly speaking, the same rules and conditions. A single market or an internal market does not determine whether we should be running a free or a regulated market.

A phrase that has been used a few times relates to what would be “bad for business”. The minister talked about not wanting to do things that are “bad for business”. Sometimes, we need to do some things that are bad for business. If Governments through the ages had taken that view and had never been willing to do things that were bad for business, never mind minimum unit pricing, we would not have paid holidays, we would not have abolished child labour and we would not have a minimum wage.

The Scottish Parliament's Finance and Constitution Committee did not say that there should never be any barriers, either. We said:

“The Committee recognises the economic benefits to businesses across the four nations ... of having a set of rules which ensures there are no barriers ... Equally we recognise the benefit to society of effective regulation of market activity, and the role of all parliaments including the Scottish Parliament in deciding how best to strike the balance”.

That is the important point. There are obviously those who would like to take power away, not only from the Scottish Parliament and the other devolved nations but from democratically accountable institutions, and give it to the market, and there are those of us who believe that the

whole economy ought to be democratically accountable. However, it is for elected Parliaments to decide how best to strike that balance. The UK Government's proposals will remove the ability not only of the Scottish Parliament but of others to decide how best to strike that balance.

The Scottish Government says that there would be no barriers to trade under its preferred option of common frameworks. I agree that it is unlikely that there would be significant barriers to trade. However, the principle is that this Parliament and the other Parliaments must be free to act and to judge whether those actions, and any consequences for trade, are proportionate, and we can be held democratically accountable for those decisions.

Mr Lockhart tried to persuade us that the common frameworks—not the UK internal market proposals—will deliver new powers. What nonsense. In any policy area that is wholly reserved, common frameworks do not even arise; they arise in debating measures that cover existing areas of devolved competence. Common frameworks are not about devolving new areas of competence—they are an invitation to align, and agree how we co-ordinate, in areas that are already devolved.

I think that Adam Tomkins recognises my central concern that we have the design of a mechanism for an internal market without the appropriate principles being attached, and I hope that he will vote accordingly. I hope that if the UK Government continues with its current proposals unchanged, he will oppose them.

Some Tory members were laughing at the suggestion that the Thatcher Government was one of the drivers of the movement for devolution, but I think that it is clear that that was the case. If the Tories cannot now bring themselves to defend devolution and Scotland's democracy, which we chose more than 20 years ago, and if they insist on cutting the powers of Scotland's Parliament without the permission of Scotland's people in the interests of a free-market extremist ideology, they will drive ever more people to one inescapable conclusion: that Scotland can, must and will govern itself.

16:51

**James Kelly (Glasgow) (Lab):** The message that is coming out loud and clear from the debate is that the devolution process must be respected, and that the majority of parties in this Parliament will reject the attempt by the UK Tory Government, supported by those on the Tory benches in this chamber, to trample all over the devolution settlement and treat the devolution process with utter contempt and disrespect. That will be

rejected—quite rightly—when we come to decision time tonight.

There have been three themes running through the debate: concern around the process that is being used; the negative impact of the proposals; and how we resolve disputes. With regard to the process, the Green amendment covers the concerns well. Patrick Harvie spoke at length about the process in his opening speech, and Jackie Baillie also discussed it.

It is absolutely absurd that there was only a four-week consultation process for such important proposals and such an important piece of legislation, and that the proposals were sneaked out during the summer recess, thereby undermining the ability for proper scrutiny to take place. That is something that people really regret.

The same contempt was shown by Alok Sharma in his refusal to give evidence to the Finance and Constitution Committee. As Patrick Harvie rightly pointed out, Mr Sharma was able to visit Glasgow, but he was not able to take part in a Zoom call for an hour and a half to discuss the proposals with a Parliament committee. That was totally unacceptable, and it shows that at the heart of all this is an attempt to sneak through and impose the proposals without any proper discussion and debate.

Looking at the impact that some of the proposals would have, I can perhaps understand why the UK Government does not want too much scrutiny of them. Claudia Beamish got to the heart of the matter when she spoke about how the proposals would undermine the environmental and sustainability principles that have been so important to the Scottish Parliament. The UK Government's proposals are no way to go about trying to protect those important principles.

In the same vein, Joan McAlpine made an important contribution on the importance of including state aid in the devolution proposals. She was right to point out that Donald Dewar very much had in mind the impact of the Thatcher Government's decisions on communities in Scotland.

I am old enough to remember the closure of the steelworks in Cambuslang, which were near to where I grew up, where I still stay and which I now represent. I remember the absolutely devastating impact that such closures had, not only in Cambuslang but in communities throughout Scotland. It was that experience of some of the decisions of the Thatcher Government, which destroyed the manufacturing base in Scotland and had a devastating effect on communities, that led to the decision to include state aid in the devolution process. We need that protection.

Another key theme running through the debate has been how we resolve disputes. That has been part of the problem, in that it has taken so long: we still do not have the answer when it comes to how we resolve issues around the UK internal market. There has been continued controversy about the disputes process. Adam Tomkins referred to it, and Willie Rennie covered it at length in his opening speech. It also features in the Liberal Democrat amendment.

If the arrangements are going to work in future, we need a mechanism to resolve disputes. That cannot be done by one Parliament imposing its view on another or one Parliament having a veto to take something out of an agreement; it has to be done through consensus and co-operation.

I find the Tory approach to the debate quite bizarre in a lot of ways. Alex Rowley underlined that, saying that, in effect, the Tories are undermining the devolution process that has been in place for 21 years. The Tories obviously opposed it in the original referendum, and it is interesting how things have now come full circle with what they are arguing for today. They are also undermining the case for staying in the United Kingdom. For those of us who support that case and who genuinely believe that it is best for the United Kingdom, I say genuinely to Tory members that they need to change their attitude and their approach.

The way forward here is to take the current proposals off the table. I agree with Jackie Baillie that it is important to have a proper mechanism for how the UK internal market works, but the way to achieve that is through dialogue and proper use of the intergovernmental machinery, finding solutions that all four nations can approach.

Scottish Labour will oppose the Tory amendment, we will support the Government motion, we will obviously support our own amendment, and we will support the Liberal Democrat and Green amendments. The bulk of parties in this Parliament will stand against the Tory Government proposals. Let us have proper consensus and an approach that suits all four nations.

16:58

**Maurice Golden (West Scotland) (Con):** The debate should have been about how Scotland can best use the internal market to create jobs, boost business and help our economic recovery. The Scottish Parliament will soon gain dozens of new powers, and this should have been the perfect opportunity to have a positive, forward-looking debate. Unfortunately, the discussion has been dominated, as it so often is, by yet another of the SNP's pointless, repetitive and self-serving

constitutional arguments. This time, it is to oppose a “power grab”, but the SNP cannot name a single power that is being grabbed. That is for good reason: no power of the Parliament is being taken away. In fact, the opposite is true: more than 100 extra powers will come from the EU to the Scottish Parliament, and yet the SNP wants to take those new Scottish parliamentary powers and hand them straight back to Brussels.

As my colleague Dean Lockhart said, that would be the biggest power surrender that the Parliament has ever seen. Given the outrage that we have heard from the nationalist politicians today, we might think that they would be lining up to say that no power should ever be handed away from the Parliament, but of course that outrage is, as is usual with the SNP, fake and phoney grievance.

**John Mason:** Does the member accept that the EU has structures to protect individual countries and that the UK does not?

**Maurice Golden:** There will be structures under the UK white paper. As we have heard, work is required on dispute resolution, but a debate such as this, which has been characterised by grievance and hatred, is not the best way in which to come together to consider how to improve the white paper and, ultimately, deliver for the people of Scotland, which is what I want to do.

We have heard nationalists—Joan McAlpine, Bruce Crawford and Patrick Harvie—complaining about the UK Government timescales for consultation, but it is hard to consult the SNP when it pulled out of the four-nation effort a year ago. If the SNP wants to be consulted, it needs to engage. Alexander Burnett made that point strongly and emphasised that Mike Russell must put aside his personal grievance and re-engage. The UK Government has left the door open. I do not hold out much hope, as

“Nationalism is power-hunger tempered by self-deception”, as Alexander Burnett pointed out.

The SNP also says that frameworks should be used instead of the proposals in the white paper. Frameworks will be used and are important, but the proposals provide a minimum safety net for businesses that are not covered by frameworks. They would also prevent the SNP from reducing food and environmental standards, which is a very real threat. *[Interruption.]* Kenny Gibson said that the proposed legislation would have prevented the deposit return scheme and minimum unit pricing in Scotland. That is utter hogwash, and SNP members know it. *[Interruption.]* The minister said that we will see lower food standards—

**The Deputy Presiding Officer:** I ask members to quieten a little. I would like to hear what Mr Golden has to say. Please continue, Mr Golden.

**Maurice Golden:** Thank you, Presiding Officer.

The minister said that we will see lower food standards. Given the world-class produce that we have in Scotland and across the UK, that is a real insult to our farmers. The UK Government has been absolutely clear that we will never compromise food safety or the environment.

**Kenneth Gibson:** Will the member give way?

**Maurice Golden:** I am happy to give way to Kenneth Gibson.

**Kenneth Gibson:** I—

**The Deputy Presiding Officer:** Calm down, Mr Gibson. Wait until I call you to speak. Go ahead.

**Kenneth Gibson:** If what Mr Golden says is the case, why does the NFUS not believe the Tories when they talk about protecting food standards and so on?

**Maurice Golden:** One thing that we know about the NFUS is that it is crystal clear that the UK market is by far the most significant market for Scottish agricultural produce. The SNP should begin to recognise that.

While I am on that subject, I point out that Annabelle Ewing and George Adam brought up the subject of chlorinated chicken. They need to understand that chlorinated chicken is already illegal in the United Kingdom. SNP MPs might want to introduce legislation at Westminster to allow the importation of chlorinated chicken, but the UK Government will fight against that every step of the way. *[Interruption.]* The irony is that SNP members complain about a power grab when, as we speak—*[Interruption.]*

**The Deputy Presiding Officer:** No, no, no. Please—actually, it is not a please; I was just being polite—I want to hear this.

**Maurice Golden:** Thank you, Presiding Officer.

The irony is that SNP members complain about a power grab when, as we speak, they in effect want to hand back powers to Brussels via the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, which will enable SNP ministers to accept laws that are made in Brussels and would in effect enable the SNP to split the Scottish economy from that of the rest of the UK, to the detriment of Scotland.

The inconvenient truth for the SNP is that 60 per cent of Scottish exports—worth more than £50 billion to Scotland—go to the rest of the UK. That is more than our trade with the rest of the world combined. To put that in context, for every £3 of

goods that Scotland exports to the EU, Scotland trades £10 to the rest of the UK, and more than half a million Scottish jobs rely on that. That point was strongly made by my colleague Adam Tomkins, who said eloquently that

“no one, whether unionist or nationalist, should imagine that it is in their interests to erect new barriers to trade between Scotland and the rest of the UK.”

Peter Chapman said that he was absolutely astounded that the SNP is willing to put Scotland’s economy and people’s livelihoods in jeopardy. I must admit that I am not. The UK internal market bill will provide certainty that products made in one part of the UK will not face additional barriers to market in another part of the UK, and that consumers in one part of the UK are not disadvantaged by limited access to goods and services. Not only is that just plain common sense; it is what we have done for centuries.

As ably demonstrated by Alex Rowley, Scottish Labour’s amendment shows a lack of understanding regarding the legislation, although Jackie Baillie’s contribution, particularly around dispute resolution, warrants further consideration.

As for the Liberal Democrats, we can agree that a smooth-running UK internal market is in the interest of everyone in the UK. However, I am a strong advocate of devolution and do not see federalism as a solution to a Scottish Government’s refusal to engage. Willie Rennie’s contribution was valuable, though.

We will not support the Greens’ amendment. As for the SNP’s motion, if the SNP cares at all about Scotland’s economic wellbeing, I urge it to engage constructively with the UK Government. It is time for the SNP to put Scotland first.

17:07

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

As ever in a debate like this, there have been some really good contributions and there have been some dire contributions. The good ones came from right across the parties—I commend Claudia Beamish, Annabelle Ewing, Jackie Baillie, Alex Rowley, Patrick Harvie and Willie Rennie. I disagree with some of Willie Rennie’s points, but his was a valuable contribution.

It was easy to spot the dire contributions, because they were all from Tory members. There was one exception, which I will come back to later. Those dire speeches were characterised by two points that they had in common. They are curious points, because they are facts that are utterly wrong. If it were true, as each of the Tory members asserted, that regulatory convergence is essential for trade, why are we leaving the EU? It is actually untrue that regulatory convergence is

essential for trade, yet that is a point that they made.

The second point—

**Dean Lockhart:** Will the cabinet secretary give way?

**Michael Russell:** No, I will not. The member has had his opportunity. I want to respond to the points that have been made, and I shall come to Mr Lockhart’s points in a moment.

The second point that was common to the Tory speeches was an assertion that there are lots of powers that we would just give away again if we rejoined the EU. The reality is that there are not lots of powers coming back—that is absolutely clear. The assertion is simply untrue, but it says something about the Tories’ view of the EU. Tory members do not recognise that a Scotland that was an independent member of the EU would have vastly more powers than Scotland has as a member of the UK—that is irrefutable. The idea that being a member of the EU simply means handing powers to Brussels is, at worst, just a tabloid invention and, at best, simply the Tory party philosophy.

Let me make absolutely clear a third point that underpins those contributions. Scotland voted to remain in the EU—a fact that has simply been ignored by every Tory member. They do not want to see the reality of the situation. Scotland does not want to have the Tories drag us out of Europe—that, too, is irrefutable.

It is hard to decide which was the worst of all the dire speeches, but it really has to be Peter Chapman’s for one particular reason. It was an encyclopaedia of irrelevance—a cornucopia of nonsense and negativity—but one thing really worried me. Mr Chapman asserted that Scotland would not become a member of the EU if it were independent. On one side of that argument we have Peter Chapman; on the other side we have Van Rompuy, a former President of the European Council, Lord Kerr and endless EU diplomats and others. Who would members trust—the former President of the European Council or Peter Chapman? I know who I would trust.

Peter Chapman is grinning as though there would be some virtue in being put in that situation. What worries me is that anybody—whether they were in Scotland or not—could somehow be happy that a small, talented country such as Scotland would be refused membership of the EU. I find that extraordinary. What is more extraordinary is that somebody who is a member of the Scottish Parliament could be happy with that.

**Peter Chapman:** The reason why an independent Scotland would not be allowed into

the EU is that its fiscal deficit is three times greater than what would allow it to get in.

**Michael Russell:** That intervention proves two points. One is the relish with which it was said; the other is that, if a former President of the European Council can say to my face that we would be able to join the EU, I will take his word for it, not the word of the Doric Donald Trump.

We will move on. I should have welcomed Dean Lockhart to his new role. It is always good to see who will be up against oneself over the next few months. I have to say that I was disappointed, though. Slavish loyalty is not what spokespeople should have, nor should they argue that black is white and white is black, which is clearly what was being done. However, at the end of this speech I will make a positive suggestion to Mr Lockhart for a way in which he can redeem himself following the rather bad start that he has made today.

That bad start was not simply because of his contribution but because the arguments are against him. If we go through all the submissions from organisations—and there are more than I am holding up—we find that the overwhelming weight of the argument from Scottish organisations is against the UK Government's proposals. The submissions are not just from Scottish organisations. There is an astonishing letter from the PACA Committee at Westminster that contradicts virtually everything that Dean Lockhart said. The SCDI expresses itself

“not convinced that the legislative approach ... is the right priority”.

The Royal Society of Edinburgh is not convinced that legislation is required. NFU Scotland says that it

“is clear that Common Frameworks would provide the most effective alternative to manage policy divergence, whilst respecting devolution.”

Even the House of Lords Constitution Committee—which is not full of mad nats by any manner of means—is “not convinced” that legislation is required.

When we look at the detail of the submissions, the General Teaching Council for Scotland—which is not a terribly radical body—when looking at the issue of teaching qualifications says that the proposals undermine a historical and continuing right in Scottish education. More interesting still, the submission of the Clyde Fishermen's Association points out that the proposals from the UK Government will make the internal market worse, not better.

As for the “history”, it is a complete misrepresentation of the historical background, particularly of the Act of Union. The white paper stands revealed today for what it actually is—a

cobbled-together power grab that is motivated by fear that Scotland will stand in the way of the bad trade deals that are being done. It is an amateur attempt at legislation, unduly influenced by a former Tory MP. It is an expression of the deep antipathy—indeed, the contempt—in which devolution is held by Boris Johnson and his Government. It is an astonishing admission of the failure of the UK Government to recognise the reality of what the EU single market is and its value. It is trying to rewrite that in a form of rules that would not pass muster at the first attempt in Europe.

However, it could also be an opportunity for Mr Lockhart. In what will happen, I think, this afternoon—a vote against the white paper—he could see the clear view of many stakeholders. He could also listen to the wise caution of one of the Conservative members. I thought that Adam Tomkins's contribution was the best that I have heard him make. It is ironic that his best contribution on the constitution comes when he is no longer the Tory constitution spokesperson, but that's life. What he said on the legal underpinning of frameworks was very significant. The principles of proportionality and subsidiarity, which were pointed out in the Scottish Parliament in a quote from David Edward that I used two weeks ago, are fundamental to the discussion that we are having. Mutual recognition and non-discrimination cannot operate without those principles being in place.

How would that be taken forward? I disagree with Mr Tomkins—as I would—on the issue of compulsion. I do not think that there is a place here for compulsion, although there is a case for agreement. As I indicated to the committee last week, I have never said that we should not work with and use the frameworks as the foundation for the future. Indeed, I have always said that that is what we should do. That is why my officials have worked so hard to establish the frameworks. I hope that Mr Lockhart will correct the record where he said that we did not take part in the frameworks discussions, because we did take part in them.

**Dean Lockhart:** I should have made it clear that Mike Russell walked out of discussions on the internal market. Given his concerns about mutual recognition and the request to have various exemptions for Scottish business in some respects, does he not recognise that walking away from those discussions 18 months ago was a massive lost opportunity to represent business? It was a wasted opportunity.

**Michael Russell:** The record will show that I withdrew our officials from the discussions on the internal market because I believed that those discussions would lead to a proposal that would undermine devolution. I was right to believe that—



it has proved to be exactly as I said it would be. Indeed, I should be thanked for having taken that action.

I have never walked away from a discussion on frameworks. As I said to the committee last week, if there is a will in the UK Government not to impose on the Scottish Parliament, the Welsh Parliament or the Northern Ireland Assembly but to sit down and continue the discussion on frameworks, I make another offer, which is that there will be no changes to the arrangements. I believe that the proposals are looking for a problem that does not exist. Those frameworks will operate as if they were in place until they are in place. I commit myself to that, as I am sure the other Governments would.

Here is an opportunity for Mr Lockhart—he does not yet seem willing to take it, but I hope that he will. Let him go to the people for whom he speaks elsewhere and say to them, “Look, this is the wrong set of proposals. It is not just the Scottish Parliament that says so—the vast range of stakeholders in Scotland say so. Let us find a better way forward.”

Cometh the hour, cometh the man. Today, that man is Adam Tomkins. I hope that his party is listening to him.

## Business Motion

17:18

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-22455, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, revising tomorrow’s business.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for Wednesday 19 August 2020—

after

*followed by* Ministerial Statement: Scotland’s Redress Scheme for Survivors of Historical Child Abuse in Care

insert

*followed by* Election of Member to the Scottish Parliamentary Corporate Body

delete

5.00 pm Decision Time

and insert

4.30 pm Decision Time.—[*Graeme Dey*]

*Motion agreed to.*

## Decision Time

17:19

**The Presiding Officer (Ken Macintosh):** The first question is that amendment S5M-22437.3, in the name of Dean Lockhart, which seeks to amend motion S5M-22437, in the name of Michael Russell, be agreed. Are we agreed?

**Members:** No.

**The Presiding Officer:** As members know, we are still in the early stages of the new remote voting system so I will temporarily suspend the meeting to ensure that all members who are in their constituencies can join the vote.

17:19

*Meeting suspended.*

17:32

*On resuming—*

**The Presiding Officer:** I confirm that all members, both online and in the chamber, are now able to vote.

Members have already indicated that they are not in agreement on amendment S5M-22437.3, in the name of Dean Lockhart, which seeks to amend motion S5M-22437, in the name of Michael Russell, on the internal market. As we are not agreed, members may cast their votes now. This is a one-minute 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 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)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)

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

### Against

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

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

**The Presiding Officer:** The result of the division is: For 30, Against 91, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-22437.1, in the name of Alex Rowley, which seeks to amend motion S5M-22437, in the name of Michael Russell, on the internal market, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeanne (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 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, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 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)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rumbles, Mike (North East Scotland) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 91, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-22437.4, in the name of Patrick Harvie, which seeks to amend motion S5M-22437, in the name of Michael Russell, on the internal market, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 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, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)

Wightman, Andy (Lothian) (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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 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)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rumbles, Mike (North East Scotland) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 91, Against 31, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-22437.2, in the name of Willie Rennie, which seeks to amend motion S5M-22437, in the name of Michael Russell, on the internal market, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 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)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 27, Against 95, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S5M-22437, in the name of Michael Russell, on the internal market, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)

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

*Meeting closed at 17:42.*

### **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)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 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)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rumbles, Mike (North East Scotland) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 92, Against 31, Abstentions 0.

### *Motion, as amended, agreed to,*

That the Parliament calls on the UK Government to withdraw its proposals for a UK internal market regime, which are incompatible with devolution and the democratic accountability of the Scottish Parliament; notes that the proposals would be detrimental to businesses, consumers and citizens across Scotland; agrees that they would fundamentally undermine legitimate devolved policy choices on a range of matters, including the environment, public health and social protections; these proposals would hinder the capacity to utilise state aid interventions, including public ownership, to generate locally-rooted economic development grounded in local democracy; notes that the consultation on the proposals was only four weeks long and almost entirely covered a period when the Scottish Parliament, the Welsh Parliament and the Northern Ireland Assembly were in recess, and that the Secretary of State for Business, Energy and Industrial Strategy refused an invitation to give evidence to the Finance and Constitution Committee; regards this as an unacceptable sign of contempt for the parliamentary process, and agrees that for the UK Government to proceed with legislation as proposed without the consent of the Scottish Parliament would be a clear breach of Section 28(8) of the Scotland Act 1998.





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