



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Tuesday 20 December 2022

Session 6



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Pàrlamaid na h-Alba

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## Tuesday 20 December 2022

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# Scottish Parliament

*Tuesday 20 December 2022*

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

## Time for Reflection

### **The Presiding Officer (Alison Johnstone):**

Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is the Rev Dr Bruce Ritchie, who is a Church of Scotland minister and a tutor in Scottish church history at Highland Theological College, University of the Highlands and Islands.

### **The Rev Dr Bruce Ritchie (Church of Scotland Minister and Tutor in Scottish Church History, Highland Theological College, University of the Highlands and Islands):**

Presiding Officer, today, we are five days before Christmas, and I would like to reflect on the faith of one of our great Scottish scientists, James Clerk Maxwell, who was brought up in Corssock in Dumfries and Galloway. Every morning, James and his wife Katherine had their own time for reflection. They read the Bible together and they prayed together, and when they were apart, James wrote to Katherine with his thoughts on the passage in question.

Maxwell was a deep-thinking Christian, whose faith affected his science and vice versa. In his physics, he saw that the relationship between entities was part of the entity itself. That field theory transformed physics, from Einstein onwards. In his faith, Maxwell believed similarly that the relationship between God and ourselves is what makes us what we are. We are not individual objects in isolation; we are created to be persons in relation. What we are in relation to God, and what we are in relation to each other, is what makes us persons.

Maxwell drove that relational way of thinking deep into his science and into his faith. In one of his letters to Katherine, he applied it to the central feature of Christmas: namely, that in the Christian faith, Jesus is regarded as fully God and fully man. For Maxwell, God with us, in the enfleshed humanity of Christ, enables us to know him. For Maxwell, God with us in the divinity of Christ enables him to change and transform us.

Maxwell wrote these words to Katherine:

“For [Jesus] is man that we may be able to look to Him; and [he is] God, so that He can create us anew in His own image.”

That was his faith: that Jesus enables humanity to know God, and that when we look at him, we see

God himself. As God, Jesus takes our broken humanity and renews it, in order that the fragile, broken and damaged sons and daughters of humanity might become the healed and forgiven sons and daughters of God.

Presiding Officer, that was Christmas for James Clerk Maxwell: the knowledge of God, and the healing of humanity. Our task, as people in Parliament, is to reflect that divine mission: the mission of healing and renewal; the mission of peace and justice; the mission of reconciliation and forgiveness; and the mission of wisdom and compassion. We are made for each other, and we are made for God. May God's blessing be on you, and may careful wisdom surround all your deliberations.

Thank you.

## Topical Question Time

### The Presiding Officer (Alison Johnstone):

The next scheduled item of business was to be business motion S6M-07320, in the name of George Adam. However, amendments to the motion have very recently been submitted, and in order to ensure that all members have adequate time to look at those amendments, I will move to topical questions at this time, and then we will return to the item on the business motion.

14:06

### Budget 2023-24 (Education)

1. **Willie Rennie (North East Fife) (LD):** I am glad that so many members have turned up to listen to my very important question.

To ask the Scottish Government what its response is to reported comments by the general secretary of School Leaders Scotland, that a reduction in budget will lead to class sizes increasing, subjects being removed from the curriculum and a reduction in the number of teachers. (S6T-01060)

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** I have my own perspective on how pleasing it is to see so many people here, Presiding Officer.

This Government has delivered the highest school spending and more teachers per pupil than in any other United Kingdom nation. In Scotland, we have the lowest overall pupil teacher ratio in the UK at 13.2, compared with 18 in England and 18.5 in Wales.

In our budget, we have sought to protect councils by providing more than £13.2 billion in the local government settlement for 2023-24. That funding package represents a real-terms increase compared with 2022-23 and enables the continued delivery of high-quality education for our children. As part of that, we will continue to provide local authorities with specific funding of £145.5 million per year to support the school workforce. Investment in education is at a record high, with resource and capital spending up almost £200 million this coming financial year, which is one of the biggest rises in the history of the Scottish Parliament.

**Willie Rennie:** I do not think that the minister heard what Jim Thewliss said on Sunday. He was clear—and this is direct evidence from the classroom—that teacher numbers would be cut, class sizes would increase and subjects would be removed. Is the minister saying that Jim Thewliss is wrong?

**Jamie Hepburn:** I do not think that Mr Rennie listened to my answer. His question was predicated on the spending in the budget that we have laid out, and as I have laid out very clearly, there is a real-terms increase. The education and skills resource budget is up from £2.9 billion to just over £3 billion, and the education and skills capital budget has increased from £506 million to £566 million. The budget delivers a funding package that represents a real-terms increase compared with this financial year and enables the continued delivery of high-quality education for our children.

**Willie Rennie:** I want to know what that means for the election promises that were made by the minister's party last year. Will there be an additional 3,500 teachers and classroom assistants; will the poverty-related attainment gap be substantially eliminated in primary and secondary schools; and finally, will teaching contact time be reduced by 90 minutes each week?

**Jamie Hepburn:** We have laid out our manifesto commitments, and we look to take them forward. The member mentions the Scottish attainment challenge, which is raised regularly in the Parliament, rightly, because it is an important issue. We will continue to invest £1 billion through the Scottish attainment challenge in this parliamentary session, which represents a substantial increase on the previous session's £750 million. That is specifically designed to tackle the attainment gap and drive education recovery. As I have mentioned, we are providing more than £145 million of additional annual funding to ensure the sustained employment of additional teachers and classroom assistants. We are doing what we can to make sure that we deliver for Scotland's young people at school.

**Kaukab Stewart (Glasgow Kelvin) (SNP):** I welcome the continued investment in our education system. Can the minister advise how education spending in Scotland compares with that in the rest of the UK? [*Interruption.*]

**Jamie Hepburn:** I can hear the groans already, so it is clear that the Tories already know the answer. Education spend in Scotland is £1,758 per person, which is over £300 more per person than that in England. The figures are £1,439 in England and £1,680 in Wales.

We continue to support the recruitment of students into initial teacher education courses. The number of teachers per 100,000 pupils is 7,573 in Scotland compared with 5,734 in England and 5,636 in Wales.

**Stephen Kerr (Central Scotland) (Con):** Thank goodness for record block grant levels. It is not about inputs; it is about outputs. Scottish education ought to be the gift that we give to

Scotland's young people, with a promise of a better future. However, under the Scottish National Party, there are now 900 fewer teachers; subject choice is down; presentations at highers in science, technology, engineering and mathematics are at a five-year low; and there is a dramatic fall in modern languages education. There is now talk in the councils in Central Scotland of shorter periods, shorter school days, a shorter school week, and even fewer subject choices. There are rising class sizes as ratios are ditched, and teachers are more worried than they ought to be about their safety in the classroom. It is hardly sunlit uplands, is it? Is the minister as embarrassed as he should be?

**Jamie Hepburn:** Actually, I am very proud when I go out to see the many achievements of young people throughout this country, supported by first-class teachers. That is what I am proud to say that we have in Scotland. Mr Kerr did not mention that, of course. Maybe he has not been out there encountering what is happening on the ground.

I have already made a point about our support for young people and the number of teachers, which I will reiterate—I thank Mr Kerr for giving me the chance to do so. We are investing £145.5 million of additional annual funding to ensure the sustained deployment of additional teachers and classroom assistants. That is why we have the best pupil teacher ratios in the entire UK.

**Michael Marra (North East Scotland) (Lab):** I have listened carefully to the minister's responses, and it is clear that he has dodged the core question, which was about the manifesto commitments on which the Government was elected—it was about the 3,500 additional teachers and reductions in classroom time. Is it not right that the pledge on 3,500 teachers is dead in the water under the budget?

**Jamie Hepburn:** I have fully responded to that question. We have laid out our manifesto commitments, and we will work to take them forward.

**Oliver Mundell (Dumfriesshire) (Con):** Rural schools have already seen whole subjects removed from the timetable. Surely the minister cannot be proud of the fact that, in parts of Scotland, people cannot take whole subject areas. That is not educational opportunities for all. How can it be right that my Dumfriesshire constituents, in the likes of Moffat academy, have fewer opportunities today than I had when I was at school? The minister cannot be proud of that.

**Jamie Hepburn:** I cannot attest to Mr Mundell's education, but I can go back to a point that I have already made. If people go out and see what is happening in our schools and consider the area

that I have responsibility for, they will see that a much wider array of subject matter is available in terms of technical qualifications at the senior level. I am very pleased to see an increased range of subject matter and an increased range of choices available to young people. Frankly, although I do not know about Mr Mundell's time at school, those were certainly not available when I was at school.

### **Budget 2023-24 (Local Government)**

**2. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government what its response is to the statement by the Convention of Scottish Local Authorities expressing council leaders' extreme disappointment with the proposed budget settlement for local government and its presentation lacking consistency with a partnership approach, and their invitation to the Deputy First Minister to attend a special meeting. (S6T-01061)

**The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney):** Despite the spectacularly difficult current fiscal context, the Scottish Government has increased the resources available to local government next year by over £570 million. I have also invited council leaders to work with us and other partners to design our services around the needs and interests of the people and communities of Scotland. That is how we will deliver sustainable public services in partnership.

In addition to funding from the Scottish Government, local authorities enjoy a range of revenue-raising powers that are not available to other public services, including newly devolved powers over empty property rates relief.

**Mark Griffin:** I did not hear clearly whether the cabinet secretary has agreed to join the special meeting with COSLA leaders; I hope that that will be clarified now. The Government's claim on Thursday that local government would get £500 million, and its promotion of a partnership approach, unravelled within hours. As I said at the time, that was little more than smoke and mirrors.

The unanimous response of COSLA leaders across all parties—and, most significantly, of council leaders from the Deputy First Minister's party—is that the budget represents another massive real-terms cut in councils' core funding, which will lead to socially harmful job losses. That could not be more serious.

Services as we know them will cease to exist. On Thursday, I asked the cabinet secretary whether he had assessed the cost to the national health service of cutting preventative services, but he did not answer. What is left to cut? Where is the impact assessment of what such austerity will do to the rest of Scotland's public services?

**John Swinney:** The proper comparison of budgets that Parliament expects of me, as the acting finance minister, is between one budget and the next budget. From last year's budget to this year's budget, the local government finance settlement has increased by £570 million.

In the dialogue that I had before the budget statement, local government asked me for an increase of £1 billion in its budget allocation. I was clear with local government that £1 billion could not be delivered in the current fiscal context. Local government was expecting a flat cash settlement; it expected no more money next year in comparison with this year, because that is what it was encouraged to believe from the resource spending review, but in fact, I have delivered £570 million more. That is a welcome settlement for local government.

**Mark Griffin:** There is still no answer on the wider impact of the cuts on Scotland's public sector landscape. I heard the Deputy First Minister's comments on Sunday about the need for reform. Where has the Government been for the past decade? Councils have been salami slicing in the face of 10 years of real-terms cuts. The days of salami slicing are over; it is now wholesale cuts—services ended.

Officials in Scottish National Party-run Aberdeen City Council have started looking at everything that the council does—social work, council tax collection, free school meals, dog control, health and safety and even the welfare fund. That could all be privatised and outsourced. Given what Aberdeen—along with all other councils—is considering, is the budget being used not to reform but to dismantle local government?

**John Swinney:** No. The budget has been designed to create sustainable public services, with an increase of £570 million in the local government budget that was not expected. I have offered local authorities the opportunity to be partners in how we take forward the reform of the public sector. That was exactly what I did when we designed the Covid recovery strategy, which was agreed with local government. I look forward to building on that as we take forward the local government settlement, which I stress is £570 million higher than local authorities expected it to be.

**Paul McLennan (East Lothian) (SNP):** The proposed uplift of more than £500 million in the local government settlement is a welcome real-terms increase in investment in our public services and local democracy, amid the most challenging budget circumstances since devolution. The Deputy First Minister referred to the additional revenue-raising powers that are available to Scottish councils, which are important. Will he underline how local authorities are set to benefit

even more significantly in the coming year, if they engage meaningfully with the Scottish Government on a new deal for local government, which could provide new sources of revenue and unlock fiscal reserves?

**John Swinney:** I am keen to take forward that approach, as is the social justice secretary, who is sitting beside me. We have embarked on such discussions with local authorities and we look forward to developing that work into the new fiscal framework. Local authorities have other tax-varying powers, such as those in relation to empty property relief. In due course in this parliamentary session, we will legislate on a visitor levy. Local authorities have at their disposal other measures, but they can rely on a £570 million increase in their budget that they were not expecting.

**Liz Smith (Mid Scotland and Fife) (Con):** COSLA has put it on the record that, between its written response to the national care service proposals and the National Care Service (Scotland) Bill's publication in June,

"There was no meaningful engagement between the Scottish Government and Local Government".

In combination with the concerns that Mr Griffin outlined, does that represent a serious situation for so-called partnership working between the two forms of government and for the effective delivery of local services?

**John Swinney:** Frankly, I do not recognise the world that Liz Smith talks about. [*Interruption.*] Well, okay. Let me explain the dialogue with local authorities. I had several discussions with local government about the preparation for the budget, right up until the eve of the budget. I had discussions with all the political leaders in COSLA of all shades of political opinion. My colleagues who are involved in the work on the national care service have been involved in dialogue with local government, but I stress that local government has made it quite clear, because of its opposition to the national care service, that it does not particularly want to take forward dialogue with the Scottish Government on those questions.

When it comes to wider partnership working, I cite to Liz Smith the work that the Scottish Government did, in partnership with local government, that resulted in the Covid recovery strategy being agreed—it was a jointly agreed proposition. With the president of COSLA, I chair a delivery board to take forward such priorities. I wish that members of Parliament would reflect the reality of what is going on, not the invention of reality that we get from the Conservatives.



## Business Motion

14:21

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S3M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business. I invite George Adam to move the motion.

*Motion moved,*

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

(a) Tuesday 20 December 2022—

delete

8.00 pm Decision Time

and insert

10.20 pm Decision Time

(b) Wednesday 21 December 2022—

delete

2.00 pm Portfolio Questions:  
Rural Affairs and Islands;  
Health and Social Care;  
Social Justice, Housing and Local  
Government

*followed by* Ministerial Statement: Climate Change  
Committee's Review of Scottish  
Emissions Targets and Progress Report  
2022

and insert

2.00 pm Stage 3 Proceedings: Gender  
Recognition Reform (Scotland) Bill

3.15 pm Portfolio Questions:  
Rural Affairs and Islands;  
Health and Social Care;  
Social Justice, Housing and Local  
Government

delete

5.45 pm Decision Time

and insert

6.30 pm Decision Time

(c) Thursday 22 December 2022—

after

12.00 pm First Minister's Questions

insert

*followed by* Ministerial Statement: Climate Change  
Committee's Review of Scottish  
Emissions Targets and Progress Report  
2022

delete

12.45 pm Decision Time

and insert

1.15 pm Decision Time—[George Adam.]

**The Presiding Officer:** I call Alexander Burnett to speak to and move amendment S6M-07320.1.

14:21

**Alexander Burnett (Aberdeenshire West)**

**(Con):** Here we are, then. After months of warnings from me and my party, which were largely ignored, we now face a vote on a motion that goes to extraordinary lengths to keep the final vote on the Gender Recognition Reform (Scotland) Bill before Christmas. This is the culmination of the many bureau meetings at which I voiced my concerns and the minister, in turn, voiced excuse after excuse as to why the bill should be rushed, all to avoid some bad public relations for the Cabinet.

I confess that, despite all the timetabling motions and the underhanded moves from the convener of the Equalities, Human Rights and Civil Justice Committee, who, of course, is a Scottish National Party MSP, I never actually thought that we would reach a point at which the choice before members was so blatant. Members can support the motion and, in doing so, directly support the SNP's gleeful push to deny Parliament the scrutiny that it was elected to provide, or they can take the correct path and support my amendment to give the bill adequate time to be considered properly.

In the previous session, the SNP would not have been able to get away with it, but now, with the Greens mindlessly nodding through every cynical political decision, it has shut down scrutiny on any legislation that is considered remotely controversial: the Fireworks and Pyrotechnic Articles (Scotland) Bill, the coronavirus bills or the rent freeze bill, to name a few. That has now become the norm and, sadly, this Parliament, its MSPs and its officials, appear to have accepted that. What a joke.

A future version of Parliament will have to spend a full session going back and repairing or repealing the rushed legislation passed during this sorry stint of government. We should all be thoroughly ashamed of the example that we are setting for the rest of the world of how not to do democracy.

The situation is made even worse when we consider the kangaroo court that took place on Monday, when the SNP finally allowed evidence to be taken from a United Nations expert on violence against women and girls but stacked the evidence session in its favour by re-inviting a Government-backing witness, too. That witness had already given evidence, and I note that organisations and former MSPs have written to complain about being excluded from the process—

**The Presiding Officer:** Mr Burnett, I will stop you for a second and ask you to take a seat. I advise in the strongest possible terms that there is a code of conduct, to which all MSPs are expected to adhere. We must treat all other MSPs with courtesy and respect, and I object to language that suggests otherwise. The proceedings that took place on Monday evening were parliamentary proceedings, and I ask you to continue, bearing that in mind.

**Alexander Burnett:** Thank you, Presiding Officer. I should just point out that a lot of members have not had the opportunity to study the *Official Report* of that committee meeting. I am not sure whether it has even been published yet, but there certainly has not been time for members who did not attend that committee meeting to have considered the evidence that was taken.

We should be doing the sensible and mind-numbingly obvious thing by pausing the bill in order to let the committee examine it further, and scheduling more than two days for consideration of the stage 3 amendments, even if that means that we delay the final vote until 2023.

I have said it before and I will say it again: there is no good reason why the bill process could not be finished in the new year. Sadly, though, the arbitrary completion deadline of Christmas appears to have been accepted by everyone else. Other members of the Parliamentary Bureau have supported the SNP's timetable multiple times. Labour voted against our sensible amendments that would have given more time to stage 2, which might have meant that some of stage 3's 153 amendments would have been dealt with already.

This Parliament's reputation is in free fall, and we are fast approaching rock bottom. I truly believe that schools and universities will use this parliamentary session as a case study of what happens when an Executive is allowed to go unchecked—unchecked by politicians, officials and everyone.

However, we can fix that. First and foremost, there needs to be a serious recognition that the Scottish Government does not respect this place, which was all too clear with last week's budget fiasco. Presiding Officer, the Government deliberately ignored you and it will do so again. It will push you and this Parliament as far as it can, until it is told not to, and it is time to tell it not to.

I move amendment S6M-07320.1, to insert after "3.15 pm Portfolio Questions: Rural Affairs and Islands; Health and Social Care; Social Justice, Housing and Local Government":

I move amendment S6M-07320.1 to insert after "3.15 pm Portfolio Questions: Rural Affairs and Islands; Health and Social Care; Social Justice, Housing and Local Government"—

"delete

Stage 3 Debate: Gender Recognition Reform (Scotland) Bill and insert

Stage 3 Proceedings: Gender Recognition Reform (Scotland) Bill".

**Jeremy Balfour (Lothian) (Con):** On a point of order, Presiding Officer. I seek your guidance. As we have just heard, today's business promises to go on late into the evening and, for some colleagues, especially those who have disabilities or caring duties, that is a long time to be required to be in one place. Some people require to take medication at certain times, some require extra time for comfort breaks and some have care responsibilities that we will be unable to attend to.

As a Parliament, we have committed ourselves to be more inclusive and to encourage more people to stand for election. Can you advise me whether a disability impact assessment been carried out on today's timings? What advice do you have for those members who will struggle due to the extended sitting time? If no assessment has been carried out, could you please tell me why?

**The Presiding Officer:** I thank Mr Balfour for his point of order. I am responsible for standing orders, but the chair does not govern matters of health and safety in the Parliament. However, I note the member's concerns, which are on the record.

Comfort breaks will be built into today's proceedings. I confirm now that I intend for there to be a break of around 15 minutes at around 6 pm. As recommended by the Standards, Procedures and Public Appointments Committee, there are options for members to participate from locations other than the chamber, as required and as agreed by the Parliament. The Parliamentary Bureau has discussed the scheduling of business and I reassure the member that some of the issues that he has raised were considered by business managers.

**Neil Bibby (West Scotland) (Lab):** On a point of order, Presiding Officer. Mr Burnett spoke to an amendment to the business motion, but that amendment has not been circulated to me or other members by either Mr Burnett or the parliamentary business team, and I am concerned about that.

**The Presiding Officer:** I thank Mr Bibby for his point of order and I appreciate the points that he makes. However, standing orders allow that any member can lodge an amendment to the business motion if they have sufficient support—that of 10 members—to speak to it. I appreciate what Mr Bibby is saying with regard to the wording of the amendment.

**Neil Bibby:** What is the amendment?

**Anas Sarwar (Glasgow) (Lab):** What is the amendment?

**The Presiding Officer:** Mr Burnett, can you advise the Parliament of the wording of your amendment?

**Alexander Burnett:** Well—

**Martin Whitfield (South Scotland) (Lab):** On a point of order, Presiding Officer. The issue is that the amendment should be published. Members received a business update at 1.38, which I assume was later than when the amendment was lodged. I wonder why it was not published with that update, when the parliamentary manager's motions were published.

**The Presiding Officer:** I understand that it was not lodged later than that. The amendments were lodged after that point.

I am going to suspend Parliament for the time being, in order to ensure that all members have the wording that they require.

14:30

*Meeting suspended.*

14:44

*On resuming—*

**The Presiding Officer:** I ask any member who has not yet received the notice of amendments to raise their hand.

Thank you, Ms Webber, we will ensure that it reaches you. We will do the same for Mercedes Villalba—thank you.

**Meghan Gallacher (Central Scotland) (Con):** On a point of order, Presiding Officer. I am concerned by the scheduling of business in this Parliament. As a new mum, I already struggle to find childcare during regular work hours, let alone until late at night. Last week's business proposal said that we would be here until 11:30 tonight, so I made the best arrangement I possibly could. Today's revision could mean that we will be here until late tonight and also tomorrow.

First, in line with my colleague Jeremy Balfour's point of order, I ask whether any existing parliamentary processes include impact assessments of the effect of the scheduling of business on new parents. I ask that because, at the end of the previous session of Parliament, several members stood down citing the impossibility of working here while raising a young family. I fear that matters are becoming worse.

Secondly, is it your understanding that it would be possible within parliamentary processes for this week's consideration of stage 3 amendments to

have been split into three sessions, with the final debate on the Gender Recognition Reform Bill being moved into the first week of work in January, which currently has a blank business slot on Tuesday 10?

**The Presiding Officer:** I thank Ms Gallacher for her point of order. It is certainly the case that some of the matters the member raises are not matters for standing orders and therefore are not matters for me to rule on from the chair. As I said to Mr Balfour, breaks will be built into this afternoon. The cross-party Parliamentary Bureau is the forum that decides business for Parliament.

We have not yet reached the point of making a decision on the business timetable. That is what is currently being debated. We will continue in that vein.

**Sue Webber (Lothian) (Con):** On a point of order, Presiding Officer. I have a spreadsheet on my computer with a waiting list of members of the public who are desperate to get into the gallery today. The gallery does not appear to be particularly full at the moment, given how many people are waiting to get into proceedings.

**The Presiding Officer:** I thank Ms Webber for her point of order, which is not a matter that I would usually rule on from the chair. I am aware that tickets have been allocated. Our colleagues from visitor services will be dealing with the matter at this moment.

**Pauline McNeill (Glasgow) (Lab):** On a point of order, Presiding Officer. I wish to raise a point relating to the groupings of amendments. Please advise whether I should do that now or after this debate. I want to ensure that you know I will raise that point.

**The Presiding Officer:** Thank you, Ms McNeill. I suggest that we take that point of order when we reach that stage in the proceedings.

We will now carry on with the proceedings. I call Graham Simpson to speak to and move amendment S6M-07320.2.

14:49

**Graham Simpson (Central Scotland) (Con):** Thank you, Presiding Officer. I completely agree with everything that has been said by Mr Burnett, Mr Balfour and my other colleagues about today's proceedings.

Colleagues have now had a chance to read my amendment to the business motion, which calls for a statement tomorrow on the strategic transport projects review 2. That was issued by the Scottish Government nearly two weeks ago, at the end of the week, but no parliamentary time has been allocated to it so far. There has been no debate

and there have been no questions—nothing—yet this eagerly awaited document could have far-reaching consequences.

As a Parliament, we should expect to have statements on important matters such as this one as soon as the documents are issued. There is simply no good reason for the Government to avoid being questioned on STPR2—unless, of course, it does not fancy the undoubtedly tough grilling that it would get from me and others.

To say that STPR2 is a damp squib is a massive understatement. People who live in the south-west who were hoping to get some good news on the upgrading of the A75 and the A77 are still waiting. If people want to find out when the A9 will be fully dualled between Perth and Inverness, the document is not for them, I am afraid. We would think that it might have been.

There are lots of warm words, but they offer cold comfort for communities the length and breadth of Scotland. There is nothing in the STPR2 for people who rely on Scotland's ageing ferry fleet. There are plenty of ifs, buts and maybes, but no firm commitments to build bridges and tunnels or improve ports. There is no ferry replacement plan. We must wait for that, I suppose.

There are the usual platitudes about wanting to cut car miles by a fifth within seven years, but just how that is going to be achieved is anyone's guess. People will certainly not discover the answers from the document.

On railways, we have conflicting statements. I quote the document:

"The plan includes the following statement in relation to transport: 'By 2032 ... we will have decarbonised our passenger railways'".

However, it goes on to say that, by 2032,

"Scotland's passenger rail services"

will be

"considerably decarbonised, with just a few years to go until they are fully decarbonised".

That is not the same thing.

The point is that all of that gives MSPs much to chew over, but with no chance to question the minister. Instead, we have the farce of this week. We have been through that already, with a potential midnight sitting tonight and another late one tomorrow. We should be having statements on things such as STPR2 and dealing with important matters such as that, which affect all our constituents and all our constituencies.

I move amendment S6M-07320.2, to insert after "3.15 pm Portfolio Questions: Rural Affairs and Islands; Health and Social Care; Social Justice, Housing and Local Government":

"followed by Ministerial Statement: Strategic Transport Projects Review 2".

**The Presiding Officer:** I call Liam Kerr to speak to and move amendment S6M-07320.3.

14:53

**Liam Kerr (North East Scotland) (Con):** I am very grateful, Presiding Officer. I rise to request that tomorrow's business be adjusted to include a ministerial statement on the Government's biodiversity strategy, which was laid in Parliament on 13 December 2022. For the benefit of those in the chamber, I note that that is the purpose of the amendment that I lodged.

The strategy is incredibly timely given that, just yesterday, at the 15th United Nations conference of the parties—the biodiversity summit—which many worry too often plays second fiddle to the climate conference COP, a deal was sealed on a new global biodiversity framework. Some have called it a Paris moment for nature. In it, nations have adopted four goals and 23 targets for 2030 to protect our lands, coasts and inland waters.

The loss of species and degradation of our natural environment is an existential threat to humanity that requires that we take urgent and transformative action. Indeed, Minister Lorna Slater states at the beginning of the biodiversity strategy:

"this is an emergency that requires an emergency response."

Indeed it does, and that is why we must hear a ministerial statement without delay. I note that the strategy is already a week old. Waiting several weeks until after the recess fails to recognise the importance of the strategy.

It is important that the issue is put into context. Scottish Forestry created only 9,500 hectares of new woodland last year, against the Scottish Government's target of 13,500 hectares for 2021-22. The Government's "State of Nature Scotland" report states that species abundance has shown a marked and continual decline in the past 10 years. More generally, 49 per cent of species have decreased. A year ago, *The Ferret* reported that 531 habitats and 603 species in Scotland are in poor condition, including island and upland habitats. Species that are in poor condition and in decline include the Scottish wildcat, the hedgehog, the capercaillie and the Arctic skua. Just this morning, the Net Zero, Energy and Transport Committee heard from the Climate Change Committee about the importance of peatland restoration. However the Government's target of 20,000 hectares per year was missed by well over 10,000 hectares.

In that context, the biodiversity strategy is key. The Climate Change Committee's report and the evidence that it has given to committee indicate that data, monitoring and proper planning are imperative in order to achieve what we all want. Therefore, it is vital that ministers appear before the Parliament so that MSPs can interrogate the monitoring and evaluation framework that will be used to check that we are meeting our biodiversity targets, ensure that we see how stakeholder engagement will be carried out—engaging the public so that they buy into the biodiversity strategy is key to successful outcomes—and to see whether the priority actions that have been set out for 2030 are the most appropriate for achieving our biodiversity goals. Although I appreciate that the Parliament has a tight timescale before the Christmas recess, the biodiversity and nature crisis will not wait—and nor should we.

Respectfully, I ask the Parliament to grant my request for there to be a ministerial statement on the biodiversity strategy tomorrow.

I move amendment S6M-07320.3, to insert after "3.15 pm Portfolio Questions: Rural Affairs and Islands; Health and Social Care; Social Justice, Housing and Local Government":

*"followed by* Ministerial Statement: Biodiversity Strategy".

**The Presiding Officer:** I call Stephen Kerr to speak to and move amendment S6M-07320.4.

14:57

**Stephen Kerr (Central Scotland) (Con):** Last week, a plethora of annual statistics was released about Scotland's education system. I believe that those statistics ought to have been a focus of the business of the Parliament last week, because they could cause us to sit up and take notice. We should have had the opportunity to have heard from the cabinet secretary last week; however, we did not. I tried every way that I knew to get that issue into the Parliament's Business Bulletin, but I was unsuccessful.

The minister has just partly answered a topical question about some of the evidence that was delivered through the statistical release—namely, that we have fewer teachers and more pupils and therefore greater class sizes. On top of that, as a consequence of the budget, councils are talking about having shorter lesson periods, shorter school days and shorter school weeks, and there is the question of the diminishing range of subject choices that are available to our young people who are in secondary schools. As I have already mentioned, class sizes are rising as pupil-teacher ratios are ditched—in part for financial expediency, but largely because of Scottish Government neglect. As has been mentioned, there is also

grave concern among teachers about a number of issues, not least the level of classroom violence that they encounter. Teachers ought not to have to worry about their safety in the classroom.

If the Parliament is not focused on the quality of our children's education and the clear issues that we are facing in the education system, especially in the aftermath of the pandemic, then all I can say is that we ought to be. That is why I want a ministerial statement to be added to chamber business tomorrow, so that the Government, represented by the cabinet secretary or the minister, can come to the Parliament and be scrutinised about the data that we are now in possession of: the decline in the number of teachers in our schools, as well as other data that has been released through the summary statistics for schools in Scotland 2022.

Sadly, the sum total of the data does not make for pretty reading. That might explain why the Scottish Government has been so reluctant to come to the chamber to make a statement. It might also explain why the Scottish Government has removed Scotland from international league tables for education. I am afraid that those league tables and the limited data available to us would undoubtedly show that the SNP has mismanaged our education system and that there is a need for greater scrutiny of this policy area—perhaps more than any other.

I worry that there is worse to come, because of the budget and the commentary in the media—of which there has been plenty—about the consequences that flow from it. There will be another round of real-terms cuts to local government, which will undoubtedly have an impact on the education system, which is a big ticket item for every local authority. There will also be an impact on extracurricular activities, which add so much to children's experience at school.

Scottish education used to be the envy of the world. However, the limited data that is available to us shows us that there have been 15 years of mismanagement at the hands of the Scottish Government. Many of us in the Parliament believe that Scotland's children and young people deserve better.

That is why it is imperative that the SNP Government makes a statement about the curriculum for excellence data. That should happen tomorrow, so that we can begin a more serious look at those statistics in the context of the work of the Parliament. Fundamentally, that is why the people of Scotland elect us.

I move amendment S6M-07320.4, to insert after "3.15 pm Portfolio Questions: Rural Affairs and Islands; Health and Social Care; Social Justice, Housing and Local Government":

*“followed by* Ministerial Statement: Curriculum for Excellence Achievement Statistics”.

**The Presiding Officer:** I call George Adam to respond on behalf of the Parliamentary Bureau.

15:02

**The Minister for Parliamentary Business (George Adam):** On behalf of the Parliamentary Bureau, I say to some colleagues that had they spoken to their business manager to put those points across, their business manager would have been able to argue those points at bureau, which is the place for such discussions to be held in an open and frank manner.

With that in mind, I stand by the business programme that we agreed earlier today at the bureau. I suggest that we carry on in that way.

**Neil Bibby (West Scotland) (Lab):** I thank the minister for taking my intervention. He will be aware that we have called for several statements, including on the strategic transport projects review 2 and education attainment. I once again put on record our support for those statements being made and hope that the Government will make them early in the new year.

We have been clear that the debate on the Gender Recognition Reform (Scotland) Bill should not be curtailed. We ensured that the bill was delayed until this week and that the debate was originally scheduled to be held over two days. The final debate was doubled in length following our request. Meanwhile, the Conservatives say that they want extra time to debate the bill but are now wasting time when we should be scrutinising the bill. *[Applause.]*

**The Presiding Officer:** Thank you, members.

**Neil Bibby:** As I said, we do not wish to curtail the debate on the bill and have never sought to do so, at any stage. On that issue, does the minister share my understanding that the Presiding Officer would normally allow every member who wishes to speak on a bill the opportunity to do so?

**George Adam:** I believe that the Presiding Officer mentioned during the meeting that she was of a mind to hear from as many members as possible in order to ensure that everyone has the opportunity to say their piece during the passage of the bill—as is normally the case.

On Mr Bibby’s question about statements, as a business manager, Mr Bibby was right to work through the Parliamentary Bureau, where we found our way to common ground to agree that the statements will be made at a later date. That is how we work in the Scottish Parliament.

**Alexander Burnett:** On a point of order, Presiding Officer, I seek your advice on how a

member or a minister might correct the record. Both my position at the bureau and the very clearly documented email correspondence between us are contrary to the minister’s suggestion that we have not been seeking to approve the timetable for the bill.

Perhaps the Presiding Officer could remind the minister of how he might correct the record, because he has still failed to come to the chamber to do so. He misled previously when he said that the decision was unanimous. I am not sure whether the minutes of the bureau meeting have been published, but when they are, they will clearly show that the decision was not unanimous. I trust that the Presiding Officer will be able to instruct the minister accordingly.

**The Presiding Officer:** The content of members’ contributions is not ordinarily a matter for the chair. Members will be aware of the corrections mechanism and how to use it, should they wish to correct anything that is recorded in the *Official Report*.

The question is, that amendment S6M-07320.1, in the name of Alexander Burnett, which seeks to amend business motion S6M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week’s business, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. There will be a brief pause, to allow members to access the digital voting system.

15:05

*Meeting suspended.*

15:08

*On resuming—*

**The Presiding Officer:** The question is, that amendment S6M-07320.1, in the name of Alexander Burnett, be agreed to.

**For**

Balfour, Jeremy (Lothian) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07320.1, in the name of Alexander Burnett, is: For 31, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-07320.2, in the name of Graham Simpson, which seeks to amend business motion S6M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business, be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
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 Golden, Maurice (North East Scotland) (Con)  
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 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
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 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
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 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
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 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
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 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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07320.2, in the name of Graham Simpson, is: For 31, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-07320.3, in the name of Liam Kerr, which seeks to amend business motion S6M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to



this week's business, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Balfour, Jeremy (Lothian) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
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 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07320.3, in the name of Liam Kerr, is: For 31, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-07320.4, in the name of Stephen Kerr, which seeks to amend business motion S6M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)

Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07320.4, in the name of Stephen Kerr, is: For 31, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-07320, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Balfour, Jeremy (Lothian) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Abstentions**

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Carlaw, Jackson (Eastwood) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)  
 (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 95, Against 10, Abstentions 21.

*Motion agreed to,*

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

(a) Tuesday 20 December 2022—

delete

8.00 pm Decision Time

and insert

10.20 pm Decision Time

(b) Wednesday 21 December 2022—

delete

2.00 pm Portfolio Questions:  
 Rural Affairs and Islands;  
 Health and Social Care;  
 Social Justice, Housing and Local  
 Government

*followed by* Ministerial Statement: Climate Change  
 Committee's Review of Scottish  
 Emissions Targets and Progress Report  
 2022

and insert

2.00 pm Stage 3 Proceedings: Gender  
 Recognition Reform (Scotland) Bill

3.15 pm Portfolio Questions:  
 Rural Affairs and Islands;  
 Health and Social Care;  
 Social Justice, Housing and Local  
 Government

delete

5.45 pm Decision Time

and insert

6.30 pm Decision Time

(c) Thursday 22 December 2022—

after

12.00 pm First Minister's Questions

insert

*followed by* Ministerial Statement: Climate Change  
 Committee's Review of Scottish  
 Emissions Targets and Progress Report  
 2022

delete

12.45 pm Decision Time

and insert

1.15 pm Decision Time

**Alexander Burnett:** On a point of order,  
 Presiding Officer. I seek a motion without notice  
 under rule 8.6.2—

**The Presiding Officer:** Thank you, Mr  
 Burnett—I am just concluding this item of  
 business.

## Motion without Notice

**The Presiding Officer (Alison Johnstone):** I call Alexander Burnett for a point of order.

15:17

**Alexander Burnett (Aberdeenshire West) (Con):** Presiding Officer, earlier today, I submitted a request to you under standing orders rule 17.2 to suspend rule 9.8.4A in relation to the Gender Recognition Reform (Scotland) Bill stage 3 consideration of amendments—

**The Presiding Officer:** Mr Burnett, I am accepting your motion. Please continue, and speak to and move the motion.

**Alexander Burnett:** Do you want me to start again?

**The Presiding Officer:** I have given consent for the motion without notice, so please speak to the motion.

**Alexander Burnett:** Thank you, Presiding Officer.

Earlier today, I submitted a request to you under standing orders rule 17.2, to suspend rule 9.8.4A in relation to the Gender Recognition Bill stage 3 consideration of amendments. That would result in no timetable limits to stage 3 amendments, with proceedings carrying on over multiple days if required.

The request also detailed the alternative provisions for considering stage 3, as is required by rule 17.2. Those were that every member who wishes to speak on any amendment grouping should be granted the opportunity to do so.

That request has been made necessary by the constant curtailing of scrutiny by the Scottish Government throughout the bill process, implemented through the Parliamentary Bureau and other means. I encourage members to support my motion so that the bill can receive the full scrutiny that it deserves.

I move,

That the Parliament agrees that for the purposes of consideration of the Gender Recognition Reform (Scotland) Bill at stage 3, Rule 9.8.4A be suspended and that debate on each grouping of amendments continues until each Member who wishes to speak in a group has an opportunity to do so.

**The Presiding Officer:** No other member has asked to speak on the motion. The question is, that motion S6M-07325, in the name of Alexander Burnett, on the suspension of standing orders, be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Pam Duncan-Glancy (Glasgow) (Lab):** On a point of order, Presiding Officer.

**The Presiding Officer:** I will take your point of order after the vote, unless it is on the vote.

**Pam Duncan-Glancy:** I would have voted yes, but my vote has not registered.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Annesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-07325, in the name of Alexander Burnett, is: For 51, Against 74, Abstentions 0.

*Motion disagreed to.*

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** On a point of order, Presiding Officer. I am sorry to delay proceedings—[*Interruption.*]

**The Presiding Officer:** Ms Hamilton, please continue.

**Rachael Hamilton:** I raise a point of order under standing orders rule 9.10, which says that members of the Parliament are allowed to speak in support of amendments that they lodge. Last night, after 10 o'clock, my colleagues Russell Findlay, Labour member Jackie Baillie and Scottish National Party member Michelle Thomson were sent a letter that asked them to withdraw their amendments to the bill at the 11th hour. The amendments in question all aim to provide protections for women's rights. In particular, my colleague Russell Findlay's proposal would introduce a crucial safeguard to prevent convicted sex offenders from changing their legal gender in order to potentially access vulnerable women's and girls' spaces. I consider that amendment to be one of the most important that we will hear today, but, instead of publicly debating that much-needed proposal, the SNP Government has attempted to shut down debate and silence colleagues from around the chamber.

Presiding Officer, do you agree that that was a blatant attempt by the Scottish Government to prevent MSPs from speaking in favour of their amendments and to avoid the scrutiny of the public and members of the Parliament? Do you also agree that, if the Scottish Government is opposed to amendments that have been lodged, it should set out its arguments openly and frankly in the chamber instead of using back channels to try to have them withdrawn?

**The Presiding Officer:** Thank you, Ms Hamilton. In response to your point of order, the amendments to which you refer remain on the marshalled list, and they will be called and debated.

**Oliver Mundell (Dumfriesshire) (Con):** On a point of order, Presiding Officer. In the light of the vote that has just taken place on motion S6M-07325, I am keen to understand, under rule 7.2 of the standing orders, how you plan to call members to speak to the amendments that are lodged in the business that we will shortly move to.

**The Presiding Officer:** I thank Mr Mundell for his point of order. The next item of business is a timetabling motion, and we will discuss that issue under that item.

**Graham Simpson (Central Scotland) (Con):** On a point of order, Presiding Officer. I have a similar point to make. I wish to understand the effect of the result of the vote on motion S6M-07325. Does it mean that any member who wishes to take part in a debate on an amendment, which would be the normal state of affairs, will now not be able to do so? If that were the case, that would be an outrage to democracy and scrutiny.

**The Presiding Officer:** I thank Mr Simpson for his point of order. The timetabling motion is the next item of business. It is, of course, up to the Presiding Officer who is in the chair to manage the debate as normal. The Deputy Presiding Officers and I will seek to do that.

**Oliver Mundell:** On a point of order, Presiding Officer. Under rule 7.2 of the standing orders, given the circumstances and the seriousness of the bill under consideration, it would be useful for Parliament as a whole—and certainly for me as a member—to understand your expectation of how members will be able to participate in the business. I seek your guidance on how you plan to select speakers on this occasion.

**The Presiding Officer:** I thank Mr Mundell for his point of order. I have just ruled on that point. The Deputy Presiding Officers and I will, of course, seek to call all members who have a right to be called and as many other members as we possibly can, to ensure that as many voices as possible are heard in the debate. That is something that we always strive to do.

## Business Motion

15:25

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-07321, in the name of George Adam, on behalf of the Parliamentary Bureau, which sets out a timetable for the stage 3 consideration of the Gender Recognition Reform (Scotland) Bill. I call George Adam to move the motion.

*Motion moved,*

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

Groups 1 to 3:	1 hour 45 minutes
Groups 4 to 6:	2 hours 30 minutes
Groups 7 to 9:	3 hours 50 minutes
Groups 10 to 12:	5 hours 30 minutes
Groups 13 and 14:	6 hours 30 minutes
Groups 15 and 16:	8 hours
Groups 17 to 19:	9 hours 15 minutes.—[George Adam]

15:26

**Stephen Kerr (Central Scotland) (Con):** I rise to speak against motion S6M-07321, on stage 3 timetabling. In doing so, I appreciate that that is quite an unusual position to take. I clarify that, in general, I support the existence of guideline times for stage 3 consideration of amendments but, today, we are presented with a timetable that does not do justice to the complexity of the issue that is before us. At every turn, the Scottish National Party has used all its power to ensure that this business is rammed through Parliament before Christmas. Frankly, it has done so to protect its own political capital. That has come at the expense of scrutiny and reflective consideration of the detail of the bill that is before us this week. It has also meant the exclusion of stakeholder voices at key junctures, which we should all be ashamed of.

I believe that those moves by the SNP high command and, sadly, all too often—[*Interruption.*] I do not think that this is a very humorous point.

**The Presiding Officer:** Please continue, Mr Kerr.

**Stephen Kerr:** I think that the people of Scotland who are watching this will make up their own minds about some of the catcalling that is going on.

**The Presiding Officer:** I ask members to conduct themselves in a respectful manner at all times. Mr Kerr, please continue.

**Stephen Kerr:** As I was saying, I believe that these moves, which are, sadly, too often condoned by other parties in Parliament, are, in the eyes of the people of Scotland, to the detriment of the reputation of our Parliament and of Scottish democracy. That is why I fully supported Alexander Burnett's comments on the motion on the programme of business.

I do not support this motion. Instead, I suggest removing the timetable from today's proceedings, because all members have a right to speak in the Parliament. All members should be afforded the right and the opportunity to speak to each grouping for as long as it takes. We have to get the legislation right.

**The Presiding Officer:** I call the minister to respond.

15:29

**The Minister for Parliamentary Business (George Adam):** Thank you, Presiding Officer. I stand by the timetable as seen in front of you and agreed at the Parliamentary Bureau today.

**The Presiding Officer:** The question is, that motion S6M-07321, in the name of George Adam, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Gender Recognition Reform (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Graeme Dey (Angus South) (SNP):** On a point of order, Presiding Officer. I am afraid that my app failed; I would have voted yes.

**The Presiding Officer:** Thank you, Mr Dey. We will ensure that that is recorded.

**For**

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

Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)



Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Balfour, Jeremy (Lothian) (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)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division on motion S6M-07321, in the name of George Adam, on behalf of the Parliamentary Bureau, on the Gender Recognition Reform (Scotland) Bill, is: For 95, Against 31, Abstentions 0.

#### *Motion agreed to,*

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

Groups 1 to 3:	1 hour 45 minutes
Groups 4 to 6:	2 hours 30 minutes
Groups 7 to 9:	3 hours 50 minutes
Groups 10 to 12:	5 hours 30 minutes
Groups 13 and 14:	6 hours 30 minutes
Groups 15 and 16:	8 hours
Groups 17 to 19:	9 hours 15 minutes.

**Pauline McNeill (Glasgow) (Lab):** On a point of order, Presiding Officer. My amendment 128 is on data and is in group 13, which is a very large group that will be debated for a long time. I feel that the amendment is wrongly placed in that group. I accept that amendment 128 overlaps with other amendments in that group, but I believe that it should be placed in group 19, which also deals with data.

I am concerned that there is a lot to address under group 13. I have lodged three other amendments and I feel that my contribution on data might be compromised.

The legislation team, who I thank for all that they have done this week, have advised me that there is no time limit on speeches. I know that that is technically correct, but it is important to clarify the point. I certainly do not want to take up unnecessary time in making my points under group 13. There was scope for the legislation team to place amendment 128 in another group, where there would be more space for it, if I can put it that way.

Presiding Officer, if it is your ruling that amendment 128 should remain in group 13, will you confirm that you can indulge me with the time that is needed to speak to my substantive amendments in that group and to address the question of data? Alternatively, will you consider my representation that the amendment would be better placed in group 19?

I do not raise the point to waste the Parliament's time. It is important for members to feel that they have some ownership of groupings, which can be a bit of a mystery in the legislative process. The placement of amendment 128 stands out to me as being clearly arguable.

**The Presiding Officer:** I thank Ms McNeill for her point of order. As members are aware, the Presiding Officer decides the groupings at stage 3. A number of factors are considered in determining how amendments are grouped, but the principal purpose of grouping amendments is to minimise repetition by debating together amendments that are on a similar topic.

When an amendment is relevant to more than one group, consideration of where to place it will be based on factors such as avoiding repetition, ensuring that alternative ways of addressing the

same issue are considered together and avoiding procedural issues, such as amendments being pre-empted before they have been debated.

The grouping of an amendment does not curtail the scope of what a member can say in their contribution. I advise Ms McNeill that amendment 128 will remain in group 13 but, as I have said previously, it is certainly my intention and that of the Deputy Presiding Officers to allow members to contribute as fully as we can.

**Ruth Maguire (Cunninghame South) (SNP):** On a point of order, Presiding Officer. Rather reluctantly, given what has happened over the past hour, I seek your guidance on scope. Colleagues from across the chamber have had amendments ruled out of scope for the reason that the bill relates to the process of applying for a gender recognition certificate, not to the effect of having a gender recognition certificate. That has left some of us unable to address concerns that constituents have raised, in particular in relation to the fact that the bill, if passed, will allow a much larger cohort of citizens to change their legal sex.

In raising this point of order, I wish to make it clear that I am not challenging your rulings on any individual rejected amendments. Rather, I am asking you to provide clarity, on the record, as to scope, so that members and our constituents who are watching can be very clear about the parameters for our consideration of the bill at this time.

**The Presiding Officer:** I thank Ms Maguire for her point of order. As members will be aware, there are four criteria for the admissibility of amendments, one of which is relevance. Relevance is determined by the provisions of a bill at introduction, rather than by the broader policy to which the bill relates. More guidance on admissibility can be found in the guidance on public bills that the Parliament publishes.

## Gender Recognition Reform (Scotland) Bill: Stage 3

15:35

**The Presiding Officer (Alison Johnstone):** The next item of business is stage 3 proceedings on the Gender Recognition Reform (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament Bill 13A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of the stage 3 proceedings. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons or enter RTS—request to speak—in the chat function as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 2—Persons who may apply

**The Presiding Officer:** Group 1 is on applications by 16 and 17-year-olds. Amendment 6, in the name of Rachael Hamilton, is grouped with amendments 93, 94, 7, 98, 24, 15, 25, 99, 8, 26, 9, 12, 101, 37 and 105. I draw members' attention to the procedural information relating to this group, as set out in the groupings. I point out that, if amendment 9 is agreed to, I will not be able to call amendment 10, due to a pre-emption, and that, if amendment 12 is agreed to, I will not be able to call amendment 101, due to a pre-emption.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** As drafted, the Gender Recognition Reform (Scotland) Bill would lower to 16 the age at which an individual could apply to obtain a gender recognition certificate. Amendments 6 to 9 and 12 in this group seek to keep the minimum age at which someone can apply for a GRC at 18.

In Scotland, an individual who is under the age of 18 is not considered old enough to stand for election to this Parliament, nor can they serve as a juror, place a bet, buy or sell alcohol, get a tattoo or be permitted to watch certain films at the cinema. As with obtaining a gender recognition certificate, I agree that there is good reason for that.

Earlier this month, the Parliament held a debate on human rights day, in which the Scottish Government set out its intent to incorporate the

United Nations Convention on the Rights of the Child into domestic law. The UNCRC defines anyone under the age of 18 as a child. Moreover, in its evidence taking on the bill, the Equalities, Human Rights and Civil Justice Committee heard from Susan Smith that people do not cognitively mature until 25. That contention is also outlined in Scottish prison sentencing guidelines. Despite that, as drafted, the bill would confer the right to apply for a GRC, alongside the great burden of responsibility of applying for one, on individuals as young as 16. Worse still, it would—

**Alex Cole-Hamilton (Edinburgh Western) (LD):** If I am called to speak later, I will speak to the number of variances that exist around the age of majority in Scots law. Rachael Hamilton and her group backed the Age of Criminal Responsibility (Scotland) Bill, which set the age of mental capacity for children in terms of being held responsible for their actions and their crimes at 12, which is two years below the *de minimis* set by the international community.

Does Rachael Hamilton recognise that age is not a guarantor of wisdom and that 16 is the age at which most things in Scotland are now consolidating? If we can credit 12-year-olds with the capacity to commit crimes, we can certainly credit 16-year-olds with having the capacity necessary to understand their identity and apply for recognition of the same.

**Rachael Hamilton:** I thank Alex Cole-Hamilton for that intervention. By comparing the ages of capacity for criminal responsibility and for obtaining a gender recognition certificate, I do not think that he is comparing like with like. Moreover, the Scottish Government's own equality impact assessment states that it needs more up-to-date research, because it needs to collect data on the impact on the mental wellbeing of young people. It is important to note that the Scottish Government's impact assessment does not back up its argument.

Given the relevance of cognitive maturity and the capacity of children to change, the conferring of such a great responsibility on children in the bill as drafted seem worryingly misguided. In committee evidence sessions, group after group, expert after expert, and even an Irish senator, who is generally in favour of those reforms, spoke out against lowering the age. Last night, we heard from Reem Alsalem, who will also make her opinion known to the Scottish Government on the lowering of the age, but she has not yet had the opportunity to do so.

Despite all of that evidence, when I brought these amendments to the committee at stage 2, the cabinet secretary rejected them on the basis of an anecdote. Does she believe that her opinion, which is based on that anecdote, is more valuable

than the views of experts who gave evidence in committee or, indeed, the 81 per cent of the Scottish public who were polled on the topic of lowering the age to 16 and thought that it was a bad idea?

Children who are struggling with gender identity need the Government to support them, not place a burden of responsibility on them. That support could be provided in two ways: by gaining a better understanding of their experience and by improving provision of services. Dr Hilary Cass's review into gender identity services provided this Parliament with a golden opportunity to improve our understanding and gain clarity on how we can improve services, but it has been completely ignored while this legislation was needlessly railroaded through Parliament. Do Scottish children not deserve the same level of care and safeguarding as those who live south of the border? I find it extraordinary that the Cass review was not taken into account.

The interim report from the independent Cass review has led to the closure of the Tavistock clinic in London—a move that was supported by the Equality and Human Rights Commission but ignored by the Scottish Government. The cabinet secretary has continued to play down the relevance of such an intervention; that is in line with her policy of shutting down any conversations that might prolong the scrutiny that is applied to the bill.

In responding to these amendments, will the cabinet secretary explain why she believes that warnings from an independent review of child gender services in the United Kingdom are not linked to children obtaining a gender recognition certificate in Scotland? Does she believe that accessing gender services for children would have no bearing on their decision to apply to change their gender? Should we continue to ignore the opportunity to implement recommendations for improving those services before passing the bill?

Concerned clinicians have yet to hear a single justification from this Government as to why it has chosen to ignore evidence that is deemed worrying enough to close down services in the south. On that point, I fully appreciate the sentiment behind Claire Baker's amendments in this group. However, the fundamental issue of lowering the age at which an individual can obtain a GRC remains a sticking point and so I cannot support those amendments for the reasons that I have already set out.

In the same vein, I understand the reasoning behind amendment 15, in the name of Kenny Gibson, which would ensure that applicants who are under the age of 18 must seek advice from someone such as a medical professional; amendments 98 and 101, in the name of Jamie

Greene, which would require young applicants to be able to provide evidence that they have sought advice regarding obtaining a GRC; and amendment 99, in the name of Christine Grahame, which would require young applicants to “tell the Registrar General what role the individual”

who is giving guidance to the applicant plays. It is vital that safeguards remain in place in order to make the bill workable, and I absolutely appreciate that those amendments seek to introduce further safeguards for under-18s who are applying for a gender recognition certificate. However, they are fundamentally underpinned by an acceptance that people under the age of 18 should be enabled to obtain a GRC. The fact that we are having a discussion about the need for extra safeguards for that particular group of people is an admission that there are concerns. I urge members who are concerned about that to consider the arguments that I have set out on why now is not the time to extend the ability to obtain a GRC to children who are under 18.

Similarly, Jackie Baillie’s amendment 105 relies on such an acceptance, although I understand that it comes from a position of attempting to clean up a potential loophole that would allow people who are even younger than 16 to begin the process of obtaining a GRC. Nonetheless, that amendment stumbles on the same sticking point of making allowances for under-18s to apply for a gender recognition certificate.

I move amendment 6.

15:45

**Claire Baker (Mid Scotland and Fife) (Lab):** I have lodged amendments 93 and 94 in order to raise the issues that have been identified in Dr Hilary Cass’s interim report of her review of gender identity services for children and young people in NHS England. It is worth highlighting those issues in the context of the proposal to lower from 18 to 16 the age at which someone can obtain a GRC in Scotland.

The report recognises that social transition “is not a neutral act”

and that it may lead to young people taking a medicalised pathway. Acquiring a GRC is a potent form of social transition. Although it is often stated that it is not a passport to clinical services, it can be an indicator that would strengthen the case for medical intervention.

The stage 1 report by the Equalities, Human Rights and Civil Justice Committee includes consideration of the Cass interim report, and asks that the Scottish Government consider

“a full review into ... gender identity healthcare.”

It would be helpful to know whether the Scottish Government intends to do that.

There is little research into or analysis of the increase in the number of young people who seek to transition. That point was made by the Cass report, which highlighted persisting evidence gaps and areas of uncertainty. Although I recognise that the Cass review looks at services in England, it raises concerns that we should take into consideration. The interim report says:

“There has not been routine and consistent data collection ... which means it is not possible to accurately track the outcomes and pathways that children and young people take through the service.”

There is a lack of consensus and open discussion about the nature of gender dysphoria. The report says:

“The mix of young people presenting to the service is more complex than seen previously, with many being neurodiverse and/or having a wide range of psychosocial and mental health needs. The largest group currently comprises birth-registered females first presenting in adolescence with gender-related distress ... Primary and secondary care staff”

report that

“they feel under pressure to adopt an unquestioning affirmative approach.”

There are concerns over

“diagnostic overshadowing—many of the children and young people presenting have complex needs, but once they are identified as having gender-related distress, other important healthcare issues that would normally be managed by local services can sometimes be overlooked.”

My amendments 93 and 94 call for a pause—for time to reflect on the emerging evidence on services for children and young people and to consider the reasons behind the high proportion of young women who apply.

A pause would not prevent any 16 or 17-year-old from socially transitioning. They can change the vast majority of their documents; their school, college or university has policies in place to support social transition; a birth certificate is rarely needed as identification; and, as Scottish Trans highlighted in a briefing to MSPs last week, the provision of birth certificates to universities or employers is not a legal requirement—that is also the case if we were to retain the age of 18.

Having lodged amendments at stage 2, and having been a member of the Culture, Tourism, Europe and External Affairs Committee, which scrutinised the Census (Amendment) (Scotland) Bill, I have held many discussions and meetings on the bill, and have worked hard to understand the arguments while being prepared to question and scrutinise some of the assumptions and assertions that are being made. I ask for caution. The Cass interim review has raised important

issues around safeguarding, and it is not unreasonable to pause a reduction in age to 16 in order to take full cognisance of emerging evidence and concerns.

**Jamie Greene (West Scotland) (Con):** I put on record my thanks to the many organisations and individuals who have sent briefings to members. I know that those take a lot of time and effort. In particular, I thank Stonewall, LGBT Youth Scotland, Amnesty International and the Equality Network—and, more recently, the Scottish Human Rights Commission and MurrayBlackburnMackenzie. Although not all those organisations may agree with me—or indeed with each other—it is important to respect the fact that there are differing opinions on many of the amendments that we will debate today, and I thank them for their efforts.

My two amendments in the group—to be followed by a third, which is an anomaly that I will come on to—are around applications by 16 and 17-year-olds. I understand and appreciate that one of the fundamental changes that the bill makes is to reduce the age at which one can apply for a GRC from 18, the current age in the Gender Recognition Act 2004, to 16. Throughout stage 2, a number of amendments that gathered cross-party support were accepted. I felt that there was room for improvement on those, for many of the reasons that Rachael Hamilton has given.

In the bill as drafted at the moment, before we amend it, section 3A talks about

“Guidance, advice and support for young applicants”.

It is a new section that was added at stage 2 and it is a welcome addition, but at present it states that

“The applicant must ... confirm to the Registrar General that the applicant has discussed the implications for the applicant of obtaining a gender recognition certificate with an individual”.

It then goes on to list two criteria for whom that individual should be.

My amendment 98 provides that, when confirming to the registrar general that they have discussed their application with a suitable individual, an applicant aged 16 or 17 must also

“be able to provide reasonable evidence”

of that discussion, if requested to. Amendment 98 adds no further criteria as to who the person must have that conversation with, nor does it put unnecessary barriers in place. It simply allows for the registrar general to request evidence that the conversation has indeed taken place.

**Graham Simpson (Central Scotland) (Con):** Will the member take an intervention?

**Jamie Greene:** Yes, in just one a second. I will first speak to amendment 101, which follows on

from amendment 98. It provides that, when granting an application to a 16 or 17-year-old, the registrar general must be satisfied that the applicant has received

“appropriate guidance, advice and support”

as detailed in section 3A. The registrar general may reject the application if he or she is not satisfied about that.

**Graham Simpson:** In relation to amendment 98, I am interested to know what Jamie Greene means by the phrase

“be able to provide reasonable evidence”.

There is a danger in any legislation when we insert such phrases, which are potentially quite woolly legally. I am not sure what that means, so it would be useful if the member could tell us.

**Jamie Greene:** The member makes a fair point. If we had had more time to discuss the amendments—which would have been excellent—the benefit would have been that they could easily have been tidied up with more succinct language. I understand that members on the Conservative benches will likely oppose my amendments for not going far enough in terms of support and guidance and that members on the Government benches will oppose them because they think that they go too far, so I am somewhat stuck in the middle.

However, the member makes a fair point and I am uncomfortable with the speed at which we have to address the amendments. For that reason, I will listen carefully to arguments that are made, and, indeed, to the response from the Government, which I hope will contain some legal feedback on the wording of my amendments.

The premise of my amendments is simply to try to go a step further than the bill as currently drafted in order to provide some extra comfort and safeguards that young people are getting appropriate advice. Martin Whitfield’s amendment 25 does something similar—I am sure that we will hear more about that in due course—as does Kenny Gibson’s amendment 15.

In all the amendments in the group there is a common theme, but there are two things that some of the amendments seek to introduce with which I am uncomfortable. The first is the reintroduction of the concept of the medicalisation of the process, which is something that the bill seeks to remove. That is, in my view, contrary to the general principles of the bill, which I support. The other thing is to revert to the status quo of the age of 18. It is no secret that I do not agree with that position.

There is one further amendment in the group that I will speak to, when it is called, on behalf of

another member who is unable to be here. I will reserve further comments until that point.

**Martin Whitfield (South Scotland) (Lab):** It is a pleasure to follow Jamie Greene and I echo his thanks to those outside the chamber who have provided suggestions, advice and commentary. Much effort has been spent on engagement with people on the bill. Although I am not in agreement with some of what has been said, I thank everyone who has reached out for doing so, because it is our role in this place to listen to our constituents.

I intend to speak to amendment 24 and three others. Amendment 24 is a technical amendment that would pave the way for amendment 25, which has already been discussed by Jamie Greene. To a certain extent, amendment 25 builds on and complements other amendments in this group that we have heard about. It merely seeks for the individual to whom that young person has spoken to be named and identified and requires that an address be provided in order that people can contact that individual. That is not a huge step forward or a reach into something that should be protected or unknown.

It is right that young people take their time to make decisions, and interesting arguments have already been expressed in the chamber about moving the age to 18. I cannot find agreement with that. In Scotland, we support our young people to make increasingly important decisions about themselves, and they do so with the scaffolding that sits around them. The scaffolding is not there to influence those decisions but to protect the young people when they make decisions and to give advice when it is sought. Identifying the person—or people or organisations—to whom a young person has spoken is a reasonable step to show that discussions have taken place and were appropriate.

I understand, having had discussions with the Government—for which I thank it—that there are some steps being taken in relation to the idea that it should be a conversation rather than a written record. All that my amendment seeks to do is to identify the name and contact address of the individual; it does not seek to go behind that and into the discussion that has been held. On many levels, I can understand that confidentiality must exist for discussions to take place properly; indeed, for a young person to reach out to a trusted adult, there must first be trust.

**Tess White (North East Scotland) (Con):** The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill defines children as

“persons under the age of 18.”

Does Martin Whitfield agree that 16 and 17-year-olds are still children?

**Martin Whitfield:** Here, in Scotland, young people are aged 16 and 17, and I accept the wording of the UNCRC. It seeks to reinforce the protections that exist for children and is a vehicle for young people to question decisions that are made about them that do not encompass or hold up their human rights. I very much look forward to hearing from the Government when that issue comes back to the Parliament and we can fully and properly debate it.

I return to amendments 24 and 25, which seek to make small steps forward to reinforce confidence for the young person and enable those around them to ask, “Who was it that you spoke to?” and ask the young person to provide their name—or names, if they spoke to an organisation—and contact information. Amendment 25 does not seek to impinge on any discussions that happen. It certainly does not invite a young person to share the details of discussions or risk criminalising them for doing so in error. It merely asks for factual information, which I believe is reasonable to give.

The other two amendments in my name are 26 and 37. Again, amendment 26 has the benefit of being a tiny technical amendment and it would facilitate amendment 37. Amendment 37 addresses concerns about the capacity of 16 to 18-year-olds to apply for a gender recognition certificate or to understand the implications of possessing one. It would allow a registrar general to reject an application if they were not satisfied that the person applying was capable of understanding the effect of the certificate or the importance of a statutory declaration. Additionally, a registrar general would be obliged to reject an application if they suspected that a young person was under any kind of coercion to apply for a certificate.

In law, young people aged 16 and over are presumed to have capacity, which is right. However, if we liken decisions on this matter with other decisions that can be made by young people of that age in Scotland—such as on consent to or refusal of treatment, or on the refusal of access to medical records—we must respect their consent.

I thank the cabinet secretary for the meeting that took place on 8 December and her letter, paragraph 6 of which states:

“Turning to my own amendment 60, also agreed by the Committee at Stage 2, this introduced a new power for the”

registrar general

“to apply to a sheriff on the grounds that a GRC application was fraudulent or that the applicant was incapable of understanding the effect of obtaining a GRC or of validly making the application.”

If the cabinet secretary is content to confirm on the record that, if a registrar general felt that a

young person lacked understanding of the effect of obtaining a certificate, there would be a vehicle open to the registrar general, I would be minded not to move amendments 26 and 37.

16:00

**Kenneth Gibson (Cunninghame North) (SNP):** For reasons of brevity, I will speak to only two amendments: my amendment 15, which simply seeks to strengthen section 3A, and amendment 6.

The bill seeks to demedicalise self-identified transition. Amendment 15 strikes a balance between that aim and the need for effective counselling—a move that I consider to be vital. These days, young people are encouraged to seek counselling even when they fail an exam. A person who can provide such advice should be clarified in guidance, should be suitably qualified, and could be a medical practitioner. However, that person should not be a parent or teacher unless they are qualified to give counselling advice.

Where deemed necessary by the counsellor, the young person concerned could be referred to a suitable clinician. The Cass review states:

“The mix of young people presenting to the service is more complex than seen previously, with many being neurodiverse and/or having a wide range of psychosocial and mental health needs ... once they are identified as having gender-related distress, other important healthcare issues that would normally be managed by local services can sometimes be overlooked ... Clinicians should remain open and explore the patient’s experience and the range of support and treatment options that may best address their needs”.

The Cass review focuses on England, but is the experience of young people with gender distress any different here in Scotland? I think not.

A senior child psychiatrist told *The Guardian* that

“In the last five to 10 years we’ve seen a huge surge in young women who ... want to become boys. They’ve changed their name and they are pressing ... to have hormones or puberty blockers”—

a development that often follows the social transition represented by a GRC. The psychiatrist said that

“Often those girls are children who are going through the normal identity and developmental problems of adolescence and finding a solution for themselves in this way.”

**Emma Roddick (Highlands and Islands) (SNP):** I am a little confused. The member seems to be concerned about demedicalisation and also about the current growth in medicalisation. Does he not recognise that demedicalisation will uncouple the two issues and will perhaps allow

young people to explore whether they even want to pursue medical transition?

**Kenneth Gibson:** I am of the view that, with proper counselling, it may be that young people will have to seek a clinician. My point about counselling is that they do not have to go down that road. I am trying to strike a balance between both positions that have been expressed so far today.

There is currently no consensus among clinicians about the matter, and parents have differing explanations of what might have prompted their child’s gender uncertainty. Bayswater Support represents the parents of roughly 500 trans adolescents. Members often describe their child’s trans identity as overshadowing other factors including neurodevelopmental conditions such as autism and attention deficit hyperactivity disorder or social factors such as bullying or not fitting in with peers, emerging same-sex attraction, poor mental health and, often, puberty itself.

Other parents believe that the hypersexualisation of the female body, fuelled by the representation of women in popular television programmes and on social media, and the child’s early understanding of sexism, make them feel that it might be easier to live as a male than as a woman. Transitioning was once predominantly undertaken by middle-aged men; now it is by teenage girls.

Early experience of sexual assault can play an important role. Detransitioner Sinead Watson, who returned to living as a woman after identifying as a man for seven years, said that she was repeatedly sexually assaulted during her teens and felt hatred towards her female body.

A 2020 study in the peer-reviewed academic journal *Clinical Child Psychology and Psychiatry* found that the degree of social transition did not significantly predict psychological functioning outcomes in a clinical sample of children with a gender dysphoria diagnosis. The journal said that

“claims that gender affirmation through transitioning socially is beneficial for children with GD could not be supported from the present results. Instead, the study highlights the importance of individual social support provided by peers and family, independent of exploring additional possibilities of gender transition during counseling.”

For some people, a pathway towards social and later medical and/or surgical transition may be the right option. However, the examples that I gave show that, for some young people, this is a transient phase and a manifestation of other conditions, experiences or circumstances in their life. I therefore believe that my amendment will provide trans adolescents and their parents with extra support to explore the potential reasons for

their gender nonconformity. Where necessary, that will ensure that important underlying healthcare issues and other conditions experienced by young people with gender distress are not overlooked.

I ask members to support amendment 15.

With regard to amendment 6, I recall reading recently, as other members will have done, that on new year's day 2020, a 15-year-old boy was killed by a 22-year-old hit-and-run speeding driver in Wishaw while walking to his grandparents' house. His killer, who had previous convictions for speeding and careless driving, avoided a custodial sentence because sentencing guidelines suggest that the brain is not fully developed until the age of 25 and a young person will generally have a lower level of maturity with a greater capacity for change than an older person.

Yet the bill proposes to lower from 18 to 16 the age at which one can legally be perceived to have transitioned. Yes, one can marry at 16 and vote in some elections and drive at 17, but one cannot buy alcohol or cigarettes before the age of 18. Our society is inconsistent. While considering the bill, we must at all times ensure that the welfare of the child or young person is paramount. At the centre of this often fraught debate are children, adolescents and their loved ones, who are often in great distress.

No one is arguing today that gender dysphoria does not exist. However, as the number of children who believe themselves to be in the wrong gender rises exponentially amidst reports of teenage peer cluster effects, we must be cautious about who is recognised socially to have transitioned. Why? Because it will increase the likelihood that they will receive puberty blockers, cross-sex hormones and perhaps surgery—actions that a gender recognition certificate can only accelerate.

Dr Hilary Cass's review states, regarding a GRC:

"it is important to view it as an active intervention because it may have significant effects on the child or young person in terms of their psychological functioning."

At primary, secondary and specialist level, there is a lack of agreement about the extent to which gender incongruence in childhood and adolescence can be an inherent and immutable phenomenon for which transition is the best option for the individual, or a more fluid and temporal response to a range of developmental, social and psychological factors.

A 2020 study by Sievert et al in peer-reviewed academic journal *Clinical Child Psychology and Psychiatry* defined social transition as

"often the first possibility to align with one's experienced gender"

and to live

"in the preferred gender role different from"

that at birth

"in almost all aspects of life".

Irreversibility is a fundamental concern. Despite our different views on the bill, we can surely all agree that a gender recognition certificate will lead 16 and 17-year-olds on a pathway of social transition at the very least. However, the Hippocratic oath is quite clear: first, do no harm. As elected representatives, we, too, should pursue that philosophy. Social transition, followed potentially by the prescribing of hormones to young people, which can have short and long-term side effects in themselves, encourages those who might not ultimately pursue full transition on a path leading to not only profound regret, but sterility, anorgasmia and long-term health issues.

**Stephen Kerr (Central Scotland) (Con):** I just wanted to intervene to say that I think that the member, like me, attended a meeting that was organised by one of his colleagues, Ruth Maguire. I found it to be one of the most moving experiences that I have had in a long time to sit in a room with two young people who were expressing profound distress—it went far beyond regret. I could not agree more with what the member says, just on the basis of meeting those two young people. I know that they are representative of many others who have gone down a path and then found it impossible to come back up it.

**Kenneth Gibson:** I thank Mr Kerr for that. As he knows, I was also present at that moving, and at times distressing, meeting to listen to those experiences.

As for surgery, that should be contemplated only after serious consideration and counselling.

It was said at stage 2 that some people know their own minds, but of course some do not, and we have to protect the most vulnerable of these young people. Allowing more time for reflection on this life-changing decision is important if we are not to experience an upsurge in ruined lives: people who regret becoming trans, with all that that means, who later seek to detransition.

Allowing transition at 18 will still give those who wish to proceed decades in their new identity. I believe that it will also save many from the misery of making a decision too early in life from which they are unable to turn the clock back. As detransitioner Ritchie Herron told a number of us last month, "It's a one-way ticket. I can't grow my genitals back."

I say to colleagues that we are divided into those who genuinely support the bill, those who



are opposed and those who may be undecided on the bill and the amendments. Others, for understandable reasons of loyalty, trust and their ambition, plan to vote as advised by their whip. However, I ask members to please think primarily of the young people concerned—those who might be confused, have underlying neurodiversity or mental health conditions—and support amendment 6 to give those young people time and space to grow, mature and be better able to take the right decision.

**The Presiding Officer:** I call Jamie Greene to speak to amendment 99 on behalf of Christine Grahame.

**Jamie Greene:** I appreciate that this is a somewhat unusual or perhaps unorthodox way of speaking to and moving an amendment, but I will do my best.

As members may know, Ms Grahame is unwell and cannot be in the Parliament. There were a lot of similarities between her proposals and my previous amendments, which I have spoken about.

I am moving amendment 99 because I feel that it contains a compromise. The amendment provides that when a 16 or 17-year-old applicant confirms to the registrar general that they have discussed their application with a suitable individual, such an applicant must also tell the registrar general

“what role the individual mentioned in subsection (2) has, or how the individual knows the applicant.”

That is a step beyond what was agreed to at stage 2. As members who were involved at stage 2 will be aware, the initial amendment that was proposed by Christine Grahame was supported by my colleague Jackson Carlaw. Amendment 99 adds a provision so that when someone is inquiring about the consequences of getting a GRC, they must tell the registrar general what the role of the individual who they have spoken to is and how they know them. For example, it will be for that person to say that they have spoken with a teacher, a family member or, indeed, a trusted counsellor or another organisation. In my view, asking a young person to state who they have spoken to is not onerous; it is sensible, particularly in comparison with some of the other amendments in group 1, nor should it put off a young person from seeking guidance and assistance.

In my view, it would strengthen assurances that a young person will have accessed much-needed advice and support and that they will have carefully considered their application, without adding new evidential requirements, as other amendments propose. Amendment 99 has been widely welcomed by a number of stakeholders and organisations. On balance, I initially thought that I

would have supported amendment 99 anyway, because I feel that it is something of a compromise. However, it may be better worded than my amendments 98 and 101. As my colleague Graham Simpson rightly pointed out, those could be subject to the vagaries of legal wrangling, which is not something that I wanted to achieve.

**Graham Simpson:** Will the member take an intervention?

**Jamie Greene:** I will, in a second.

I will reflect on some of Kenny Gibson's comments. He is right in saying that there are huge inconsistencies, in the law and socially, in how we recognise people of a certain cohort. For example, as I know from my time on the Criminal Justice Committee, the judiciary treats 24 and 25-year-olds differently in sentencing guidelines. We ask 16-year-olds to vote for us in elections, but they are not afforded the same rights as older people for a number of years, nor do they face the same repercussions for their actions. I have long held the view that there are far too many inconsistencies in the application of the law and the definition of a young person—who they are, how old they are and what rights and responsibilities are afforded to them. That is a much wider debate that we certainly do not have time for. However, Kenny Gibson is right to have raised the issue. How we square that circle will be a job for another session of Parliament.

On the medical intervention that may or may not take place as a result of obtaining a GRC, it has been possible to obtain those certificates in Scotland for nearly two decades. At no point does a person have to medically transition to an acquired gender in order to receive and use a GRC. That has been happening for a long time; not everyone who obtains a GRC will go on to transition, seek medical intervention or be introduced to any form of medication as a result. That has been happening, and it will continue, but I am not convinced that Mr Gibson has made it clear that that will be further enhanced, or that there is any risk that more people will transition from a medical point of view as part of a new simplified process.

**Rachael Hamilton:** Will the member take an intervention?

**Jamie Greene:** Yes, but I will take Mr Simpson's intervention first.

**Graham Simpson:** I thank Jamie Greene for taking an intervention. I appreciate that he is not speaking to his own amendment, but I am sure that Christine Grahame will be grateful that he is speaking to hers.

It comes down to language again. Amendment 99, which relates to guidance that a young applicant must seek, says:

“The applicant must tell the Registrar General what role the individual mentioned in subsection (2) has, or how the individual knows the applicant.”

The bill already includes the provision that such advice must be sought. I appreciate that Jamie Greene did not lodge the amendment, but can he give us his view on what difference the amendment would make to what is already in the bill?

16:15

**Jamie Greene:** At the moment, section 3A of the bill says that the applicant must confirm that they have

“discussed the implications for the applicant of obtaining a gender recognition certificate with an individual who ... has a role which involves giving guidance, advice or support to young people.”

That is a welcome addition. Section 3A(2)(b) requires that that individual

“is aged at least 18 and knows the applicant personally.”

That is also a helpful addition.

Amendment 99 goes further than that by saying that the registrar general must be told by the applicant

“what role the individual mentioned in subsection (2) has”.

The reason for that, I suspect, is that others are calling for the person who gives advice to be a suitably qualified medical professional, such as a doctor, which would limit the scope of the type of person who can give such advice and how that person knows the individual.

I appreciate and accept that we could go further and, with the benefit of time, we could have added to the amendment. I probably would have added to it had we not had such a tight deadline. Members will recall that we had an extremely tight deadline to lodge amendments: midday of Wednesday of last week, which feels like a million years ago. Many of us were sitting in other committees and trying to draft amendments on our mobile phones at the same time. None of this is ideal.

Mr Simpson is right that we could have strengthened many of the amendments, but we are where we are. Amendment 99 is a sensible compromise, which is why I am happy to support it.

**Rachael Hamilton:** An article in *The BMJ* was drawn to my attention, which says that, currently, 7 per cent of people who apply for a GRC have their application turned down. Jamie Greene talked about medical intervention and the diagnosis of

gender dysphoria, which is done by a doctor. Does he believe that the Scottish Government must address the issue of people who were previously refused a GRC by a doctor who will now be able to obtain a GRC through a self-ID system in Scotland?

**Jamie Greene:** I am not 100 per cent sure that I understand what the member is asking. Although I am happy to have a lengthy discussion, I am not sure that the question is relevant to the amendment. The premise of what the member is asking seems to be that those who have been refused a GRC in the past may now be able to apply for one. There are certain individuals who seek to obtain a GRC who are problematic. We will discuss that issue in a later group of amendments—it might be coming up in the next group. There are some sensible amendments that we should make to the bill that would add further safeguards and protections around a very specific cohort of people.

The big point, which may simply be a point of difference, is that the current process requires a diagnosis of gender dysphoria, which, as I made clear in my comments at stage 1, is a concept that I disagree with, for all the reasons that are already on the record. For that reason, I am unwilling to support any amendments that seek to reintroduce that medicalisation and the need for a diagnosis of gender dysphoria to the process of obtaining a GRC. That is on the record. I am sure that members will respect my position on that.

**Jackie Baillie (Dumbarton) (Lab):** I do not intend to detain the chamber for long. I start by associating myself with Jamie Greene’s opening remarks and thanking all the organisations and individuals who have been in touch with us. That has all helped to inform the debate. I also thank the legislation team for all their work on the amendments, including the drafting and redrafting of them as members have honed their thinking.

I support the amendments in the name of Martin Whitfield, as they are proportionate, sensible and reasonable. I commend them to the Parliament.

I will speak to amendment 105, in my name. I welcome the amendments lodged by Christine Grahame at stage 2. They have put safeguards into the bill to ensure that, when such a significant decision is taken by 16 and 17-year-olds, it is taken with due care and support. I agree with her that a person applying for a gender recognition certificate must have lived in their acquired gender for a period of six months rather than three.

Where my concern lies is that, in effect, someone aged 15-and-a-half can start the process in order to obtain the certificate on their 16th birthday. To those who consider that 16 is perhaps too young, that merits some reflection by

Parliament. My amendment effectively says that the six months starts on the person's 16th birthday.

I would therefore be grateful for reassurance from the cabinet secretary, in the absence of Christine Grahame, that the Government has no concerns that 15-and-a-half might be too early. What safeguards does it believe are in place to protect and support young people?

**Jeremy Balfour (Lothian) (Con):** I, too, thank all the groups that have been in touch with me. I also thank all the constituents from across Lothian who have emailed me over the past weeks and months. I am sure that all members have received lots of emails putting very strong arguments on both sides. Overall, we have to come to a view on those arguments, and I appreciate the time that we are taking to do that.

I stand briefly to speak in favour of amendment 6. The reason is that I want to follow up on what the First Minister said yesterday. In a television interview, she said:

"This is a bill that doesn't give any new rights to trans people."

She went on to claim that the bill affects only the process of obtaining a GRC. That would be true if Rachael Hamilton's amendments were agreed to this afternoon. If they are not, the bill will give new rights to trans people, because, as it stands, it will reduce the minimum age from 18 to 16.

When the cabinet secretary speaks to this group of amendments, it would be helpful if she would clarify whether the First Minister is right in saying that the bill gives no new rights. If the First Minister is wrong, can the cabinet secretary tell us why those new rights are important and why the First Minister made that statement on TV yesterday?

**Maggie Chapman (North East Scotland) (Green):** I am pleased to speak on this group of amendments.

Like other members, I put on record my thanks to all those organisations and individuals who have worked so hard to get us to this point: those who have provided briefings, information and guidance; the parliamentary staff in committee; the legislation team; others who have supported the passage of the bill through the stages; and, of course, trans people themselves, who have waited so long for this day.

Extending the right to obtain a gender recognition certificate to 16 and 17-year-olds is absolutely the right thing to do. It brings us in line with international good practice and, importantly, it allows us to align this important legislation with the age of legal capacity, which, in Scotland, is 16. At that age, young people can get married, join the army, work and vote in Scottish parliamentary and

local elections. We trust them to make big life decisions on their own, and I do not see why the bill is any different.

Let us also remember that many young people have already socially transitioned by the time they are 16. That might have included coming out to their friends and families—without applying for a GRC. Not having a birth certificate that matches their identity could cause issues when they apply for jobs and for further or higher education. More importantly, it could leave them open to a lack of privacy regarding their trans status.

I have spoken elsewhere about my vehement opposition to any waiting periods while people live in their acquired gender and the reflection period. At stage 2, the former was extended to six months for young people. Retaining those time periods in any form means that we go against international best practice. There is no evidence for those time periods to exist, and trans people and those who work with them and support them have told us repeatedly that there is no justification for those waiting times. In view of that, the Scottish Greens cannot support Jackie Baillie's amendment 105, which would mean, in effect, that only trans people aged 16-and-a-half could apply for a GRC. That would make a mockery of one of the very principles of the bill—its extension to 16 and 17-year-olds.

Changing one's legal gender is not something that one does on a whim. Those who apply for a GRC will likely have thought about, considered and reflected on that decision for months, if not years. Let us believe young people when they tell us that they know their own minds. Let us not pathologise them. Let us be clear that 16 and 17-year-olds should—and will—be able to get a GRC and be recognised in law for who they are.

**Alex Cole-Hamilton:** On behalf of the Scottish Liberal Democrats, I say how grateful we are for both the work that has gone into the production of the bill to get it to this stage and the briefings that all members have received. I also put on record how grateful I am for the respectful tone in which the debate has been conducted so far. There has been too much heat and hate around the bill, and I am grateful that colleagues have expressed their remarks, concerns and support for the bill with such respect. I hope that we will continue in that vein.

Anyone listening to the well-crafted remarks from members who oppose the legislation or who oppose the process being extended to 16 and 17-year-olds could be forgiven for thinking that we are somehow pioneers in reforming gender recognition in that way. We are not. For example, we are seven years behind Ireland in that regard, and we are behind the international curve. Right now, 250 million people around the planet live in

jurisdictions where gender recognition is obtained through a self-identification system. That has not led to a correlation with the issues that we have heard prophesied in debates by those who are against reforming the process or extending it to 16-year-olds.

Since its inception, the Scottish Parliament has grappled with the concept of the age of majority. It did so for the 13 years during which I served in the children's voluntary sector, at times when I was participating in trying to influence legislation around exactly that; it did so in the years before that; and it has done so in the years since. However, over time, it is fair to say that we have started to see a natural coalescence around 16 years being the age of majority.

We have heard eloquent speeches from members such as Maggie Chapman about the capacity with which we credit 16 and 17-year-olds in our society. However, there is still variance, because we are always on a journey. The Parliament is on a never-ending journey as regards finding the right balance in law. I mentioned one such variance in my intervention on Rachael Hamilton's contribution. It was around the age of criminal responsibility, which now rests at 12 years; it was at eight. That is the age at which we credit children and young people with having the mental capacity to understand the impact of their actions and decisions. The Conservatives backed that change to the age of 12 years.

If we can credit 16-year-olds with the mental capacity to commit crime, marry and serve in our armed forces, it is only right that we credit them with the ability to recognise who they are and acknowledge their wish to have that recognised in the documents that we, as a state, require them to hold.

Claire Baker expressed concern about the correlation between the process proposed by the bill and medical transition—a theme that was picked up by Kenneth Gibson. However, I refer to my earlier remark about the people who have gone before us. The bill simply creates a mechanism to have recognition of the person that you are transcribed into the forms that you are required to hold. An important debate can be had about medical transition, but it is not the subject of this debate.

Let us also be clear that the bill is about changing the law to remove the barriers and the trauma around having a person's gender recognition reflected in the documents that we currently ask them to hold. That is real trauma: the Gender Recognition Act 2004 is harming people every day. We cannot allow to continue a situation in which the final decision about someone's

identity is entrusted to strangers whom they have never met.

On amendment 98, I am not persuaded that providing evidence of discussion with an appropriate adult will not create unnecessary barriers to 16-year-olds, but I will support the compromise amendment in Christine Grahame's name, which Jamie Greene spoke about well.

Scottish Liberal Democrats believe that, if we credit 16-year-olds with the mental capacity to do many life-changing things in our society, we should trust them and credit them with the mental capacity to understand who they are and to seek to have that recognised in the documents that we require them to hold.

**Carol Mochan (South Scotland) (Lab):** With reference to my colleague Claire Baker's amendment 94, I feel that it is important to raise the serious concerns that many parents have raised with me, and which young people have, regarding this section of the bill. That is especially the case considering how poor the current support for young people is in this country, despite the fact that they are perhaps the group in greatest need of support. It is essential that young people can access the same level of psychological and social support as any person before making such a decision, and I do not see that that support is available at all.

16:30

In amendment 94, my colleague quite rightly asks for a pause to this section of the bill. As she has highlighted clearly and very well, that would not prevent 16 or 17-year-olds from socially transitioning. I cannot think of many pieces of transformative legislation that would be passed before something as important as the Cass review had published its conclusions. Although the review is not focused specifically on NHS Scotland, it clearly has great relevance to Scotland, and we should have the opportunity to consider its findings before we change the age.

**Ash Regan (Edinburgh Eastern) (SNP):** I intend to set out my wider arguments on the bill in the debate on group 13, in which I have lodged some amendments of my own. My general position on the bill is that I will not be supporting it. However, I intend to support amendments that I feel will increase the safeguarding provision. In that vein, I am happy to support amendments 6 and 15.

I do not think that including children aged 16 is appropriate for what many people would consider to be a very profound change.

I take this opportunity to share with members in the chamber the view of a mother who wrote to me

just a few days ago. She wanted me to read out her perspective to members today. She said:

“My 15 year old daughter is on the autistic spectrum and is struggling with anxiety and depression. Despite showing no signs of gender incongruence before the age of 12, she self-diagnosed as having gender dysphoria three years ago and currently identifies as male. I believe she has been influenced by social media and current societal norms. The teen years is a time of flux and how she feels now may change over time as she matures.

The school and the NHS have taken an affirmative approach despite my concerns as a parent. I don't agree that the Government should be lowering the age that young people can self-ID to the age of 16 as socially transitioning is the first step along an often misguided path to medicalisation and surgery. I was persuaded and coerced that it was the right thing to do to call my daughter by the new name and pronouns when in fact this was bad advice and has led us down a very difficult path as a family. I believe a watchful waiting and holistic approach is best, looking at all the factors in a young person's life.”

There are also a large and increasing number of detransitioners voices, which I feel have not been well represented in the process. Just a few weeks ago, Ruth Maguire hosted a detransitioners event in the Parliament, which was mentioned earlier. I agree with the other members who spoke about that event that the detransitioners' stories were extremely powerful—heartbreaking, even—and that there was a real and strong sense that they had been very much let down by those who should, in fact, have been protecting them.

The question was put to those detransitioners: is self-ID at 16 a good change? It was an emphatic “No” from those two young people. Neither of them supported self-ID and, in their view, young people having a bit of paper with their new gender on it would only incentivise them to seek to change how they looked in order to match their new documents. In my view, the age should be 18 and no lower, and, in my opinion, we should exercise extreme caution in this area.

**Pauline McNeill (Glasgow) (Lab):** I want to make a short contribution to the debate and to seek clarity from the ministers on a number of points.

I start by saying that there is considerable public concern about lowering the age to 16, and that it is, therefore, right that it should be the subject of deep scrutiny. I thank all colleagues for their contributions in that regard. We already protect young people who have not reached the age of 18, and we will continue to have those types of debates. I thank Jamie Greene, Jackie Baillie, Carol Mochan and Ash Regan for their important contributions on the importance of supporting young people. That is an important principle however members vote, and it is not at all inconsistent with recognising the independence of young people at 16.

It is important to note—I will continue to talk about this as we progress through the groupings—that the model in the bill is a self-identification model, whereas the 2004 legislation has many other requirements, including a period of two years when documents are changed over. It is important to recognise the substantial difference between having a GRC under the 2004 act and having a GRC under the 2022 bill.

I would like clarity from the Government on the issues. Many LGBT constituents have said to me that when they apply for college, they want to make sure that their birth certificate aligns with their gender, but I am unclear about whether colleges actually ask for that information. I have been advised that they can ask for other documents, so it is important to clarify that point.

The Government needs to be clear about why the UNCRC argues that anyone under 18 is a child. It is for the Government, rather than anyone else, to address why it has gone for 16. That is important. I will listen very carefully to the answer.

Finally, as Claire Baker and others have said, there is, on the table, an important review by Dr Hilary Cass. I am not sure why the Government does not seem to be listening to Dr Cass's pleas to halt that particular provision. That would seem to be a sensible step, at least until it has considered the review.

I would be grateful for clarity on those areas before I make my final decision.

**The Deputy Presiding Officer (Liam McArthur):** I call the cabinet secretary to respond to the amendments.

**The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison):** Like others, I begin by thanking everyone who has helped us to get to this stage of the bill, and for the constructive tone that has been set so far. Two months ago at stage 1, the principles of the bill were agreed by a strong majority in Parliament, with support from members of all parties. Following that and ahead of stage 2, I undertook meetings with many MSPs from across the chamber. Wherever possible, we worked constructively to agree amendments to strengthen the bill at stage 2, and as a result, more amendments were agreed at stage 2 than were voted down: 47 were agreed, 43 were not agreed and 60 were not moved.

I again met with all members who requested a meeting ahead of stage 3 and, again, I have been able to agree to some positive amendments that are consistent with the principles that were agreed at stage 1. I am grateful to members of all parties for working with me on improvements to the bill.

**Fergus Ewing (Inverness and Nairn) (SNP):** I welcome the cabinet secretary's comments about tone and the involvement of all members, but I ask her to respond directly to a point that was made, albeit briefly, by Rachael Hamilton in her opening remarks. Whereas there might be a majority view in the Parliament, all the evidence of the views of the people of Scotland, as recorded in poll after poll, shows incontrovertibly that a very substantial majority of people in Scotland, ranging from 68 per cent to 81 per cent, oppose the reduction of the age to 16.

**Shona Robison:** I say to Fergus Ewing that I could point to many consultations and polls. I could point to the two large public consultations at the start of the bill process that showed support. I could point to the BBC poll that was conducted earlier this year that showed support for the bill, particularly among women, and support for reducing the age to 16.

However, I acknowledge to Fergus Ewing and others that there has been a difference of opinion on the bill from the start, and that there has been a difference of opinion on age from the start. I think that I said when I opened the stage 1 debate that the issue of age has been among the most difficult to address, for all the reasons that members have raised. I took a lot of time to consider the issues, and listening to the views of young people themselves was an important part of that. Young people have said very clearly that they believe that they should be able to make such decisions. I will go on to say a bit more about the age of legal capacity.

The amendments that I have worked with members on include amendments that were lodged by Christine Grahame at stage 2, which I supported, and, of course, her amendment 99. The extension of legal gender recognition to people aged 16 and 17, with appropriate safeguards, is, of course, one of the principles that the Equalities, Human Rights and Civil Justice Committee showed clear support for in its stage 1 report, and that area of the bill was strengthened at stage 2.

However, there are amendments in the group that we cannot support. Amendments 6 to 9 and 12, in the name of Rachael Hamilton, seek to revert the minimum age of application to 18. Therefore, I cannot support them.

**Rachael Hamilton:** Does the cabinet secretary accept that agreeing to Christine Grahame's amendments, which give further support for under-18s, means that the Government accepts that lowering the age is a problem?

**Shona Robison:** I have listened to concerns that have been raised and to what has been said about the need for young people aged 16 and 17

to have additional support. That is why we agreed to the amendments at stage 2 and why we support amendments at stage 3 that are about ensuring that the young person understands the process and that they seek and undertake appropriate support. I think that that strikes the right balance to ensure that young people are afforded the same rights but are given additional support, in recognition of their age.

**Emma Roddick:** I would like it to be recognised that a young man had his identity challenged in the Scottish Parliament moments ago. Does the cabinet secretary agree that that is wrong, and will she offer support to him on something that should never have happened?

**Shona Robison:** I am not aware of the details of the issue that Emma Roddick has raised. However, a person's details should never be revealed. I agree with Emma Roddick, based on what she has just said.

Amendments 93 and 94, in the name of Claire Baker, provide that the minimum age of applicants should be 18 until such time as the Cass review has published its final report. Given that—I have said this on a number of occasions—there is no link between the outcome of the Cass review of NHS England provision of medical services and the bill, which is about trans people obtaining legal gender recognition in Scotland, I cannot support the amendments.

**Claire Baker:** The stage 1 report from the Equalities, Human Rights and Civil Justice Committee asked whether the Government would undertake a review of gender identity healthcare. It would be helpful to know whether that is the Government's intention. There are areas of the Cass review that could be considered. Principally, an increasing number of young women are deciding to go through the process. Does the cabinet secretary think that the Government has a proper understanding of the reasons for that, as we consider extending the right to 16-year-olds?

**Shona Robison:** On the Cass review, it is, of course, important to recognise that the service model in England still provides the services, but there is a different regionalised model. We have continued to state—it is, of course, the health ministers who are the leads on this—that we will consider closely the findings of the Cass review in the context of our work to improve NHS Scotland's service provision. It is important to do that.

I should also make the point that the services are multiprofessional health services, so there are links to mental health services, child and adolescent mental health services and other services to support the young person in the round. I hope that that will give reassurance on some of the points that have been made.

Amendment 105, which is in Jackie Baillie's name, would mean that the minimum age for an applicant was 16 years and six months, instead of 16 years. Setting a minimum age of 16 and a half would be confusing. The principle of the bill is that the person will declare that they have been living in the acquired gender; young people will need to have done that for six months. That is a retrospective look at, commitment to and declaration of the fact that they have been living in the acquired gender.

16:45

**Jackie Baillie:** I am looking for reassurance about the safeguards that the cabinet secretary thinks will be in place if somebody applies at the quite young age of 15 and a half.

**Shona Robison:** A person will be able to apply only from 16 onwards—they cannot apply at 15 and a half. The safeguards that we have talked about are there to ensure that the young person understands the process and the commitment that they are signing up to, and that they can say what support they have received and from whom. I will shortly come to amendments that deal with the detail.

It has been clear to me from listening to young trans people that they feel excluded from the system for accessing legal gender recognition, especially at an age when they want consistent documentation before moving on to higher or further education or starting their first job. I take Claire Baker's point about colleges and universities asking for particular documentation, but young people themselves are saying that they want to get on with their lives with all their documentation reflecting who they are and how they live their lives. That is not an unreasonable thing to ask for.

Young people in Scotland are empowered at 16 to leave home without parental consent, to get a full-time job, to pay national insurance, to enter into a legally binding contract, to consent to medical procedures, to marry, to change their name and to vote for members of this Parliament. It is, of course, possible to point to comparators—others have done that—on what can and cannot be done at specific ages, but being able to apply for legal gender recognition generally aligns with comparable rights and responsibilities that young people obtain at 16. It aligns with the Age of Legal Capacity (Scotland) Act 1991, which provides that, under Scots law, a person who is of or over the age of 16 generally has legal capacity to enter into any transaction that has legal effect.

I will not support amendments 98 and 101, which are in Jamie Greene's name. They would require a 16 or 17-year-old applicant to provide

evidence, if requested, of the support that they had sought. It is not clear how a young person, if required to do so, would evidence conversations that they had had. Would a record have to be made of a personal conversation with a family member, a trusted organisation or a counselling service, for example?

I cannot support the amendments in Martin Whitfield's name, which would require a young person to provide the name and contact details of the person from whom they had sought support. A teacher, counsellor, doctor or organisation that supports young people should not expect to be approached by a staff member from National Records of Scotland with questions about confidential conversations that they have had with a young person.

I point out that the bill already provides for a GRC to be refused or revoked for an applicant of any age on the ground of incapacity. As the registrar general explained in evidence to the Equalities, Human Rights and Civil Justice Committee, it is not for NRS to make a judgment about an applicant's capacity; if NRS has concerns, it will apply to a sheriff, who can determine on the basis of evidence whether a person has capacity. I hope that that gives Martin Whitfield the assurance that he looks for.

**Martin Whitfield:** Is it right to say that the bill gives the registrar general such a power, albeit that capacity will be assessed not by the registrar general but—rightly—by a court? Is the provision there for when the registrar general is uncertain, but on the assumption that there is capacity to begin with?

**Shona Robison:** That is correct. Of course, the sheriff would be able to make further inquiries and to look at the evidence. The registrar general will not have that ability, but they will be able to raise concerns about capacity, if they have concerns.

I cannot support amendment 15, in the name of Kenny Gibson, either. It seeks to require that the support that is given to the young person must be provided by someone who is "suitably qualified". In many cases, such support will be best provided by a supportive family member, for example.

I support amendment 99, in the name of Christine Grahame, which provides that, when a young person confirms to the registrar general that they have discussed their application with a suitable individual, they must inform the registrar general of that person's role or say how they know them. I think that that will, without introducing new evidence requirements, strengthen the assurance that a young applicant has access to advice or support, and that they have carefully considered their application. With that provision in place, I do

not believe that the amendments from Martin Whitfield and others are needed.

**The Deputy Presiding Officer:** I call Rachael Hamilton to wind up and to press or seek to withdraw amendment 6.

**Rachael Hamilton:** My position on allowing children to apply for a GRC has been clear from stage 1. As with so much of the bill, the provisions in question leave an abundance of unanswered questions.

I believe that the Government is deeply confused about the definition of a child. It cannot explain why it believes that the Cass review has no relevance to this part of the bill. It cannot guarantee that it will not lower the age at which someone can obtain a GRC even further. It cannot explain how the bill's provisions would interact with the educational provisions in the Equality Act 2010.

Relying on assertions from Scottish Government organisations for reassurance that something is all right does not make it all right. The holes in this part of the bill are glaring and are there for all of us to see.

The fact that we are having conversations about extra safeguards is an admission that members are concerned. I urge members to carefully consider the arguments that I have set out for why maintaining the status quo on the age at which an individual can apply for a GRC is important.

Colleagues have raised significant points—I highlight, in particular, the arguments that Claire Baker, Pauline McNeill, Kenny Gibson and Ash Regan have made. If we keep the status quo on the age—

**Maggie Chapman:** Does Rachael Hamilton think that it is wrong to weaponise neurodiversity and neurodivergent young people in this debate by saying that they are incapable of making decisions for themselves?

**Rachael Hamilton:** I am very disappointed by Maggie Chapman's intervention. It is absolutely disgraceful of her to lower the tone of the very respectful debate that we are all having. We have a right to speak about our concerns in this chamber: any member from any party can speak freely and openly. If we do not have a robust debate on the issue, we cannot make good legislation, and that is a problem for the Parliament.

**Daniel Johnson (Edinburgh Southern) (Lab):** Although I am very understanding of why the member has concerns about the way in which neurodivergent people might be being discussed, I say, as a neurodivergent person, that it is incredibly important that we think very carefully about how someone with a neurodevelopmental

disorder or who is neurodivergent in some other way might approach the issue if they are transgender. It is important that we think that through very carefully indeed.

**Rachael Hamilton:** Daniel Johnson has made a very important point. One of my family members is neurodivergent, so I ask Maggie Chapman never to intervene in that manner again because, on a personal level, it is very upsetting.

**The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater):** Will the member take an intervention?

**Rachael Hamilton:** No. [*Interruption.*] No, thank you.

**The Deputy Presiding Officer:** Ms Hamilton has made it clear that she is not taking an intervention.

**Rachael Hamilton:** I urge members to consider the arguments that I have made. I think that we should look at the matter very carefully, in light of the unanswered questions that I asked the cabinet secretary to address, and given that the Scottish Government supported Christine Grahame's stage 2 amendment that supported lowering the age. The Scottish Government clearly has an issue with lowering the age and it has understood that two thirds of the Scottish public disagree with lowering the age, as my colleague has already highlighted.

I have no more to add, so I press amendment 6.

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

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division of this stage, Parliament is suspended for a few minutes.

16:55

*Meeting suspended.*

17:03

*On resuming—*

**The Deputy Presiding Officer:** I invite everyone who has not already done so to refresh their screens. We will proceed with the division on amendment 6. It is a 45-second division, and members should cast their votes now.

The vote is closed.

**For**

Balfour, Jeremy (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
Cameron, Donald (Highlands and Islands) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Dowey, Sharon (South Scotland) (Con)



Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbar) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 87, Abstentions 0.

*Amendment 6 disagreed to.*

**The Deputy Presiding Officer:** I call amendment 93, in the name of Claire Baker, already debated with amendment 6. Claire Baker to move or not move.

**Claire Baker:** Not moved.

**The Deputy Presiding Officer:** That amendment is not moved.

**Oliver Mundell (Dumfriesshire) (Con):** On a point of order, Presiding Officer. I seek your guidance. Where members do not move amendments at stage 3, am I right in thinking that

it is open to other members to move them to a vote?

**The Deputy Presiding Officer:** You are absolutely correct, Mr Mundell. Do I take it from that that you wish to move the amendment?

**Oliver Mundell:** Yes.

*Amendment 93 moved—[Oliver Mundell].*

**The Deputy Presiding Officer:** Therefore, the question is, that amendment 93 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be another 45-second division. Members should cast their votes now.

The vote is closed.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley)  
 (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 9, Against 115, Abstentions 0.

*Amendment 93 disagreed to.*

**The Deputy Presiding Officer:** Before moving to the next group, I have been asked to provide a reminder of the indication that the Presiding Officer gave earlier that we would aim to have a comfort break at around six o'clock. That will obviously depend on how we are progressing through the amendments, but that is the intention.

Group 2 is on applicants with criminal charges or convictions. Amendment 18, in the name of Russell Findlay, is grouped with amendments 22, 28, 39, 39A, 39B, 39C, 40, 40A, 40B, 40C, 40D, 40E, 41, 42, 50, 52 and 53.

**Russell Findlay (West Scotland) (Con):** I have nine amendments in this group. They are 18, 22, 28, 39A, 39B, 39C, 50, 52 and 53. I am also pleased to be able to support and speak to amendment 39, lodged by Michelle Thomson, which I will come to in a moment.

All 18 of the amendments in group 2 relate to criminals, specifically those charged with or convicted of serious offences including rape and other sex crimes. Many of my amendments are substantially similar to those that I lodged at stage 2. Any tweaks and improvements that I have made between stages 2 and 3 have been in response to concerns raised by the Government and others. Some of those concerns relate to compatibility with the European Convention on Human Rights, which I have addressed. I will come on to that.

It is important to restate what I said at stage 2: these amendments are not about putting barriers in the way of genuine trans people, who are often marginalised and vulnerable. Women's rights campaigners and others with concerns about the bill are not conflating trans people with sex criminals. Those who attempt to frame their opposition in that way are irresponsible. To do so, as I suspect that they well know, is a gross mischaracterisation. The accusation made this week by one former Scottish Labour MSP that trans people have become "synonymous with sex offenders", due in part to "hysterical media outlets", is typically ill-judged and inflammatory.

I repeat: these amendments are entirely about those men who will, inevitably, seek to exploit the

inherent weaknesses of the proposed new system of gender recognition certificates.

**Alex Cole-Hamilton:** With the way in which Russell Findlay describes his amendments, members could be forgiven for thinking that a GRC represented some kind of passport in our society and that it opens doors for people. However, it does not. A GRC is not a valid form of identification. It is not required to be presented to access a single-sex space or any place where vulnerable people go for help, treatment or anything of the kind. It is simply a piece of paper that legally recognises someone's gender as they know it to be, and we are making it easier for people to obtain that piece of paper. It is not a valid form of identification to gain entry or a passport to such places.

**Russell Findlay:** I disagree with Alex Cole-Hamilton. It is not just a piece of paper. It fundamentally changes many aspects of society, which I will come on to address.

The proposed new system is radical—some might even say that it is experimental—when anyone can simply declare that they have changed sex, and that will be taken at face value and facilitated by the state. My amendments are intended to prevent those male criminals who already lie and deceive, and whose victims are almost always women and girls, from committing serious wrongdoing.

I agree with Shona Robison's words at stage 2. She said:

"I want to be clear from the start that the real threat to women and girls is predatory and abusive men."

However, I strongly disagree with what she went on to say. This perhaps chimes with Alex Cole-Hamilton's point. She said:

"There is no evidence ... that those men would obtain a GRC in order to abuse women, or that that has happened in any other countries that have similar processes."—*[Official Report, Equalities, Human Rights and Civil Justice Committee, 15 November 2022; c 17.]*

The United Nations special rapporteur on violence against women and girls, Reem Alsalem, was clear when she said that the bill

"would potentially open the door for violent males who identify as men to abuse the process of acquiring a gender certificate and the rights that are associated with it".

She added:

"This presents potential risks to the safety of women in all their diversity".

Importantly, she also meant the safety of trans women. She also said that the bill

"does not provide for any safeguarding measures to ensure that the procedure is not, as far as can be reasonably assured, abused by sexual predators and other perpetrators of violence."

In my notes, I have placed a marker here in anticipation of an intervention about what someone else from the United Nations has said, but no intervention has been made. I therefore turn to Victor Madrigal-Borloz, who is the UN expert on protection against violence and discrimination based on sexual orientation and gender identity, and who has said that there is no evidence of such abuse from other countries that have adopted gender self-ID.

Unsurprisingly, Mr Madrigal-Borloz is the UN expert who Nicola Sturgeon and her SNP-Green ministers choose to listen to and agree with, but is he correct? I do not believe that he is. More specifically, I do not think that Mr Madrigal-Borloz has shown any evidence to support his claim of there being a lack of evidence from other countries. The claim is disappointingly naive, at best, and dangerously false, at worst.

Other people agree with me. Murray Blackburn Mackenzie, which is made up of Dr Kath Murray, Lucy Hunter Blackburn and Lisa Mackenzie, have conducted critical work on gender recognition reform. The policy analysis group examined Mr Madrigal-Borloz's assertion and found it to be seriously deficient. They say that it is demonstrably untrue that no cases have been reported of violent men obtaining access to women's spaces using a GRC. They say that, in most countries, there has been little or no effort to record such incidents—if you do not look, you will not find. In some countries, publicly recorded data has become fundamentally compromised by replacing a person's sex with their gender identity.

I turn to amendment 18. Put simply, it would only allow someone to seek a GRC if they were not a registered sex offender—that is, someone who is on the sex offenders register.

17:15

The previous version of that amendment, at stage 2, was more robust and was an absolute and unconditional ban on registered sex offenders being able to obtain a GRC. When I met with Shona Robison—a meeting for which I was grateful—she advised me that my previous approach might have been incompatible with the ECHR, although she was unwilling to share the legal advice on that. I have therefore added a right to appeal. That is amendment 50, which means that a GRC applicant who is on the sex offenders register could bring their case to a sheriff, who would make that decision.

Amendment 28 is connected to amendments 18 and 50. Amendment 28 is largely technical, in that it would ensure that a GRC applicant who is also a registered sex offender would be required to disclose that.

Amendment 22 is not a repeat of a stage 2 amendment. It is entirely new, but has its roots in stage 2. In response to my wider concerns about registered sex offenders exploiting GRCs, Shona Robison told me that the justice secretary, Keith Brown, had a plan, which was to introduce changes to existing regulations about the management of sex offenders. Essentially, we are being told that registered sex offenders who seek a GRC will have to notify the police.

We may be able to take it on trust that that will happen, but we do not know enough detail. I wrote to Mr Brown on 9 December, but have yet to receive a reply. Even if we had Mr Brown's plan in front of us, it strikes me that that attempted fix has only come about because of the stage 2 amendment. Why were SNP ministers not concerned about registered sex offenders seeking to exploit a GRC until so late in the day? Their plan appears to me to be reactive, lacking in detail and not much more than a last-minute sticking plaster. That is really not good enough.

Amendment 39 has been lodged by Michelle Thomson. I expect that we will hear a very personal account from her about that amendment and I will therefore keep my contribution brief and focus on its purpose and on the practicalities. Amendment 39 would prevent anyone who is charged with rape or another sexual offence from being able to seek a GRC until after the case against them has been disposed of, whether by acquittal or conviction. The primary purpose is to prevent an alleged rapist—and it is worth reminding ourselves that the legislation says that only a man can commit rape, as the crime is defined by the use of male genitalia—from declaring that he is female.

I previously asked the SNP justice secretary and a very senior Police Scotland officer what would happen in the following scenario: would a traumatised female victim have to call her male rapist “she” and “her” in the High Court? It sounds absurd, ludicrous and unimaginable, but the answers that I got were worryingly vague and completely unconvincing. I regard the imposition of a GRC ban in such circumstances as proportionate and similar to the imposition of the bail conditions that courts apply to accused people every single day. Bail conditions can prevent someone from travelling overseas, can limit their movements or who they communicate with and can enforce a curfew. Such conditions are clearly more onerous and restrictive than temporarily stopping someone from seeking a GRC.

At stage 2, my version of amendment 39 was more general; it sought to prevent anyone charged under all solemn proceedings from seeking a GRC until the case against them ends. At stage 3,

amendment 39 specifies only those charged with rape and sex crimes.

I turn to amendments 39A, 39B and 39C. Amendment 39A is a paving amendment, linking amendments 39B and 39C. Amendment 39B would pause a GRC application for anyone who is charged with crimes of domestic abuse and violence; 39C applies to anyone who is charged with fraud. The thinking behind amendment 39B is similar to that behind amendment 39, which is to prevent male criminals from using, abusing or exploiting the lax new GRC laws to taunt, torment or re-traumatise their victims.

I turn to amendment 39C. It seems sensible not to allow someone who is accused of fraud to acquire a new identity with the ease that the bill intends. A fake identity is a tool of many a fraudster. A new identity delivered by the state would be a gift and I believe that it would potentially risk fuelling further acts of fraud. Like amendment 39, amendments 39B and 39C are proportionate. What they provide for would be in place only until the criminal proceedings came to an end.

Amendment 52 would allow a sheriff to revoke someone's GRC in the event of that person being convicted of rape or sexual assault involving the person's genitals at birth. Let us restate what the law says. Rape can be committed only with male genitals. That is unambiguous. There have already been deeply worrying cases in Scotland and elsewhere in which male sex offenders have decided to identify as women before going on to commit sex crimes using their male genitals. That should not be happening now, but it is. We should most certainly not pass a bill that would enable more of it. Not only would that be an insult to victims, but it would make a mockery of crime statistics. I ask members to think about it. If a trans woman with a penis and a GRC rapes a woman, the law will say that that crime was committed by a woman. That is utterly perverse and an affront to every woman in Scotland.

I lodged a similar amendment at stage 2 that stated that a sheriff "must" revoke a GRC in such circumstances. However, in an attempt to be ECHR compliant, I have changed the wording from "must" to "may". Amendment 53 further clarifies that the removal of a GRC in such circumstances would not be an absolute and that a sheriff would heed all the relevant facts before making a decision.

I will quickly address some of the other amendments in the group. Gillian Martin's amendment 40 would allow the chief constable, when applying for a sexual offences prevention order, to prevent the person from applying for a gender recognition certificate. That would involve the chief constable having to notify the registrar

general of the application and the making of an interim order that would prevent the person from applying for a gender recognition certificate. The outcome of any application for an order would have to be communicated to the registrar general by the chief constable. An application for a gender recognition certificate that was made in breach of an order would be treated as if the application had never been made.

I will support amendment 40 because it represents a strengthening of the provisions in the bill. Currently, there is nothing in the bill to prevent predatory men from applying for a GRC. A sexual offences prevention order must be made on application to a sheriff court by a chief constable. It applies to offences that are listed in paragraphs 36 to 60 of schedule 3 to the Sexual Offences Act 2003. That is similar to my amendment that seeks to ban sex offenders from applying for a GRC.

However, there is a crucial difference. As per the 2003 act, a person is always subject to notification requirements if they are convicted of an offence that is set out in the act, although the time period for which they will be subject to requirements will vary, whereas sexual offence prevention orders are far less common and are not required when a person is convicted of a sexual offence.

Information on sexual offence prevention orders is not published regularly, as far as I can tell. However, the latest data that is publicly available, which is from 19 October 2020, shows that Police Scotland confirmed that there were 6,016 registered sex offenders in Scotland, which can be compared with the 668 offenders that it managed with sexual offence prevention orders. That means that registered sex offenders outnumbered offenders who were subject to those prevention orders by around 9:1. Although amendment 40 is a welcome step, it is therefore not enough. I would prefer the Scottish Government to endorse my proposals, which are, as I have demonstrated, more comprehensive.

Amendments 40A to 40E are consequential to Gillian Martin's amendment 40. They would insert sexual risk orders into the wording in her amendment. Equivalent orders are used in England and Wales and, as I understand it, offenders who are subject to them are monitored by Police Scotland should they choose to locate here. It is welcome that that type of order is included, but it will not substantially change the number of people who will be impacted by the substantive amendment 40.

Amendment 41 is also consequential to amendment 40.

I move amendment 18.

**The Deputy Presiding Officer (Annabelle Ewing):** Members will note that we will shortly reach the next time limit, and we have a further group of amendments still to debate. As a consequence, under rule 9.8.5A, I am minded to accept a motion without notice to extend the time by 30 minutes. I call the Minister for Parliamentary Business to move such a motion.

**The Minister for Parliamentary Business (George Adam):** I will gladly move that motion, Presiding Officer.

*Motion moved,*

That, under Rule 9.8.5A, the first time limit be moved by up to 30 minutes.—[George Adam]

*Motion agreed to.*

**The Deputy Presiding Officer:** I call Michelle Thomson to speak to amendment 39 and other amendments in the group.

**Michelle Thomson (Falkirk East) (SNP):** I will speak only to amendment 39 in the group. I feel that the case for the other linked amendments has been put eloquently by Russell Findlay.

For the record, I cannot begin to imagine the angst that trans people suffer, and I offer an open heart to people who wish to live with dignity and respect in their chosen gender. My biggest concern about the bill is with regard to bad-faith actors, about whom the First Minister has also recognised concerns.

Amendment 39 specifically relates to men who are applying for a GRC who have been charged with a sexual offence, but have not yet been convicted and placed on the sex offenders register. It simply seeks to pause an application for a GRC until any court case has been resolved. During stage 2, and again today, Russell Findlay pointed out that a woman could end up having to refer to her attacker as “she”. Do members in the chamber understand how that could represent an opportunity for abusers to exert power and control over their victims?

My first point concerns risk, which involves probability and outcome. The probability of the situation that I have depicted occurring is low; however, if it were to occur, the outcome for the victim could be devastating. As a result of my history, I still suffer from post-traumatic symptoms. Feelings of desperation can resurface, sometimes with a sudden need to sleep. I can have lost days of depression. I can have an acute need to feel safe, and I have bouts of anxiety. Such has been the distress that has been caused by the bill that, one day, I had to go home in floods of tears and withdraw from a debate. I am not looking for sympathy. I have privilege; I have agency. The impact of trauma falls hardest on the weakest, the poor and the disenfranchised. I have a voice; they

do not. In the past six years, who has spoken for them?

My second point is that, in those six years, the Scottish Government has not undertaken or published any qualitative impact assessment about traumatised women. The Equalities, Human Rights and Civil Justice Committee has failed to meet female sexual survivors, which has created further distress. I thank the cabinet secretary for our meetings; however, I must comment further. I know that amendment 39 will be opposed by the Government on legal grounds that are as yet untested.

My final point concerns the recent case that was won by the Scottish Government, in which it argued that a man with a GRC becomes a woman for all purposes. The logical extension of that position is that the Scottish Government regards a man who has been convicted of rape or sexual assault as a woman for all purposes. Is that really the Government’s view, and what message does it send to women? Does the Government understand that it is putting the rights of a GRC-seeking man who has been charged with sexual assault or rape above the rights of the woman who is the victim?

17:30

One solution was for the registrar general to question whether the applicant had been charged with a sexual offence. However, I was informed that this could send a message that all trans people were sexual predators, which we all agree is ridiculous. However, the reasoning is also ridiculous. Most insurance companies ask about criminal convictions, not because they believe that all those seeking insurance are criminals but because it is directly relevant to risk.

Presiding Officer, I leave all colleagues and the Scottish Government to answer the question posed by Roddy Dunlop KC. He said:

“I can conceive of no sensible basis upon which this amendment might be rejected ... this would not affect trans-rights in any way. It would merely stop those rights being abused by men who are \*not trans\*. Why would one want to aid & abet such men?”

**The Deputy Presiding Officer:** Thank you, Ms Thomson. I call Gillian Martin to speak to amendment 40 and other amendments in the group.

**Gillian Martin (Aberdeenshire East) (SNP):** I will speak to amendments 40, 41 and 42, which are in my name. I seek to address the risk that might be presented by some applicants, notably those on the sex offenders register, and I thank my colleague Jamie Greene for supporting the amendments in the marshalled list.

The cabinet secretary confirmed at stage 2 that, before the bill was implemented, the Scottish Government would amend the notification requirements for those on the sex offenders register to include having made an application for a GRC. That would mean that additional information would be available to help to identify an individual and inform their subsequent management under multi-agency public protection arrangements, known as MAPPA. That adds to the information that those on the register are already required to provide to the police, such as their name, address, and passport details, so that the police are fully informed about information relating to a person's identity.

Other stage 2 amendments to the bill allow for the issuing of a gender recognition certificate to be prevented where the application is fraudulent, but there is nothing so far to prevent it on the basis of risk. That is what I want to address.

Amendment 40 would provide the ability for the chief constable to notify the sheriff after a risk assessment is carried out on applicants who are on the sex offenders register. Should that risk be unacceptable, Police Scotland would apply for a sexual harm prevention order or a sexual offences prevention order, which would prevent the applicant—

**Russell Findlay:** Will the member take an intervention?

**Gillian Martin:** Yes, I will.

**Russell Findlay:** I am only privy to data from 2020, which is that one in 10 registered sex offenders is subject to those orders. Does the member have more up-to-date numbers on that?

**Gillian Martin:** I do not. If I had that information, I would tell you.

I do not think that the numbers really matter. I come from a background where I did a lot of safety work around oil and gas, and just because something is very unlikely to happen, it does not mean to say that we should not be mitigating that risk. That is always the position that I come from when I look at law.

Just because maybe only one person might get through, that does not mean that we should not mitigate risk. We have to be proportionate, but at the same time we have to recognise that some things could happen when we are making law. I look at this in the same way.

I will just find my place in my notes again.

Should that risk be unacceptable, Police Scotland would apply for a sexual harm prevention order or a sexual offences prevention order, which would prevent the applicant from obtaining a GRC—it should stop the application.

Once either of those orders is in place, the chief constable must inform the registrar general, who must take no further steps on the application until the order has ceased to have effect. That could have a timeframe that the sheriff thinks is proportionate.

That will not have any effect on other applicants. By that, I mean that the process in this bill that we are debating is supposed to provide trans people who legitimately want to obtain a GRC with a dignified, respectful and private process, and that is a process that I support.

I have constituents who have had a traumatising experience with the current process and it is absolutely right that we reform it. However, a GRC is for trans people. It is not for sexually violent individuals who want to exploit any systems. Those people are, by definition, exploitative.

My amendment 40 would ensure that people with a history of sexual offending, who pose real harm, will not be able to exploit the system. That will mean that any sex offender who comes into Scotland from elsewhere in the UK will also be subject to the notification requirements, as they will be resident here.

The amendment makes use of existing police powers under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 and the Sexual Offences Act 2003. It allows the chief constable to inform the registrar general that an application to a sheriff for a sexual harm prevention order is being made. Such an order contains prohibitions or requirements that are necessary to protect the public, children or vulnerable adults from sexual harm by the person against whom the order is made.

My amendments would allow for an application for a GRC to be paused to allow for a sexual harm prevention order to be applied for. That would involve Police Scotland notifying the registrar general that, based on continuing risk assessment and risk management under MAPPA, it intends to apply for an order. The National Records of Scotland would then pause the application process for a GRC and not issue a certificate pending the outcome of the application for the order. It would be for a sheriff to consider and agree to the order based on the evidence put forward. That is evidence from agencies that know the person and are well aware of their history.

That is a stronger process than the current system allows for. The gender recognition panel does not use risk assessments to make its decisions. One of the reasons that I am for reform is that the gender recognition panel can sometimes seem arbitrary to people. I referred

earlier to someone I know who was refused a gender recognition certificate and felt that the process was traumatising because they had never spoken to anyone in the panel and they could not understand the decision.

I am confident that what I propose would better protect people against the harm that sex offenders might pose if they try to exploit the having of a GRC. A GRC is for trans people, not predators.

I will talk about my amendments 41 and 42 and explain how the process would affect applicants who are on the sex offenders register. I will be clear: trans people would not be asked to make any declaration in relation to the sex offenders register on the application form. I am pleased that Stonewall, Scottish Trans and the Equality Network support my amendments and make it clear in their briefings that the measures that I propose would directly address the harmful conflation of trans people and sex offenders that we have sometimes heard in public discourse.

It is our job in the Parliament to mitigate any risk, no matter how small. Trans people do not pose a risk; sex offenders do. I understand the concerns that many people have about sex offenders applying for a GRC and I share them to a certain extent, but we must do everything that we can within our powers and within human rights legislation to prevent sex offenders from exploiting processes that might allow them to further offend or to abuse other people.

I get what Alex Cole-Hamilton said about a GRC not being a gateway, but it could be used to confuse and exploit people. I feel strongly, as others do, that I had to find a competent way to safeguard against that. The amendments that I lodged are fully compliant with existing human rights legislation, particularly the European convention on human rights, which is where previous amendments fell down at stage 2, as Russell Finlay mentioned.

Amendment 40 is a competent amendment, which I have worked on with the Government to get right. I hope that members who want to mitigate the risk that sex offenders pose can see that it is an effective way to safeguard against them. The registrar general would not be able to grant an application for a GRC as long as a sexual harm prevention order was in force and the offender could reapply only as and when that order had ended. It is up to the sheriff how long an order is in place for and it is an established process that sheriffs are used to considering.

Taken together, my amendments 40 to 42 would mean that people who were on the sex offenders register would not be able to receive a GRC without their risk having been assessed by the agencies that know them.

It is my firm assertion that my amendments would strengthen the current process, in which no risk assessments are done at all, prevent exploitation of the GR process by harmful sex offenders and afford women and trans people additional protection from those offenders.

I thank Jamie Greene for supporting all of my amendments, and colleagues who have told me that they support my proposals so far. I ask everyone to support my amendments.

**Shona Robison:** I start by saying, as I have said many times before, and as members across the chamber have also said, that the threat to women and girls is of course from predatory and abusive men. Of course, there is no evidence that such predatory and abusive men have ever needed to apply for legal gender recognition to carry out their behaviour. That has not happened in the other countries that have introduced similar reforms.

Russell Findlay referred to the evidence from the UN independent expert, Victor Madrigal-Borloz, who made the point that there are now more than 300 million people living in countries that have adopted a statutory declaration type of approach, and there is no evidence of those issues and concerns coming to fruition.

**Ash Regan:** In the additional evidence session that the Equalities, Human Rights and Civil Justice Committee had last night, that was not the characterisation that was put forward by Reem Alsalem, who is of course the UN special rapporteur with a special mandate for violence against women. She said that the evidence is there. She said that the evidence has not been collated, analysed and put together in one place, but the evidence certainly is there. Is the Government at all concerned that impact assessments of the effects of the proposed legislation have not taken place and that we are increasingly collecting data on the basis of gender identity and not sex?

**Shona Robison:** First, on the issue of how data is collected, the member will be aware of the guidance on that from the chief statistician, which is that data should be collected by asking the question on male/female, with a voluntary trans question. That is important, because it is about gathering all the evidence. That guidance is what public bodies should follow.

We will come on to discuss some amendments on the data that should be collected under the proposed legislation—amendments will be considered on the data that should be collected for the three-year review.

I also met Reem Alsalem and, during that meeting, which was very constructive, no such evidence was brought forward. We had a



discussion about some of the general concerns that are voiced, but that is not the same as hard evidence. We also pushed to hear about some of the safeguards that she described other countries as having, and there were no such safeguards that we were not already putting in place or intending to put in place. As I say, it was a constructive meeting, and I thank her for that.

**Fergus Ewing:** It was reported several weeks ago in *The Sunday Times* that, over the past three years, several hundred—I think more than 300—registered sex offenders have changed their name, plainly in order to disguise the fact that they are sex offenders from those with whom they deal. Can the cabinet secretary explain how, if we reject Mr Findlay's amendments, there will not be additional risk, as Michelle Thomson has argued, from men masquerading and applying for a GRC in order to proceed with their nefarious purposes, and having changed their name even before they apply for a GRC?

**Shona Robison:** Let me be very clear. I cannot speak for what the arrangements are elsewhere, but in Scotland, MAPPA, which are the arrangements for the management of sex offenders who are on the register, require the notification of a change of name, a change of address or, which is what we are adding in the bill, an application for a gender recognition certificate.

**Russell Findlay:** Will the cabinet secretary take an intervention?

17:45

**Shona Robison:** I want to make some progress, and then I will bring in the member.

Importantly, the bill does not change the Equality Act 2010, which is of course reserved legislation that we cannot modify—a point that is now enshrined in the bill following a stage 2 amendment. I recognise that some people have concerns and fears that are of course genuinely held, and throughout the process I have tried to address those concerns.

I point out that, as Gillian Martin referred to, in the current process, which has been in place for 18 years, although someone has to show that they have gender dysphoria, sex offenders or anyone who has committed an offence are not barred from applying. The current assessments that are made by the gender recognition panel are not based on risk of harm. Following stage 2, the bill now introduces mechanisms to allow for a risk-based approach that in many ways goes further than the current system.

**Michelle Thomson:** Will the cabinet secretary give way?

**Shona Robison:** Yes, of course.

**Michelle Thomson:** The point that I was trying to make in my speech is that risk assessment needs to be looked at in the round. When we look at risk assessment, we have to look at all the key stakeholders in that risk. I ask the cabinet secretary to give us a sense of the risk of further traumatising victims, because that is as important as the risk assessment around managing offenders.

**Shona Robison:** I will come on to Michelle Thomson's amendment 39 in a second, but I absolutely take the point. Whether it is in our court processes or any other processes, we have come on in leaps and bounds in how victims are treated. Obviously, the courts are independent of politicians, but victims should be treated with respect and should not be further traumatised.

**Sue Webber (Lothian) (Con):** Will the cabinet secretary take an intervention?

**Shona Robison:** I want to make a little bit of progress.

Although I believe, based on all the evidence from other countries, that the likelihood of so-called bad actors seeking to abuse the process is very low, I have listened to members seeking reassurance and therefore propose a proportionate approach to provide useful safeguards based on assessment and management of risk in individual cases. I do not think that it is a bad thing that we have listened.

**Brian Whittle (South Scotland) (Con):** Will the cabinet secretary take an intervention on that point?

**Shona Robison:** Let me make some progress, and I will try to come back to the member.

As I set out to the committee at stage 2, before the bill is commenced, the Cabinet Secretary for Justice and Veterans will introduce regulations to amend the sex offender notification requirements so that people who are on the register are required to notify the police with details if they apply for legal gender recognition. That will mean that additional information will be available to help to identify an individual and inform their subsequent management under the multi-agency public protection arrangements, or MAPPA.

That will allow action to be taken either in relation to the application itself, if necessary, or as part of the broader police role in managing the registered sex offender population. If the police believe that an application is fraudulent, they could apply, as a person with an interest, to a sheriff to revoke a GRC. Alternatively, the registrar general, if informed by Police Scotland, could reject such an application following a successful application to the sheriff, meaning that the applicant would be denied a GRC. That means that it will be possible

to prevent someone who is on the sex offenders register from fraudulently obtaining a GRC.

Amendments 40 to 42, in the name of Gillian Martin, would further strengthen that risk-based approach. Police Scotland, after considering the evidence of risk in relation to a specific case, can already apply to a court for a sexual offences prevention order or a sexual harm prevention order, and that would prevent a person from applying for a GRC. The amendments would require the chief constable to inform the registrar general and the registrar general to take no further steps on the application until the order has ceased to have effect.

**Brian Whittle:** Will the cabinet secretary take an intervention?

**Shona Robison:** Let me finish this part, and then I will take it.

I therefore support the amendments in Gillian Martin's name.

Amendment 39, in Michelle Thomson's name, provides that the registrar general must pause an application from someone who has been charged with certain offences until their case has been disposed of. I sympathise with what her amendment seeks to achieve, and anyone who heard Michelle Thomson's testimony could not fail to be moved—as members across the chamber were. However, we consider that there is a significant risk of the amendment being incompatible with the ECHR and, as such, outwith legislative competence.

**Russell Findlay:** Will the member take an intervention?

**Shona Robison:** In a second.

To bring it into effect, the registrar general would be required to ask every applicant whether they had been charged with a sexual offence. I think that Michelle Thomson herself recognised that we are talking about a very small risk. However, after meeting with Michelle Thomson on a couple of occasions and hearing how passionately and sincerely she feels about this, I looked at what more could be done. That is why we have proposed a solution that I think would meet the aims of her amendments in a way that is compatible with the ECHR.

The approach in these amendments is to extend the process, which I described earlier, in relation to prevention orders so that it also applies to a sexual risk order. A sexual risk order is a civil preventative order that is designed to protect the public from sexual harm and, unlike with the other types of order, there is no need for a previous conviction or equivalent. This new approach can allow a GRC application from someone accused

but not yet convicted to be paused based on an assessment of the risks involved by the police.

I believe that the amendments in my name, in combination with those in the name of Gillian Martin, will allow for a risk-based approach that builds on existing action that the police can already take in relation to the management of offenders. I consider that that will achieve similar aims to those of Michelle Thomson, but it will take a risk-based approach rather than putting a blanket ban on persons who are charged or convicted.

**Russell Findlay:** At stage 2, there was no secret around the amendments that we lodged, discussed and were ultimately rejected. I subsequently met the cabinet secretary to discuss them again and at stage 3 I attempted to make them ECHR compliant. They were lodged, and we got a letter only at past 10 pm last night that said that they may not be ECHR compliant. It all just seems so slapdash and half baked.

Today, in your summing up, you suggested that the amendments are not ECHR compliant, but it is not an absolute. Can you share the legal advice around that? Members are voting with only half a picture, and that really is not good enough.

**The Deputy Presiding Officer:** I remind members to speak through the chair.

**Shona Robison:** I was just going to come on to the provisions in the bill having to be compatible with the ECHR. I cannot share the detailed legal advice that I have received, but I think that Russell Findlay would acknowledge that I was very clear with him and others when I thought that amendments were outwith the competence of the Parliament or in breach of the ECHR.

The letter, which was sent to members at about 19:41 last night, was to put beyond doubt that those amendments would put the bill in jeopardy, because we all have a duty, as legislators making good law—

**Russell Findlay:** Will the member take an intervention?

**Shona Robison:** Hang on a minute, and let me finish my point.

We are required to take on board when legal competency, or the potential breach of the ECHR, is at stake. What I set out in that letter could not be clearer in that regard.

**Russell Findlay:** I think that it actually could be clearer. The letter seemed to suggest that there is a risk of non-compliance, but what the cabinet secretary appears to have said in the chamber is that it would be an absolute non-compliance. Can the cabinet secretary clarify which it is, please?

**Shona Robison:** I can only say that it was a risk because it would then depend on the action that was taken in a court process, but we have been here before with legislation when ministers have been very clear to Parliament that an amendment is either outwith competence or is in danger of breaching ECHR, and we have ended up in court because of those issues.

All that I can say to members is that I am trying to be as honest as I can about the potential implications of some of those amendments. I set those out in the letter for the avoidance of any doubt.

**Oliver Mundell:** On a point of order, Presiding Officer. I seek clarification on the role of the Presiding Officer in selecting stage 3 amendments and on the role that the Presiding Officer and Parliament play in ensuring that the amendments that come before us are ECHR compliant.

**The Deputy Presiding Officer:** I understand that that point might have been addressed earlier. I say to the member, however, in case there is any confusion, that looking at criteria and determining admissibility is not the same as looking at whether a matter is within legislative competence, as far as amendments are concerned at stage 3—they are not the same process. Perhaps that has caused a bit of confusion. Thank you.

**Shona Robison:** I want to be clear that this is an issue that Parliament needs to look at at some point, because there is no requirement for amendments to be within legislative competence. There is a requirement for bills to be within legislative competence, but the Parliament does not look at the legislative competence of amendments; it leaves that to the Government. As the minister in the Government who is responsible for this bill, I am telling members that there are issues and risks associated with the amendments.

**Daniel Johnson:** We have had a discussion about the fact that it is the cabinet secretary's opinion that these amendments are not legal, but she has not detailed on what specific grounds the Government considers that to be the case. She is saying that the grounds are detailed in her letter, but, as I am not aware that the letter is a matter of public record—it is certainly not here before the Parliament—could she explain why she believes that these amendments fall foul of ECHR?

**Shona Robison:** I was going to come on to the detail of that in group 13, because there we get more directly into some of the issues that have been raised around these amendments. The letter—which I understand was given to members of the press, as some of it was reported—essentially looks at a number of areas of competence under ECHR: article 8, on the right to private life; article 14, on protection from

discrimination; and so on. I intended to go into more detail on that under group 13.

I should also say, of course, that it is not my opinion. I am not a lawyer. I have to go by what the law officers tell me in terms of the legal advice that I am given. I am not at liberty to share the detail of that advice and can only share the generality.

**Daniel Johnson:** I understand that, but ultimately we will have to vote on these amendments before some of those issues will have been elucidated by debate in group 13. Although the minister has cited particular articles of the ECHR, she has not detailed precisely why these amendments fall foul of those elements of the ECHR. I do think that Parliament requires to understand the Government's thinking before we vote on these amendments.

**Shona Robison:** Members are aware that I am constrained from disclosing the details of the source of the legal advice that has been provided, not least by the ministerial code. We routinely obtain legal advice on the competence and effect of amendments to any bill. It is the same for these amendments as it is for the advice on the competence of any amendments to a bill that are lodged.

As members will be aware, the law officers have the right to refer a bill to the Supreme Court if it includes a provision that they consider to be outwith competence. However, that is a matter for them and not for the Government, under the Scotland Act 1998.

All that I can say is that I have tried to make the concerns about these particular amendments known. It is for members to make a judgment about whether or not they accept that. However, I have to lay out the potential consequences of accepting amendments to the bill that could breach the European convention on human rights or, indeed, be outwith legislative competence.

**Rachael Hamilton:** Will the cabinet secretary give way?

**Shona Robison:** No—I want to make progress on the points about the amendments.

The amendments in the name of Russell Findlay, as I set out in some detail when speaking to similar amendments at stage 2, are, I believe, disproportionate. We also consider that there is, as I have set out, a significant risk that they would be incompatible with ECHR and, as such, there is a risk that they are outwith legislative competence. I do not support them.

I have set out why a risk-based approach is important. If the issue is to try to deal with a tiny risk that may never happen, that risk must be dealt with on a proportionate basis. That means

ensuring that, if an individual poses a risk, the police have the ability to do something about that risk.

18:00

Members are saying that the outcome that they want is to prevent someone who the police believe to be a risk, whether or not they have been convicted, from gaining a GRC. The measures set out at stage 2, in addition to the amendments by Gillian Martin and those in my name, will achieve that outcome. If that is the outcome that people want, it can be achieved by agreeing to those amendments.

**Brian Whittle:** I want to clarify that point. Are there circumstances in which a convicted sex offender, who is still on the sex offenders list, can get a GRC?

**Shona Robison:** I have literally spent the past 10 to 15 minutes outlining why someone who—*[Interruption.]*

**The Deputy Presiding Officer:** Members, please let the cabinet secretary respond to the point.

**Shona Robison:** I presume that Brian Whittle is referring to someone who poses a risk. If someone is on the sex offenders register and the police believe that there is a risk that that person may misuse a GRC for nefarious purposes or that they are applying fraudulently because they have no intention of living in the acquired gender, then, as I have set out, the amendments will prevent that person from obtaining a gender recognition certificate. Under the current system, which has been in place for 20 years, there is no such impediment to someone on the sex offenders register obtaining a gender recognition certificate. The amendments will put into the process additional safeguards that are not currently in place.

I say to the member that that is of some interest to the UK Government, which may also be considering that.

I cannot support amendment 22. As we have said, we have made a clear commitment to introducing regulations before the bill comes into force.

**Jeremy Balfour:** Will the member give way?

**Shona Robison:** No thanks.

Those regulations will expand the existing sex offender notification requirements to include notification of having made an application for gender recognition, which is what amendment 22 seeks to do. It is more appropriate to make that change through the regulation-making powers that are already available. As I have said before, that

will provide the outcome that people want of a risk-based approach that is proportionate, legal and compatible with ECHR. I urge members to support the amendments in my name and that of Gillian Martin.

**The Deputy Presiding Officer:** Members will note that we have passed the agreed time limit for the debate on this group of amendments to finish. Taking into account that there are members who still wish to speak, I have exercised my power under rule 9.8.4A(c) to allow debate on the group to continue beyond the limit, in order to avoid the debate being unreasonably curtailed.

**Maggie Chapman:** I speak against all the amendments in the group apart from those in the names of Gillian Martin and Shona Robison.

I find the dog whistles that are inherent or implied in some of the amendments in the group—those that equate trans people with sex offenders—to be most disturbing. We know that trans people are more likely than the general public to be victims of abuse. We should certainly not be asking trans people to state that they are not sex offenders when they apply for a GRC. I thank Gillian Martin for stating that so clearly.

It seems that some people in the chamber would benefit from a better understanding of human rights, particularly those that enshrine respect for private and family life. That includes the right to be recognised in one's real gender. That right applies to everyone, even those who have committed crimes or who are suspected of having committed crimes. As we have heard, several of the amendments in the group, if passed, could cause the bill to fall foul of international human rights conventions. We have heard from every single party in the chamber that predatory men do not need a GRC to abuse women—those men are the issue here, not trans people.

**Michelle Thomson:** Will the member take an intervention?

**Maggie Chapman:** No.

Let us not fall into the trap set for us by those who do not support the reforms in the bill at all. Trans people are not the problem. Let us not add hurdles for them in their application process.

**Jackie Baillie:** I speak in favour of amendments 40, 41 and 42, in Gillian Martin's name; amendments 40A to 40E, in the name of the cabinet secretary; amendment 39, lodged by Michelle Thomson, who spoke very powerfully this afternoon; and amendments 18, 22, 28, 50, 52, 53, 39A and 39B, lodged by Russell Findlay.

First, let me make it absolutely clear that I do not believe there to be a link between the trans community and sexual offenders. It is important

that we make that point up front and continue to emphasise it.

However, I accept that, as we open up the process by which a person can apply for a gender recognition certificate, we must ensure that it is robust and that so-called bad-faith actors cannot abuse the system. It is reasonable for us, as legislators, to ensure that there are checks and balances in place so that those with ill intent are prevented from accessing GRCs. For that reason, I welcome the amendment in Gillian Martin's name, agreed with the Scottish Government, that will allow for a pause to an individual's GRC application if they are subject to a sexual harm protection order or a sexual offences prevention order. It is right that, in those circumstances, a proper risk assessment takes place.

I am pleased that the Scottish Government has committed to introducing regulations to ensure that there are notification requirements with regard to GRC applications for those on the sex offenders register. Those regulations, together with the amendments that are being debated today, would result in the police being able to notify the registrar general of the need to pause a GRC application from an individual on the sex offenders register until a sheriff had determined whether it should proceed. That is very helpful movement from the Government, which I acknowledge is helped by Gillian Martin's amendment. I invite the Scottish Government to confirm on the record, though, that that is, indeed, its intent, because such regulations would be crucial to achieving the safeguards that I believe are the intended purpose of the amendments lodged by Gillian Martin.

I also recognise that there are some concerns about timescales and ensuring that those regulations are passed prior to the bill commencing.

**Shona Robison:** On that point, I can give Jackie Baillie and the chamber a categorical assurance that those regulations will be in place before this legislation is commenced.

**Jackie Baillie:** That is very helpful reassurance, because Scottish Labour was concerned about the timescales, and it was on that basis that we were supporting Russell Findlay's amendments 18, 28 and 50, which place safeguards on the face of the bill by requiring a person who is subject to notification to first seek an order from the sheriff, allowing their application to proceed. Putting that on the face of the bill ensures that those safeguards come into force when the bill is enacted. We also welcome the amendment setting out that an appeal process will be in place that allows the sheriff to decide the circumstances under which sexual offenders may be able to apply for a GRC.

We are supportive of the intent behind amendment 39, in the name of Michelle Thomson, which would pause applications for a GRC when the applicant was subject to on-going proceedings relating to sexual offence charges. However, we cannot support amendment 39C, which would bring people convicted of fraud into that category. We believe that that is too broad a suite of offences, which could include those convicted of offences that would have no bearing on an application for a GRC—for example, those convicted of benefit fraud.

I will explore the issue of competence when I come to amendment 127, in group 13, but, for the purpose of this debate, we support the amendments from Michelle Thomson. Members across Parliament are right to listen to the voices of women who are concerned about the system being abused by bad-faith actors who are intent on doing harm. Those amendments are a reasonable and proportionate means of providing that very reassurance, which is why Scottish Labour will vote for them today.

**Jamie Greene:** I thank members for the debate. It is very healthy that we have extended the time allocated to this group of amendments. It is an important group that deserves a proper airing. The Government absolutely deserves to be scrutinised on any claims that it makes. For the most part, that has been done very respectfully today, which is helpful to members.

I commend the comments made by Michelle Thomson, who eloquently and sensitively provided us with a real-life scenario illustrating what much of that means to people. Many of the discussions are around the what ifs and the maybes, but the risk exists whether it be small, large or otherwise. All members should reflect carefully on what Ms Thomson said and what she has asked of the Government.

I also thank Gillian Martin for her comments. Her philosophy on the bill, and the sentiment with which she has expressed it, very much mirrors mine. It is no huge secret that I want to improve the lives of trans people and, at every stage of the process, have sought to protect that approach and prevent it from being undermined.

However, we are listening to the genuine and valid concerns that are out there, which members have expressed through a number of amendments. Due to their technical nature, I do not agree with them all, but, in principle, I have much sympathy for them. Gillian Martin has sought to work with me. That is not the only unlikely pairing that we have seen in the debate: at stage 2, Christine Grahame collaborated with Jackson Carlaw and Russell Findlay with Michelle Thomson on a shared ambition to strengthen safeguards. Ms Martin and I have sought to

ensure that there might be a competent and sensible way through that process. My hope is that a compromise might be acceptable to members with valid concerns about the consequences of such legislation and also those who were happy with the bill at stage 1 and wanted no change to it at all. We have heard comments of that nature from members on all sides of the chamber.

Many members' concerns about the bill have been focused largely on the possibility of people fraudulently obtaining certificates, what they will do thereafter, the sorts of spaces they will access and, as other members have called them, the nefarious actions that they might go about taking. There have been many unhelpful debates about the validity of such concerns. I do not wish to rehash those here, but that is exactly why, during the bill process, I have lodged amendments, some of which have been passed, and I have lodged another cohort that are still to be debated. It is also why I support Gillian Martin's amendments.

I have lodged amendments that would ensure that a crime committed using a fraudulently obtained certificate would become an aggravated offence. People who committed such a crime would receive a harsher punishment, which should act as a deterrent. That is only part of the process—it is not all. I hope to introduce measures that would remove fraudulently obtained certificates from individuals. We will debate those in a later group. In addition, I am supporting Gillian Martin's amendments that would give Police Scotland the power to apply for sexual harm prevention orders for individuals whom they believe could abuse the simplified process.

At stage 1, I made it clear that, whatever someone's views on the bill might be, the fact that we are simplifying the process for obtaining GRCs will inevitably result in two consequences. One is a potential increase in the number of applicants—that is a fair commentary on what might happen. The other important concern is that there has been a perceived reduction in safeguards. Therefore, I think that there is a duty on us to reintroduce those safeguards where we are able to do so competently and sensibly.

Whether we like it or not, it remains the case that, because of international human rights law and the ECHR, such changes in the bill, if it is passed at stage 3, might leave it in legal limbo, much like many other pieces of legislation. I cite the example of the UNCRC legislation. That is not a place that I want to be in; it may be that others want such a result.

I have listened carefully and intently to the debate. The cabinet secretary is claiming to have taken robust legal advice on the consequences of the amendments. I have to say that I am sympathetic to that on the premise that I do not

want them to become a barrier to the bill's becoming law in the future. However, I have also listened carefully to the comments made by Ms Thomson, Mr Findlay and others, who are right to want to scrutinise the Government on the provenance, veracity and robustness of those claims. I have to say that I am yet to be convinced that those amendments will inevitably lead to such legal problems in the future. It was interesting to hear Jackie Baillie reiterate that point.

The bill has presented a difficult conundrum for people like me, who support its premise but, from a moral point of view, absolutely do not want to see the wrong type of people using the process for the wrong reasons. I am sure that some members will think that Ms Martin's amendments simply do not go far enough, but I believe that they would provide a safe and competent route for navigation through that conundrum. However, I reassure members that, along with further provisions that can be agreed to, which I and other members will introduce, those provisions will act as both a deterrent and a barrier to those who wish to abuse the system, at the same time as making a positive change to the lives of trans people.

18:15

I have only one further comment, on amendment 52—which we forget is also part of this group—on the revocation of a certificate. My colleague Russell Findlay made his point eloquently. I have another amendment—amendment 115—coming up in group 10, which we will discuss at some point tonight—or goodness knows when. It, too, would automatically revoke a GRC when an offence has been committed as the result of someone either making a false declaration or committing an offence in which the aggravation element would kick in. Those circumstances would result in the automatic revocation of certification. I think that that is the right thing to do, and I have not heard anything to the contrary. I ask Russell Findlay and colleagues to support that amendment when it comes round.

**The Deputy Presiding Officer:** I call Russell Findlay to wind up and say whether he wishes to press or withdraw amendment 18.

**Russell Findlay:** I thank everyone for what have been, in the main, thoughtful and measured contributions.

In my opening comments, I spoke about the international evidence on which the Government has relied. I expected—or hoped—to hear from the cabinet secretary some elaboration of exactly what that is, because the evidence is that there is no evidence. I found the selectivity in that regard to be revealing and rather superficial, as I did the whole issue of ECHR compatibility. That seems to

have been pulled out of the hat late in the day, perhaps in order to cause some members to have a bit of a wobble.

**Shona Robison:** The member says that the issue of ECHR compatibility has been pulled out of the hat late in the day. Will he acknowledge that, at every stage of the process, including in all the meetings and at stage 2, I made it very clear that there were issues with his amendments around ECHR compatibility?

**Russell Findlay:** I do, indeed, acknowledge that issues were raised around compatibility, but what seems to be unclear, from the to-and-fro that I had with the cabinet secretary earlier, is the nature of the issue. Is it a risk or a non-compatibility? One minute, it is black and white; the next minute, it is shades of grey. I am none the wiser, and I think that some other members feel the same way.

I do not want to contradict an elder statesman such as Mr Ewing, but he referred to 300 registered sex offenders having changed their names. I think that the figure is actually quite a bit higher—in the region of 500-plus. They have been able to do that since 2019, under the existing MAPPA arrangements.

Last year, in Glasgow, a woman was raped and murdered in her own home. The man who did that had previously raped a woman in her own home. He was legally, under the existing arrangements, allowed to change his name and was living—allegedly—under an assumed name in the community when he committed that crime. It is inevitable, as Jackie Baillie and others have said, that bad-faith actors will exploit and abuse a new system of self-ID.

**Fergus Ewing:** Is the point not that, although the police and others operate the MAPPA system very well and professionally, there are hundreds and hundreds of people involved, and the probability of error arising where we cannot keep track of or trace people and the fact that the system simply does not work as it should in theory mean that there is additional risk created unless we stop registered sex offenders accessing GRCs?

**Russell Findlay:** In a word, yes—absolutely. I was going to come to that, because, in the case to which I referred, the system clearly did not work. It was absolutely tragic. There will be the usual inquiry, which will not be made public, and lessons will be learned—quite what they are, no one knows.

What is being proposed in the Government's amendments falls far short of what is needed. The only reason that those amendments are even being considered in the chamber today is that we

pushed amendments on sex offenders at stage 2 and into stage 3.

I find the amendments that the Government is backing to be quite technical. They will create additional work for an underresourced and overstretched police force, which already has to monitor thousands of sex offenders in the community. As Fergus Ewing articulated so well, mistakes will inevitably be made, so who decides? As we know from the most recent data, only around one in nine registered sex offenders is subject to such monitoring restrictions.

I will quickly touch on members' contributions, which were thoughtful and helpful. I thank Michelle Thomson for her bravery in talking so openly about her trauma, but she does not need my sympathy or that of anyone else here. I suspect that she would like members to give serious thought to doing what I believe is the right thing, which is backing her amendment.

For the reasons that I have mentioned in relation to registered sex offenders, my amendment 18 is also very important. It is an absolute safety net that is clear and would be understood, whereas what is being proposed by the Government is open to interpretation, relies on more work being put on to the police and will inevitably lead to tragedies taking place.

I conclude by thanking Labour for considering what we are proposing and offering its support. I again urge members to give amendments 39 and 18 their support.

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

**Members:** No

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

The vote is now closed.

Craig Hoy, who joins us remotely, has a point of order.

**Craig Hoy (South Scotland) (Con):** On a point of order, Presiding Officer. My app appeared to stutter. I intended to vote yes, and I want to check whether the vote was recorded.

**The Deputy Presiding Officer:** Thank you, Mr Hoy. Your vote was recorded.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** On a point of order, Presiding Officer. My app has frozen, and I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr McMillan. Your vote was recorded.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)

Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
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 McAllan, Màiri (Clydesdale) (SNP)  
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 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
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 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division on amendment 18, in the name of Russell Findlay, is: For 59, Against 64, Abstentions 2.

*Amendment 18 disagreed to.*

**The Deputy Presiding Officer:** Amendment 94, in the name of Claire Baker, has already—  
 [Interruption.]



We will have to clear the galleries now. We will suspend the meeting for a few minutes while that happens.

18:24

*Meeting suspended.*

19:00

*On resuming—*

**The Deputy Presiding Officer (Liam McArthur):** I invite members to resume their seats.

Following a meeting of the bureau and the earlier suspension, I am minded to accept a motion without notice to suspend the final sentence of rule 9.8.5A, for the purposes of consideration of stage 3 of the Gender Recognition Reform (Scotland) Bill. I invite the minister to move such a motion.

**George Adam:** Thank you, Presiding Officer.

*Motion moved,*

That the final sentence of Rule 9.8.5A be suspended.—  
[George Adam]

**Jeremy Balfour:** On a point of order, Presiding Officer. I apologise for not knowing the standing orders backwards. Could you tell us what we are voting for or against?

**The Deputy Presiding Officer:** I am very disappointed by your lack of understanding of the standing orders, Mr Balfour. That notwithstanding, the motion allows us to extend the time available without having to keep going back and doing so. We have extended it once; agreement to the motion will allow us to continue to do so, as appropriate.

*Motion agreed to.*

**Jeremy Balfour:** On a point of order, Presiding Officer.

I seek some clarification about a question that my colleague, Douglas Ross, asked just before the suspension, in connection with who can use the gallery, both tonight and tomorrow. I have a number of constituents who already have tickets and who hope to come here. They do not intend to make any noise; they simply want to watch. Will they be allowed in? More to the point, if someone else makes a noise, will my constituents be allowed to stay if they remain silent?

**The Deputy Presiding Officer:** I understand that discussions are on-going in relation to this evening, so I am unable to advise you or the chamber about the situation this evening. That is actively being worked on.

Regarding tomorrow's proceedings, I can assure you and other members who have constituents who plan to attend in the gallery that they will be permitted to come into the gallery as normal. I hope that that is helpful.

**Douglas Ross:** On a point of order, Presiding Officer.

I realise that we have had a change in the chair and that it was the other Deputy Presiding Officer who ruled earlier, but we were told that the people who had been removed would be spoken to and would be allowed back in. If a decision is still to be taken, what communication is going on with those who hope to get back in? Do you have any idea how much chamber time they might miss? They want to watch our proceedings.

**The Deputy Presiding Officer:** I understand that, Mr Ross. As I have said, discussions are on-going.

I am now being told that they are being allowed back in. I hope that will happen in the course of the next few minutes.

We must press on with proceedings. Amendment 94, in the name of Claire Baker, has already been debated with amendment 6.

**Claire Baker:** I will not move the amendment.

*Amendment 94 moved—[Jeremy Balfour].*

**The Deputy Presiding Officer:** The question is, that amendment 94 be agreed to. Are we agreed?

**Members:** No.

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

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** On a point of order, Presiding Officer. My app froze. I would have voted no.

**The Deputy Presiding Officer:** I will ensure that that is recorded, Mr MacDonald.

**Rachael Hamilton:** On a point of order, Presiding Officer. I would have voted no. My app froze, as well.

**The Deputy Presiding Officer:** I will make sure that that is recorded, Ms Hamilton.

**Craig Hoy:** On a point of order, Presiding Officer. My app similarly froze. I would also have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Hoy. I will make sure that that is recorded.

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
Balfour, Jeremy (Lothian) (Con)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fraser, Murdo (Mid Scotland and Fife) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Mochan, Carol (South Scotland) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 11, Against 113, Abstentions 1.

*Amendment 94 disagreed to.*

**The Deputy Presiding Officer:** Group 3 is entitled "Meaning of 'ordinarily resident in Scotland'". Amendment 19, in the name of the cabinet secretary, is the only amendment in the group.

**Shona Robison:** I want to be clear that I am very sympathetic to the concern that has been raised that an asylum seeker who is living in

Scotland might not meet the requirement of being “ordinarily resident” here if they are unable to satisfy the test that is involved. Whether an asylum seeker meets the test of being “ordinarily resident” would, under a straightforward ordinary residence test, depend on their particular circumstances. In that regard, they would not be treated differently to any other person who applies for a GRC.

An amendment that was agreed to at stage 2 by a majority of the Equalities, Human Rights and Civil Justice Committee provides for different treatment. Its effect is that asylum seekers would be treated as “ordinarily resident” in Scotland in all cases, regardless of their individual circumstances or how short a period they had been in Scotland.

As I set out in our stage 1 response and at stage 2, our concerns about the matter stem from the fact that an asylum seeker seeks asylum not in Scotland but in the UK, and immigration laws are reserved. This Government believes that Scotland should have the power to make decisions on asylum and immigration, but unfortunately we do not have that power.

I have had to write to the committee to explain why it is necessary to remove that provision at stage 3. Keeping it would open the legislation to challenge on the basis that it relates to matters that are reserved by the immigration and nationality reservation in schedule 5 to the Scotland Act 1998. We consider that there is a serious risk that the provision could be found to be outwith the legislative competence of this Parliament. My amendment 19 seeks to remove the provision so as not to compromise the bill as a whole.

This is not the only area where we have competence issues that would endanger the bill. I would not move amendment 19 if there was an alternative, but because of the limits to the powers that this Parliament currently has, it is a necessary move to ensure that the bill is competent.

I move amendment 19.

**Pam Duncan-Glancy (Glasgow) (Lab):** I join others across the chamber in thanking all those who have engaged with us throughout the bill process. I have met countless organisations and have sought throughout to listen to and take seriously everything that I have heard. That is the duty on all of us, and it is a duty that I take seriously.

I am pleased to see that people have been allowed back into the public gallery. I shared the concerns that were raised before the suspension about the gallery being cleared. We consider that to have been a disproportionate response.

I must speak against the cabinet secretary’s amendment 19, which seeks to remove the

wording that was inserted by an amendment in my name at stage 2. That amendment sought specifically to include asylum seekers in the meaning of “ordinarily resident” to ensure that those who seek asylum are not excluded from the process.

I recognise that the Government has some concerns about the competence of including such a provision. However, I am yet to be convinced by the argument that the inclusion of asylum seekers could lead to a court challenge to the whole bill. I am confident that such a provision would not frustrate implementation of the wider bill.

**Martin Whitfield:** I am grateful to Pam Duncan-Glancy for giving way. Is not it correct to say that her stage 2 amendment did not, in any way, affect the asylum application, which is a power that is reserved to the UK Government, but merely allowed people who are seeking asylum while resident in Scotland to take advantage of obtaining a GRC in that situation?

**Pam Duncan-Glancy:** I believe that the case is as the member has set it out. My party voted for the bill in principle at stage 1 because we recognise the importance of reforming the Gender Recognition Act 2004, which operates on a UK-wide basis. With that in mind, we believe that it would be unfair for asylum seekers who are living in Scotland to have to go through a different process from other people who live here. On that basis, we cannot support amendment 19, which would delete the provision that would have afforded asylum seekers the right that the Labour Party secured for them during stage 2.

**Jeremy Balfour:** As the cabinet secretary has said, during stage 2, the Equalities, Human Rights and Civil Justice Committee supported an amendment that added asylum seekers to the term “ordinarily resident” in the bill. As I understand it, asylum seekers can be ordinarily resident in Scotland, and that remains the case. However, the cabinet secretary wrote to say to the committee in advance of the stage 3 debate, and has said in the debate this afternoon, that she will seek to remove from the bill the provision that sets out that the term “ordinarily resident”

“includes a person who is seeking asylum in Scotland”

because she claims that immigration is a reserved matter. I do not dispute that. The cabinet secretary went on to argue that a failed asylum seeker would not meet the requirement of being ordinarily resident in Scotland, so the bill would legislate on reserved matters. Amendment 19 therefore seeks to remove the provision that had been added at stage 2.

I am willing to accept the cabinet secretary’s arguments, but before I decide how to vote, I will ask her to help me by sharing the legal advice she

has received on whether the provision, as set out in the bill, can be interpreted only to include all asylum seekers, even if they have failed in their applications. If a failed asylum seeker has not been classified as an asylum seeker under the terms that are set out in the bill, then it would not be necessary to remove those provisions, as only lawfully resident asylum seekers would be included.

Of course, we do not want to enact legislation in an area that is reserved to the UK Government; however, I am very keen that when the cabinet secretary sums up, she answers my question adequately so that we can all be sure that we are passing competent legislation. I hope that her answer will provide the clarity that I, the public and others, I am sure, are seeking before members vote on amendment 19.

**Shona Robison:** As I have said, I cannot disclose legal advice, and members of Parliament understand why that is the case. However, I can reiterate that the provision opens the bill to challenge on the basis that it relates to matters that are reserved by the immigration and nationality reservation in schedule 5 of the Scotland Act 1998, which is why the provision could be found to be outwith the competence of the Scottish Parliament.

**Paul Sweeney (Glasgow) (Lab):** I accept the cabinet secretary's point that the matter could be subject to legal challenge, but that does not necessarily mean that there should not be an attempt to try to reform the legislation and show some moral leadership. Many such matters are grey areas and are not at all well defined. If the matter is challenged, that would be an outcome because we would get a clear judgment on the situation. Perhaps the cabinet secretary might reconsider her position.

**Shona Robison:** I am sorry, but I do not believe that a bill's being challenged would be a good outcome, because it would delay the passing of legislation. Bills in the Scottish Parliament have ended up in that position, and I do not think that delaying legislation being passed is a good outcome. At this stage, if we know that that is a risk, then it is incumbent upon us, as legislators, not to take that risk.

I will make another point to Paul Sweeney. I am sure that he will fully understand the politics of the situation. The UK Government has been making it very clear, to anyone who will listen, that because it does not agree with the bill, its intention is to go through it line by line to look for opportunities to challenge it—as others will. The question for members in the Scottish Parliament who support the bill is whether they want to risk that. I support the bill and I do not want to risk it not succeeding.

19:15

There will be members who do not support the bill who would be quite happy to risk it. I appeal to members who support the bill not to put it at risk. I cannot be clearer.

**Pam Duncan-Glancy:** I do not want to frustrate the process and I share that concern. However, is not it the case that it is just one specific aspect of the bill that might be challenged and that that would not prevent the whole bill from being enacted?

I see members shaking their heads because of what happened with other bills—I assume that they are referring the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. However, that bill was challenged because it sought to change legislation across the UK, rather than changing legislation that was specific to Scotland, which is what the Gender Recognition Reform (Scotland) Bill seeks to do.

**Shona Robison:** I am sorry, but I must be very clear: the whole bill will be challenged because of the competence issue. Potentially, that will land us in the courts and will delay enactment of the bill. I cannot be clearer.

It is with a heavy heart that I press amendment 19. I do not want to exclude asylum seekers from being able to obtain a GRC. However, members must understand the risks, and that some people would be quite happy for the bill to end up in the courts. For those people, that is not a concern.

If members support the bill, they should be concerned about putting in the bill potential barriers and risks that do not need to be there. I urge members to support amendment 19.

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

**Members:** No.

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

The vote is now closed.

**Jeremy Balfour:** On a point of order, Presiding Officer. I am not sure whether my vote was logged.

**The Deputy Presiding Officer:** Your vote was recorded, Mr Balfour.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** On a point of order, Presiding Officer. My application froze and I am not sure whether my vote was recorded. I would have abstained.

**The Deputy Presiding Officer:** Thank you, Mr Halcro Johnston. I can assure you that your vote was recorded.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
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 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Against**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

**Abstentions**

Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 76, Against 27, Abstentions 23.

*Amendment 19 agreed to.*

**The Deputy Presiding Officer:** Members will note that we will shortly reach the next time limit

and that we still have more groups to debate. As a consequence, under rule 9.8.5A, I am minded to accept a motion without notice to propose that the time limit be extended by 30 minutes.

*Motion moved,*

That, under Rule 9.8.5A, the second time limit be moved by up to 30 minutes.—[George Adam]

*Motion agreed to.*

### **Section 3—Notice to be given on receipt of application**

*Amendment 7 moved—[Rachael Hamilton].*

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

**Members:** No.

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

#### **For**

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### **Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 89, Abstentions 0.

*Amendment 7 disagreed to.*

### After section 3

*Amendment 22 moved—[Russell Findlay].*

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

**Members:** No.

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

The vote is closed.

**Daniel Johnson:** On a point of order, Presiding Officer. Unfortunately, my app would not refresh. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Johnson. I will ensure that that vote is recorded.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)

McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 60, Against 64, Abstentions 2.

*Amendment 22 disagreed to.*

**The Deputy Presiding Officer:** Group 4 is on support and information for applicants and potential applicants. Amendment 23, in the name of Sarah Boyack, is grouped with amendments 20 and 21. I draw members' attention to the procedural information relating to this group, as set out in the groupings. If amendment 20 is agreed to, I cannot call amendment 96 in group 5, due to a pre-emption. If amendment 21 is agreed to, I cannot call amendment 97 in group 5, again due to a pre-emption.

**Sarah Boyack (Lothian) (Lab):** Amendment 23 is very similar to amendment 128 that I lodged at stage 2. It requires the Scottish ministers to ensure that any individual who is considering applying for a gender recognition certificate is able to access information and obtain support, where required, to make that decision.

I want to be clear about what access to support and information means. Not everyone who goes through the process of obtaining a GRC will require support, but some will. Although we are making the process more straightforward, it is vital that guidance and support are available to them. A range of mechanisms for obtaining support is already in place, some of which are designed specifically for the trans community, and those are often funded directly by the Scottish Government.

Other sources, such as CAHMS and youth work services, are aimed at the whole population.

It is critical that people have access to both support and information. The Scottish Government has already made provision in the financial memorandum to the bill for the registrar general to produce guidance for applicants. Amendment 23 would require the Scottish Government to take such a step to ensure, both at the commencement of the bill and in the future, that anyone who is considering making an application for a GRC has access to support and information.

**Sue Webber:** Does Sarah Boyack agree that the Scottish Government has failed to specify in detail the support and information that would be available to applicants under the bill? Given that the pool of people who are able to apply for GRCs is being widened, does she think that even more support and information should be provided than is currently set out in the bill?

**Sarah Boyack:** That is why I have lodged amendment 23, which is now before us. In its stage 1 report, the committee made the point that the Scottish Government should commit to putting support and signposting in place. During the committee's discussions at stage 2, I said that I felt that the committee's findings reflected concerns that were raised with me by constituents from across the Lothians who have gone through the process of obtaining a GRC. That is why I have worked on amendment 23. I encourage colleagues across the chamber to support it.

During our discussions at stage 2, the cabinet secretary was concerned about my use of the word "appropriate" in my amendment. To give members a sense of the discussion, I quote the cabinet secretary's remarks:

"For the avoidance of doubt, we want to avoid listing organisations that we deem to be appropriate to provide support. I do not think that that would be a wise thing for the Scottish ministers to do."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 15 November 2022; c 66.]

Although I do not share the cabinet secretary's concerns, it is clear that many more people will need such advice and support. As of today, if someone were to have a quick google through the Scottish Government website on applying for a GRC, they would see that it directs potential applicants to the relevant UK Government website, which then signposts potential applicants to Citizens Advice. If the bill is to go through, it is important that support and guidance are in place. That is very much why I believe that my amendment 23 is important, although it represents a compromise. I thank the cabinet secretary for agreeing to meet me after the stage 2 discussions. It was helpful to have that opportunity to discuss my amendment and what I was trying to do.



Amendment 23 is a compromise but, on the face of it, it would deliver a requirement for the Scottish ministers to ensure that support and information were in place. It would also take into account the concern, which the cabinet secretary and the Scottish Government expressed, that they should not be expected to devise a list of organisations for signposting purposes. It would be very much up to them to take that approach forward, but in my view it is very much needed.

Amendments 20 and 21, which are also in my name, are consequential and technical amendments related to amendment 23.

I move amendment 23, and I hope that members will support it.

**Sue Webber:** As Ms Boyack has just stated, amendment 23 is the lead amendment in this group, with amendments 20 and 21 being consequential to it. Amendment 23 would add a provision requiring the Scottish ministers to

“take steps to ensure that individuals who are considering making an application for a gender recognition certificate ... have access to”

appropriate

“support and information.”

The decision to apply for such a certificate is a significant one for anyone to take, and it is absolutely right that they should be supported with all the appropriate information. The amendments are especially important given that the Scottish Government is opening up the process to a wider cohort of applicants. Such an expansion of the process will mean that the individuals involved in the application process risk going in blind if they are not adequately supported.

Indeed, it is regrettable that the Scottish Government is taking away some of the safeguards that exist under current law, as I believe that they would help to provide the support that applicants for a gender recognition certificate need, while also keeping in place the safeguards that protect vulnerable women and girls.

I do not think that these amendments adequately address my concerns about the removal of other safeguards in the bill, but they represent an improvement on the current provisions. I will therefore be supporting them.

19:30

**Shona Robison:** First, I assure members that support and information will be available to those who are making an application. National Records of Scotland will provide guidance to applicants on how to make an application and on the effects and consequences of obtaining a gender recognition certificate, as well as signposting them to other

sources of support. Furthermore, the amendments in the name of Christine Grahame that were agreed to at stage 2 set out the information that the registrar general must make available to ensure that everyone can easily access the information that is required in making their application.

It is appropriate for a range of sources of support and advice to exist, rather than for support to be required by statute. It would not be proportionate to require in law the provision of a support service specifically for those who are making an application, given the small number of people who are expected to apply relative to the general population.

I do not consider, therefore, that the amendments in this group are required, given what I have said about National Records of Scotland and the registrar general having to make available information to ensure that everyone can easily access the information that is required in making their application. I therefore urge members not to support the amendments.

**The Deputy Presiding Officer:** I call Sarah Boyack to wind up and to press or withdraw amendment 23.

**Sarah Boyack:** It is important that we put this element in the text of the bill. I totally get the fact that the cabinet secretary wants to keep her legislation as light as possible, but we are making it easier for people to access gender transitioning and decide how they want to describe themselves, which is really significant for them. They need support and guidance, and it needs to be readily available.

The reason that I am pushing this proposal tonight is that we are making a statement that it is important for our constituents to get access to advice and guidance. I am absolutely not telling the cabinet secretary what that needs to look like; it is very much for the Scottish ministers and the Scottish Government to make that judgment. My proposed measure is proportionate. The cabinet secretary said that only a small number of people will apply, but we do not know what the numbers will be. The whole point of the legislation is that it is opening up new opportunities for people, and we have to give them the support that they need to make the most of the legislation and to make it successful for everybody.

I believe that the measure is proportionate. I hope that we will see that in years to come—we have a lot of other amendments on reviews to consider. We would expect the Scottish Government to have such provision in place from day 1 of the legislation if it is passed and gets assent, as that is important.

This is a small set of amendments, but it is potentially one of the most important things that we could do tonight to support our constituents across the whole of Scotland.

**The Deputy Presiding Officer:** Are you pressing your amendment, Ms Boyack?

**Sarah Boyack:** I press amendment 23.

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

**Members:** No.

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

The vote is closed.

**The Minister for Environment and Land Reform (Màiri McAllan):** On a point of order, Presiding Officer. My app froze and I would have voted no.

**The Deputy Presiding Officer:** We will ensure that that vote is recorded.

**Michelle Thomson:** On a point of order, Presiding Officer. Likewise, I would have voted no.

**The Deputy Presiding Officer:** We will ensure that that is recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)

Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 56, Against 70, Abstentions 0.

*Amendment 23 disagreed to.*

**The Deputy Presiding Officer:** Group 5 is on grounds on which the application is to be granted: medical evidence and time living in the acquired gender.

Amendment 95, in the name of Rachael Hamilton, is grouped with amendments 96, 97, 10, 11, 16, 102, 107 and 137. I call Rachael Hamilton to move amendment 95 and speak to all other amendments in the group.

**Rachael Hamilton:** Throughout the bill process, we have heard of the challenges that are faced by trans people in Scotland. The prevalence of adverse mental health among trans people is a key concern that has been discussed extensively. I strongly believe that trans individuals who need mental health support should be able to access the support that they need. Approaching the relevant authorities to apply to obtain a GRC can and should provide an opportunity, if necessary, to access that support. My amendments 95, 96, 97 and 102 would ensure that the applicant has the opportunity to discuss their intention to apply for a GRC with a medical professional and access mental health support from a professional if necessary.

If the bill is to pass, whatever form it might take, the opportunity to give help to those who need it to deal with the problems that they face should also be taken into account. My amendments seek to do that while putting a necessary safeguard in place to allow GRC applicants to access help should they need it.

My amendments 10 and 11 would change the minimum amount of time that an applicant must

live in the acquired gender to at least two years, retaining the current safeguard for living in the acquired gender.

Obtaining a GRC is life changing. If it were not, there would be much less controversy surrounding the bill. It is absolutely right that we do what we can in the Parliament to make the process of obtaining a GRC easier for trans people, because of the importance that that document would have to them. However, given the importance of obtaining such a document, it is vital that an individual who wishes to apply is given adequate time to consider such a decision.

A lot more can change in the space of two years than three months. That period was chosen to provide the current level of safeguarding, and I am determined that the length of time in which an individual should live in the acquired gender is retained. Coupled with the lack of a definition for “living in an acquired gender”, this section of the bill will open up the ability to apply for a GRC to a much larger group than can currently do so. The current safeguards prevent the system from being taken advantage of, and stakeholders have expressed concern that the proposed reforms leave the system wide open to abuse from potential bad-faith actors.

In response to my stage 2 amendments that sought to retain the time in which an individual must live in the acquired gender, we heard no new arguments, and no real justification for reducing the time period. Once again, the cabinet secretary shared with us what she believed, without backing it up with anything more than her view. That is no way to make legislation such as this, and it is no ground on which to reject reasonable amendments to that legislation.

Amendment 107 seeks to establish a medical pathway for GRC applications for those who wish to go through it. The amendment is intended for individuals who are planning on moving to another jurisdiction that has more stringent rules than Scotland when it comes to applying for a GRC.

The way that the bill interacts with existing legislation in other countries—particularly the rest of the UK—was touched on in a previous group. It is vital that a trans person applying for a GRC who intends to move away from Scotland can be reassured that their gender would be legally recognised wherever they move to. Amendment 107 would help to provide that reassurance to an applicant.

Amendment 137 would require that regulations regarding alternative grounds on which an application is to be granted are made under the affirmative procedure.

Given the controversy that has surrounded the bill, I believe that it is right that the Parliament is

consulted on changes that are made to it in the future. The grounds on which an application is to be granted is an especially important part of the proposed reforms, and I want to highlight the need for further changes to be adequately scrutinised by the Parliament, despite the unfortunate predicament that we have found ourselves in today regarding the scrutiny of various parts of the bill.

Amendment 16, in the name of my colleague Jeremy Balfour, requires applicants to include a report from a medical professional to confirm that the applicant has discussed the application with such a professional. I support that, as a medical professional can determine whether an applicant genuinely feels uncomfortable in their assigned gender, and that could also ensure that other conditions could be diagnosed.

I move amendment 95.

**Jeremy Balfour:** I rise to speak to my amendment 16. My colleague explained that amendment very well in her final remarks, so I will keep my speech short due to time.

As has been outlined, the amendment requires applicants to include a report from a medical professional to confirm that the applicant has discussed the application with a medical professional. The reason for lodging the amendment was that I have heard concern from different groups that sometimes the medical profession can block someone going forward or can put up barriers in that regard. That is not what the amendment is meant to do. It would simply mean that it would be confirmed that a report had come from a medical professional and that an applicant had discussed it with a medical professional. That seems to me to be a logical place for us to go to.

The approach would give help to those who wanted to go through the process and would give them reassurance that they are seeking proper advice. As Rachael Hamilton pointed out, it would also allow individuals to discuss other things that are happening at the same time, which they might find difficult to discuss with family members, friends or other people whom they know. It would not block people going through the process; it would simply give them the appropriate support from a medical professional, and they would be able to confirm that by having a report.

I shall move my amendment.

**Pauline McNeill:** I do not support the amendments in the group, but I want to speak to amendment 97, in the name of Rachael Hamilton.

I want to test the Government's position on other reforms that could have been considered, particularly in relation to the two-year period. The

2004 act specifically mentions the two-year period that the applicant has to show that various documents have been aligned to their gender. It seems obvious that the 2004 act could have been radically amended. I fully support the removal of the medical diagnosis and the panel, but leaving in a period such as two years or even one year could have allowed a way for the documentation of the trans person who wants to realign their gender to be done in such a way that some of the issues around how it is shown that someone has acquired their gender could be overcome.

I want to hear from the Government about why it did not do that and why it went for the model of self-identification. That is what we seem to have ended up with. Will the cabinet secretary confirm that I am correct in saying that the current formulation is a self-identification process?

I wonder why the cabinet secretary has not listened to the evidence of the UN rapporteur, who said that there is not necessarily consensus in international law on the self-ID process. Obviously, there is consensus on legal recognition. I would like to hear why the Government has not listened to that and why it could not have looked at a longer process to overcome some of the issues.

Reem Alsalem has said that there is international consensus that

"persons should have access to legal recognition and that that should happen in a way that is consistent with fundamental principles of dignity, human rights and so on."

I fully support that. However, she went on to say:

"I do not think that there is a consensus ... that countries should adopt a self-ID model."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 19 December 2022; c 23.]

However, what I see in front of me is a self-ID model. Although I am not arguing for the amendment, I wonder why the Government did not consider that certain elements of the 2004 act could have been removed, such as the medical diagnosis and the panel, but a longer period could have been looked at, and that might have overcome some of the issues that we will discuss when we discuss later groupings in relation to how someone shows that their gender is acquired. Perhaps even the legal question of fraud could be overcome.

In the final stages, and before we vote on whether to pass the bill, it is really important for the Government to set out clearly why it adopted the self-ID formulation and on what basis it rejects the amendments that are in the group.

19:45

**Jamie Greene:** I will try to be brief. I thank members for their contributions. I will start with

what I agree with, which is that trans people should be afforded full access to as much advice, guidance and assistance as possible, where and when they need it. That could come in the form of support from medical practitioners, as some members have suggested in the amendments. We all agree that that should be made available, but it has—sadly—been lacking for far too many. I should add that the bill will not fix that; we might come on to that under another group.

I disagree with the premise of the amendments in this group for two reasons—because they would extend the period back to two years, which would revert the position to the status quo, and because they would reintroduce what I perceive as medicalisation of the process, which in my view goes against the grain of the bill’s principles.

However, we need to take cognisance of a valid point that Rachael Hamilton made. Amendment 107 relates to something that might not necessarily fit into the bill but which we need to talk about—how the new process in Scotland for people to achieve a GRC will interact with processes for people in other jurisdictions. We have not yet addressed the question of or the answer to the conundrum of what will happen when someone from Scotland receives a GRC under the new process, if it is passed, and then moves to another part of the UK or elsewhere, or what will happen if someone comes to reside in Scotland from another jurisdiction—in the UK or another country—where such changes have not been made.

A valid point has been made about such interactivity. I do not necessarily agree with how amendment 107 is worded, but Rachael Hamilton is right to raise the issue in such a context. I am not sure where the question fits into the debate, but I hope that we will hear from the Government about those issues, about any perceived interactions and about any conversations that the Scottish Government has had with the UK Government or other Governments. I look forward to discussing that later, I hope.

**Maggie Chapman:** I cannot support any of the amendments in the group. The amendments in the names of Rachael Hamilton and Jeremy Balfour would go against the intention to reform the 2004 act in order to demedicalise and depathologise the process of obtaining a GRC, and amendments 10 and 11 would revert to two years the period for which people who seek a GRC must live in the acquired gender.

I will take each issue in turn. Rachael Hamilton said that medical support should be available if people want it, but that is not what her amendments or Jeremy Balfour’s amendment would achieve—they would compel trans people to speak to medical professionals. We should not

put that additional medical barrier in the way of trans people getting legal recognition of their gender identity. The whole point is that they know their own minds—that is the point of self-ID; the process is not to be gate-kept by medical professionals.

On the time that people are required to live in the acquired gender for, Jen Ang told the committee in evidence gathering that,

“as a matter of good law, if there is no evidence or compelling reason to show that the time period achieves anything in particular, it would be worth considering proceeding without it.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 31 May 2022; c 65-6.]

We have heard no evidence from any of the people who appeared before the committee, we have read no written evidence that was sent in and we have seen no other research that shows that such time periods produce any benefit.

**Rachael Hamilton:** What evidence is there for reducing the period to three months?

**Maggie Chapman:** As Rachael Hamilton is well aware, we heard in evidence taking and from the lived experience of trans people that there is no evidence for any time period. Other countries that have such time periods are seeking to remove them. It is clear that there is no need for the time periods at all.

The two-year waiting period that amendments 10 and 11 seek to reintroduce is very much out of line with international standards. I urge all colleagues across the chamber to vote against the amendments in the group.

**Pauline McNeill:** Will the member take an intervention?

**Maggie Chapman:** I was about to sit down, but go on.

**Pauline McNeill:** Thank you—I appreciate that.

The issue of international standards and practices is an important debating point and one on which I am listening very carefully, because I want to know what the international best practice is. Do you accept the evidence that was given to the Equalities, Human Rights and Civil Justice Committee yesterday, in which the UN rapporteur on violence against women and girls said that there is not a consensus on the self-identification model, as opposed to legal recognition? Is it fair to say that that is the evidence that the committee was given yesterday?

**The Deputy Presiding Officer:** I ask that comments be made through the chair.

**Maggie Chapman:** That is what the UN rapporteur said yesterday, but that does not relate to the substance of the amendments in this group. That is not what we are talking about just now.

**Daniel Johnson:** I speak against the amendments in this group. First, it is important that, in our approach to the issue, we seek to demedicalise the process, because it is a mistake to treat trans identity as a medical condition to be diagnosed and, therefore, presided over by the medical profession. If there is one thing that should unite us all, it is that objective. I think that the amendments in this group would reintroduce medicalisation of the process.

Secondly, I have already made the point that I have misgivings about whether we have properly considered the interactions between the bill and neurodivergency, people with neurodevelopmental disorders and so on, but I think that amendment 95 gets that wrong. There are many of us who have to have regular contact with mental health professionals. I have to see a mental health professional once a year. I do not believe that it would be relevant to them or to my condition if I was seeking to change my gender in law. I do not think that amendment 95 fully considers the impact on those people who have to seek regular assistance from mental health services and what that implies. I think that it assumes that having a mental health condition is a catch-all category that would require those people in that category who were seeking to change their gender identity to get further clarification.

Although I understand where Rachael Hamilton is coming from with amendment 95, I do not believe that she has properly thought through the implications for a very broad bracket of people, who—

**Rachael Hamilton:** I accept Daniel Johnson's comments, especially what he has said about his own experience.

The Royal College of General Practitioners said:

"There is a significant lack of robust, comprehensive evidence around the outcomes, side effects and unintended consequences of such treatments for people with gender dysphoria, particularly children and young people".

It is clear that there is an issue—one that is not addressed by the bill—with the healthcare pathway, which means that we are letting people down at the moment. I have called for the bill to be paused because of the issues surrounding that, and I feel that it is important to keep the safeguards in place until we get it right.

**Daniel Johnson:** I thank Rachael Hamilton for that comment. At the risk of making comments that might cause confusion and arguments on both sides, I observe that what we are seeing in the bill is a decoupling of the legal process of gender recognition from the medical process. Let us not conflate those two.

I absolutely agree that we must think very carefully about the safeguards for people who want to begin a medical transition. However, we should be clear about the fact that, today, we are looking at the legal transition—the process of changing legal status. I do not think that it is helpful to conflate the legal process and the medical process, especially for those people who are in regular contact with mental health services.

Typically, I see a different mental health professional every year when I go for my appointment. I do not think that they would be best placed to provide a perspective on whether I was authentically and sincerely applying for a gender recognition certificate, if I were to do so.

**The Deputy Presiding Officer:** A request-to-speak button was pressed in error, so I invite the cabinet secretary to respond.

**Shona Robison:** Central to the principles of the bill, which were agreed by a clear majority of the Parliament at stage 1, is the establishment of an administrative process that is based on self-declaration. Responses to the Scottish Government's public consultation and the UK Government's consultation, the UK national LGBT survey and evidence that was given to the committee at stage 1 all show that the current process is a barrier to people accessing their human rights, due to the requirement for a medical diagnosis and the intrusive and lengthy nature of the process that people have to go through. Part of the evidence on that was the number of people who were identified through the UK study as living in their acquired gender but who have not gone on to obtain a gender recognition certificate because of all those barriers.

A range of international standards outline best practice in this area, which is to establish a simple administrative system. The UN independent expert Victor Madrigal-Borloz said:

"Within the United Nations Human Rights System, there is consensus on the imperative of legal recognition of gender identity and on the related standard of self-identification.

It is my opinion that the Bill brings the Scottish system closer to conformity with those standards and, therefore, it is an act of compliance with obligations incumbent upon the State under international human rights law."

I listened carefully to what members said about the UN rapporteur Reem Alsalem. I think that one of the things that she said in her correspondence was that she was in favour of the reform of the process, but she seemed to have some concerns about particular safeguards.

**Pauline McNeill:** Will the member take an intervention?

**Shona Robison:** Yes, just a second.

The UN rapporteur put her name to a letter to the Bulgarian Government requesting the reform of its processes in line with a system of self-declaration.

If we are talking about safeguards, the Government has listened and it has put many safeguards—more so than other countries, in the main—into our system of self-declaration.

**Pauline McNeill:** I think that it would be helpful if the cabinet secretary would answer my specific point, which was to ask why she is choosing the evidence that has been given by one rapporteur when another clearly said, yesterday, that there is no international consensus on the model of self-identification? I am not talking about safeguards, general reform or anything else; I am talking about the particular model of self-ID processes. We are due an answer to why she prefers the evidence of one rapporteur and seems to be ignoring the other.

I accept that the rapporteur wrote to different countries to say they are not doing enough on legal recognition, but I would like an answer to the specific, important point that I made in my question.

**Shona Robison:** The letter to the Bulgarian Government was quite explicitly in favour of self-declaration, so Pauline McNeill should read that letter. I am not saying that I am for or against either rapporteur; I am saying that we have lodged a bill, looked at the evidence and come to a conclusion.

Pauline McNeill asked why we have proposed what we have in relation to the two-year period to produce documents. First, it is fair to say that the evidence tells us that many people have been living in their acquired gender for years, if not decades, so this will be, in essence, an affirmation of how they have been living their life. However, we felt that it was important to put some safeguards in, which were not agreed to by everyone—Maggie Chapman made her view clear that she does not believe that the timescale we propose is right either—but we feel that it is a proportionate, balanced position to have a three-month period of living in the acquired gender and a three-month reflection period, and to set it at six months for 16 and 17-year olds. We thought that that struck a balance in the legislation, and balance is important.

The amendments in the name of Rachael Hamilton and Jeremy Balfour that require applicants to have a medical diagnosis of gender dysphoria or to submit other medical evidence as part of an application for legal gender recognition are clearly not in keeping with the principle of self-declaration, which was overwhelmingly agreed to by the Parliament at stage 1. As others said, being

trans is not a medical condition, and therefore applicants should not have to provide medical evidence in order to apply for a GRC.

Amendments 10 and 11, in the name of Rachael Hamilton, would require applicants to have lived in their acquired gender for a minimum of two years before applying which, again, is contrary to the principles of the bill, which have already been backed by the Parliament. A reduction in the time period to three months, and six months for applicants who are aged 16 and 17, represents our view of a balanced and proportionate means of improving the system. It would ensure that the applicant would have already been living in their acquired gender before making an application without imposing a disproportionate barrier on people who seek to apply. Therefore, I do not support any of the amendments in this group.

I say to Jamie Greene that, in group 14, we will come to discuss what I guess could be described as cross-border issues. However, I would just make the point that that is not really within our gift. If other jurisdictions decide not to recognise Scottish GRCs, for example, that is outwith our control, but I am sure that we will get into a wider discussion about that when we get further with the groups.

20:00

**The Deputy Presiding Officer:** I call Rachael Hamilton to wind up and to say whether she wishes to press or withdraw amendment 95.

**Rachael Hamilton:** Amendments in this group are fundamentally based around retaining important safeguards with regard to obtaining a gender recognition certificate and providing support to applicants when necessary. The opportunity for applicants to use that process to help them is one that I strongly believe we should provide. A higher prevalence of poor mental health in that population is a result of problems that are more deeply rooted than those that we can address in the bill. I acknowledged that in my intervention on Daniel Johnson. A more equal and accepting society is needed to do that, and I know that the Parliament is committed to achieving that aim. However, that does not mean that we should shirk our responsibility to provide the means to intervene in order to provide support and help where we can.

On retaining the safeguards, as I have already outlined, there is a reason why those were put in place, and I believe that it is irresponsible and misguided to remove them. With regard to the time in which an individual should live in their acquired gender, the safeguards were, as I said, put in place to stop the system being taken advantage of. That aim should be shared by the Parliament.

The same is true of Jeremy Balfour's amendments in this group. On that basis, I urge members to support all amendments in group 5.

I also support Pauline McNeill's comments about Reem Alsalem, who stated in her original letter that, with regard to Governments that have adopted a self-ID procedure for legal recognition of gender identity,

"Simplifying and fast-tracking the procedure does not necessarily make it fairer or more efficient."

The fact is that those arguments have not been thoroughly and properly debated in the context of this debate.

The cabinet secretary says that she has chosen a three-month time period. That is arbitrary—it does not mean anything. She has not given any evidence to suggest that that would work rather than a period of two years, so I am disappointed by that.

I press amendment 95.

**The Presiding Officer:** The question is, that amendment 95 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
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 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
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 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

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Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)



Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 35, Against 91, Abstentions 0.

*Amendment 95 disagreed to.*

### **Section 3A—Guidance, advice and support for young applicants**

**The Presiding Officer:** I call amendment 20, in the name of Sarah Boyack, already debated with amendment 23. Sarah Boyack to move or not move.

**Sarah Boyack:** Not moved.

*Amendment 20 moved—[Sue Webber].*

**The Presiding Officer:** I remind members that if amendment 20 is agreed to, I cannot call amendment 96 as it will have been pre-empted.

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

**Members:** No.

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

#### **For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)

Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### **Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 51, Against 73, Abstentions 2.

*Amendment 20 disagreed to.*

*Amendment 96 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 96 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. Members should cast their votes now.

The vote is closed.

**Neil Bibby (West Scotland) (Lab):** On a point of order, Presiding Officer. I would have voted no.

**The Presiding Officer:** We will ensure that that is recorded, Mr Bibby.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)

Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)

Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 34, Against 92, Abstentions 1.

*Amendment 96 disagreed to.*

**The Presiding Officer:** I call amendment 21, in the name of Sarah Boyack, already debated with amendment 23. Sarah Boyack to move or not move.

**Sarah Boyack:** Not moved.

*Amendment 21 moved—[Sue Webber].*

**The Presiding Officer:** I remind members that, if amendment 21 is agreed to, I cannot call amendment 97 as it will have been pre-empted.

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)

Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 51, Against 74, Abstentions 1.

*Amendment 21 disagreed to.*

*Amendment 97 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 97 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)

Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 31, Against 95, Abstentions 1.

*Amendment 97 disagreed to.*

*Amendment 98 not moved.*

*Amendment 24 moved—[Martin Whitfield.]*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 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)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)

Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)

**The Presiding Officer:** The result of the division is: For 24, Against 101, Abstentions 1.

*Amendment 24 disagreed to.*

20:15

*Amendment 15 moved—[Kenneth Gibson].*

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

**Members:** No.

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

The vote is closed.

**Shona Robison:** On a point of order, Presiding Officer. Can I check that my vote has been recorded? I would have voted no.

**The Presiding Officer:** I can confirm that it has been recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milingavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Golden, Maurice (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 16, Against 109, Abstentions 2.

*Amendment 15 disagreed to.*

*Amendment 25 not moved.*

*Amendment 99 moved—[Jamie Greene].*

**The Presiding Officer:** The question is, that amendment 99 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Sharon Dowey (South Scotland) (Con):** On a point of order, Presiding Officer. I do not have a connection. I would have voted no.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Burnett, Alexander (Aberdeenshire West) (Con)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Abstentions

Golden, Maurice (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 103, Against 23, Abstentions 1.

*Amendment 99 agreed to.*

*Amendment 8 moved—[Rachael Hamilton].*

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

**Members:** No.

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



The vote is now closed.

**Gillian Mackay (Central Scotland) (Green):** On a point of order, Presiding Officer. Can I check that my vote has been registered?

**The Presiding Officer:** Bear with us, Ms Mackay.

It has indeed been registered.

**The Minister for Public Health, Women's Health and Sport (Maree Todd):** On a point of order, Presiding Officer. Can I also check that my vote has been registered? My app has frozen. Thank you.

**The Presiding Officer:** Certainly. Bear with us.

Your vote has been recorded, Ms Todd.

**Mercedes Villalba (North East Scotland) (Lab):** On a point of order, Presiding Officer. My card has not been in the console for quite some time, but I have been voting. I would be grateful if my votes could be counted.

**The Presiding Officer:** I can confirm that your votes have been recorded, Ms Villalba.

**Monica Lennon (Central Scotland) (Lab):** On a point of order, Presiding Officer. I also voted no, but I am not sure whether my vote was recorded.

**The Presiding Officer:** It was recorded, Ms Lennon. Thank you.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)

Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Briggs, Miles (Lothian) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 36, Against 89, Abstentions 2.

*Amendment 8 disagreed to.*

#### Section 4—Grounds on which application to be granted

**The Presiding Officer:** Does Martin Whitfield wish to move or not move amendment 26?

**Martin Whitfield:** Not moved, Presiding Officer.

**The Presiding Officer:** Oliver Mundell has indicated that he would like to move the amendment.

*Amendment 26 moved—[Oliver Mundell].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)

Lennon, Monica (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 25, Against 101, Abstentions 0.

*Amendment 26 disagreed to.*

*Amendment 9 moved—[Rachael Hamilton].*

**The Presiding Officer:** I remind members that, if amendment 9 is agreed to, amendment 10 will be pre-empted. The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Haicro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 36, Against 91, Abstentions 0.

*Amendment 9 disagreed to.*

*Amendment 10 moved—[Rachael Hamilton].*

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

**Members:** No.

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)

Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 36, Against 90, Abstentions 0.

*Amendment 10 disagreed to.*

20:30

*Amendment 11 moved—[Rachael Hamilton].*

**The Presiding Officer:** The question is, that amendment 11 be agreed to. Are we agreed?

**Members: No.**

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 35, Against 91, Abstentions 0.

*Amendment 11 disagreed to.*

**The Presiding Officer:** Group 6 is entitled “Minor and technical”. Amendment 27, in the name of the cabinet secretary, is grouped with amendment 29.

**Shona Robison:** Members will be relieved to hear that I will be brief. As the name of the group suggests, the amendments are minor and technical: they move the word “and” to the correct position in section 4 in order to tidy the text of the bill following an amendment at stage 2.

I move amendment 27.

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

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Burgess, Ariane (Highlands and Islands) (Green)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 111, Against 1, Abstentions 11.

*Amendment 27 agreed to.*

*Amendment 28 moved—[Russell Findlay].*

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

**Members:** No.

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

The vote is closed.

**Sharon Dowe:** On a point of order, Presiding Officer. My phone would not connect. I would have voted yes.

**The Presiding Officer:** Thank you. We will ensure that that is recorded.

**Craig Hoy:** On a point of order, Presiding Officer. I am not sure whether my vote was recorded. I voted yes, but my screen is presently blank.

**The Presiding Officer:** Thank you, Mr Hoy. I can confirm that your vote was recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowe, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 60, Against 65, Abstentions 2.

*Amendment 28 disagreed to.*

*Amendment 29 moved—[Shona Robison].*

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

**Members:** No.

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

The vote is closed.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** On a point of order, Presiding Officer. My app is not updating. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Callaghan. We will ensure that that is recorded.

#### For

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



Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

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

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 118, Against 1, Abstentions 7.

*Amendment 29 agreed to.*

*Amendment 16 moved—[Jeremy Balfour].*

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

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)

Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Wells, Annie (Glasgow) (Con)

**The Presiding Officer:** The result of the division is: For 31, Against 95, Abstentions 1.

*Amendment 16 disagreed to.*

**The Presiding Officer:** Group 7 is entitled "Statutory declarations: formalities and supporting evidence". Amendment 100, in the name of Paul O'Kane, is grouped with amendments 1, 103, 104, 140, 106, 2 to 5, 47, 47A, 48, 49 and 141.

**Paul O’Kane (West Scotland) (Lab):** I rise to speak to amendment 100, which is in my name.

Throughout the legislative process I have sought to engage constructively with colleagues from across the chamber to help to deliver a robust and well-considered piece of legislation that serves to reform the process for obtaining a gender recognition certificate and to command the confidence of trans people and the wider public, as I set out in my contribution at stage 1.

The amendments that I will seek to move have the shared objective of seeking to provide greater clarity on the process of applying for a GRC. I wish to speak to the amendments in turn, beginning with amendments 103, 104 and 140. The amendments are rooted in a desire to provide further clarity on the process of statutory declaration, which is outlined in an act of Parliament from 1835. I believe that the nature of the statutory declaration process is not widely known or well understood, due to the act that outlines the process being almost two centuries old. Therefore I seek to move the amendments, which I believe are logical and sensible, in order to clarify the process for everyone.

Amendments 103 and 104 are two versions of similar amendments. I intend to press amendment 103 but will not move amendment 104.

Amendment 103 seeks to make the process explicitly a legal process by removing councillors from the category of witnesses to statutory declarations. It also seeks to provide clarity on how a statutory declaration would be made and the forms that would be used. It seeks to empower the registrar general for Scotland to provide the forms for statutory declarations, which would be drafted in accordance with the Statutory Declarations Act 1835. The relevant regulations would be subject to affirmative procedure, as outlined in my amendment 140.

There are two aspects to my rationale for the amendments. First, I believe that statutory declarations should be taken by a legal professional—that is, a notary public or a justice of the peace. I believe that it could be difficult to expect councillors to witness statutory declarations. That stems from my experience of being a councillor and my signing powers when I was in that role and, indeed, my knowledge of the powers that are placed on council legal departments in times of diminishing budgets. I also believe that it should fall to lawyers, and not to politicians, to administer the process. We know that most solicitors in Scotland can act as notaries public and are required to charge a fee that is set at £5 for such a process.

Secondly, I believe that, for the purposes of transparency and confidence, the forms to be

signed should be set out by the registrar general and approved by regulations that are made under affirmative procedure. That would ensure that everyone would sign the same form of words declaring where they are ordinarily resident, that they have lived in their acquired gender for the required time period and that they will do so for the rest of their lives. The forms should then be publicly available so that everyone knows what is being legally declared.

**Martin Whitfield:** Is not it right that if we have different forms across Scotland, organisations and adults who are out there to help and support not only young people but anyone during that period will be at a real disadvantage in trying to give proper impartial and fair advice?

**Paul O’Kane:** Martin Whitfield’s point is well made. Everyone wants to have the sense that they know what is available, what they are signing for and that they can be advised accordingly. We want to ensure that lawyers who carry out the notary public or justice of the peace functions are all using the same forms, so that there is no confusion—in particular, for trans people who are applying using the process—and so that they know exactly what is expected of them, too. Indeed, it is my understanding that there is already a common form under the 2004 act, albeit that it applies to the current process as outlined in that act.

20:45

I move on to amendment 47A. I note that the cabinet secretary, in amendment 47, proposes that the person witnessing the statutory declaration should be provided with two pieces of ID in order to evidence that the person making the declaration is who they say they are. I support that, as does my party. However, my amendment 47A seeks to add clarity to the cabinet secretary’s amendment with regard to providing proof of identity.

As I understand it, amendment 47 would come under Law Society of Scotland guidance, which the cabinet secretary has shared in a letter to all MSPs. It says:

“It is essential that the notary must be satisfied as to the identity of the deponent. If the deponent is unknown to the notary, the notary should ask for proof of identity, e.g. passport, medical card, etc.”

I am concerned that that definition could be too narrow and unclear and could prove to be challenging for many trans people. My amendment 47A seeks to clarify that proof of identity can be provided from a wider scope of documents.

I have also sought to reflect the guidance that the cabinet secretary has offered on what

“living in the acquired gender”

means. That guidance refers to

“updating other documents like utility bills or bank accounts ... consistently using titles and pronouns in line with the acquired gender ... describing themselves and being described by others, in written or other communication, in line with the acquired gender”

and

“using a name that is associated with the acquired gender”.

I appreciate that my amendment 47A has caused concern for some trans people, but it is offered in the spirit of trying to be clear about the administrative process, in line with the principles of self-declaration and the requirement that the person will have lived in the acquired gender in the process of social transition.

Amendment 100 aims to provide greater clarity on the application process for a GRC by outlining the need for applicants to include certified copies of the pieces of proof of identity, along with their statutory declaration, when submitting their application to the registrar general. I believe that that would allow the registrar general to have confidence that the process has been appropriately followed. The requirement is not overly burdensome, with certified copies costing in the region of £30 for two certified copies from a lawyer.

I appreciate that a range of other amendments in the group seek to explore how the process can be improved, clarified and strengthened. Although I cannot agree with the content of them all, I respect the spirit in which they have been lodged.

I offer the amendments in the spirit of ensuring confidence in the process for everyone, and I hope that that is the spirit in which they are received.

I move amendment 100.

**The Presiding Officer:** I call Graham Simpson to speak to amendment 1 and other amendments in the group.

**Graham Simpson:** I have five amendments in the group; they are numbered from 1 to 5 because I was first out of the traps when lodging amendments. I hope that members in the chamber will bear with me while I explain the background to the amendments.

I lodged some amendments at stage 2 that were aimed at trying to tease out what exactly is meant by

“living in the acquired gender”.

It troubles me that, if the bill goes through, a person could simply say that they have changed gender without needing to prove that anything in their life had changed. At stage 2, I explained that I could find no explanation for what

“living in the acquired gender”

means, and I still do not know. It surely has to mean something.

If I am to say that I am a woman, common sense dictates that something must have changed in my life, but no one can say what that thing, or those things, might be. At stage 2, I tried to say that the Government should set out in regulations what changes would be considered evidence that a new gender had been acquired, but the cabinet secretary was having none of it.

I will quote her quite extensively. She said:

“To say that someone is ‘living in the acquired gender’ means that they are living their daily life in a gender that is different from that which was recorded at birth. In the context of the bill, that is the gender that they are living in when they make an application. Applicants will have to make a statutory declaration that they have lived in their acquired gender for a minimum of three months—six months, for 16 and 17-year-olds—before applying, and that they intend to do so for the rest of their lives. The aim of the bill is to improve the process for those who apply for legal gender recognition, as the current system can have an adverse impact on applicants due, in part, to the burdensome evidence requirements. The bill establishes a more straightforward process that is based on statutory declaration.”

I was still no clearer, but she continued:

“As I indicated earlier, the requirement is not about looking or dressing in a certain way but about the ways in which a person may demonstrate their lived gender to others.”

Oh, right. How might one do that, then?

**Shona Robison:** If Graham Simpson were to give a fulsome account of what I said, he would also note that I went on to say that the guidance for applications made under the 2004 act, which has now been in place for nearly 20 years, includes examples of having updated the gender on official documents such as a passport or driving licence. That guidance is not changed by the bill and remains in place. It has stood the test of time for nearly 20 years. I am sure that the member was about to go on to say that I said that.

**Graham Simpson:** That is exactly what I was about to go on to say. I said that I would quote the cabinet secretary extensively, and that is exactly what I am going to do. She went on to say:

“In that respect, the bill does not change the position in the 2004 act, in which examples of appropriate evidence of living in the acquired gender include updating official documents such as a driving licence, passport, utility bill or bank account. Numerous other examples are provided within the guidance on the 2004 act, which has now been in place for 18 years.”

I asked the cabinet secretary to expand on that, and she said:

“The guidance to the 2004 act uses examples that include consistently using titles and pronouns in line with the acquired gender, updating gender-marker official documents such as a driving licence or passport, updating

utility bills or bank accounts, describing themselves and being described by others in written or other communication in line with their acquired gender and using a name that is associated with the acquired gender.

Those are examples of what could constitute living in the acquired gender.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 15 November 2022; c 54-5.]

Although that was not exactly what I was looking for, I thought that we might have something—

**Pauline McNeill:** I confess that I am not sure about this intervention, but does Graham Simpson agree that, looking technically at the provision, where the cabinet secretary might possibly be wrong is that the 2004 act sets out a two-year period in which the person is required to submit documentation to show that their gender is aligned with their declaration? My understanding—I wonder whether it is also the member’s understanding—is that, under the bill, there is no similar requirement to provide that documentation, which is partly why Paul O’Kane is trying to press the matter. Does Graham Simpson agree that with the bill as it stands, although the guidance is there, it is meaningless, because the bill does not require that documentation?

**Graham Simpson:** Absolutely—hence the amendments.

I thought that the cabinet secretary and I might have something to work with on that basis, and be able to work together. Ms Robison just looked very uncomfortable at the idea of working with me, but there we are.

Eagle-eyed members will notice that amendment 3, which is on evidence of living in the acquired gender, is a virtual carbon copy of what Ms Robison quoted to me at stage 2, which I just read out. The amendment is a list of the evidence that she said is already required, but I would also give ministers the ability to change the list through regulations. What could be better for them than their own list that they can change? There is simply no reason for the cabinet secretary to oppose putting that in the bill. Clarity is essential in the law, and we should not require people to go hunting through multiple pieces of legislation to get to the legal position.

Should amendment 3 pass, it will apply to 16 and 17-year-olds. I am against the bill applying to 16 and 17-year-olds, but I accept that Parliament has voted to retain that aspect of the bill. Therefore, I am accepting the reality of the situation, in the amendment.

Should Parliament reject amendment 3, I offer it amendment 2, which takes a much more light-touch approach. It says that the only evidence that would be required to be offered to the registrar general in relation to living in the acquired gender

would be pieces of evidence that contain just the person’s name, a title and a gender marker. If Ms Robison does not like amendment 3, amendment 2 is the one for her.

The other amendments in the group are technical and consequential.

I turn to the amendments from Paul O’Kane, Michael Marra and the cabinet secretary.

Mr O’Kane has clearly been inspired by my approach—and who can blame him? Other than his specific reference in amendment 47A to being 16 or 17, I can find no reason to object to any of his amendments. Amendment 47A is an amendment to the cabinet secretary’s amendment 47, which asks for two pieces of proof of identity. That is not quite the same as my amendments that seek evidence of living in the acquired gender, but it almost is.

I have a great deal of time for Mr Marra, but his amendment 106 bothers me a bit because of its vagueness. It deals with the business of someone countersigning an application, and it says that such a person must have known the applicant for two years, which is fair enough. They must also be someone “of good standing”, or they must work in, or be retired from, a recognised profession. The latter category is left to be spelled out in regulations. Mr Marra is saying that, if a person has known someone for two years but that person works in a certain job, they will not be suitable to countersign. That seems to be a little snobbish, and I am a bit uncomfortable with it. I am not sure what is meant by someone

“of good standing in the community”

either. I hope that I would qualify—

**Members:** No.

**Graham Simpson:** Well, maybe not. However, would someone who is equally upstanding but who keeps themselves to themselves and is therefore not known in the community not qualify?

**Michael Marra (North East Scotland) (Lab):** Will the member take an intervention?

**Graham Simpson:** I hoped to hear from Mr Marra so that he could persuade me.

**Michael Marra:** I am more than happy to add to Mr Simpson’s understanding of amendment 106.

The provisions in amendment 106 very closely mirror the provisions for the countersignatory of a UK passport. We all sign up to those when we change our details. The language is a direct replication of the language that was used the last time that Mr Simpson signed a passport on behalf of someone else or when someone had to sign for his passport. The process is commonly understood, with qualifications in respect of the

people who are allowed to do that. It is the most understandable process that is available for the amendments.

**Graham Simpson:** That is really useful, and I shall reflect on it and on what Mr Marra says when he speaks.

Before I sit down, I thank the various organisations that have contacted me and others to say that they oppose my amendments. I have read their submissions and I understand their arguments, but I respectfully disagree with them. That is largely down to the helpful steer that was given at stage 2 by the cabinet secretary, whom I warmly thank.

**Michael Marra:** I rise to speak to my amendments 106 and 141. Members will be aware that the amendments are similar to those that I brought to the committee at stage 2. Some members might also be aware that I sought, at the committee's leave, to continue to work on those amendments to reflect the concerns expressed, to try to reach a compromise position that might balance the needs of all people across Scotland, and to seek consensus and broad support. I am afraid that such an approach did not find favour with the majority of the committee and, regretfully, I doubt that it will find favour with the Government and members today.

In comparison with my stage 2 amendments, the amendments include a significant further widening of the pool of those who are able to offer a countersigning without compromising the social barrier that the amendments attempt to build against bad-faith actors. As I just outlined in my intervention, the amendments now more closely mirror the commonly understood passport process, which we all follow when we change personal details. I believe that that process is familiar and comfortable for the public and that, crucially, it would help to build public confidence in the law that we are set to pass this week.

21:00

**John Mason (Glasgow Shettleston) (SNP):** The process is certainly familiar, but I would not say that it is comfortable. I am an accountant and I can sign some such forms, whereas a plumber or joiner cannot. I am afraid I think that that is wrong.

**Michael Marra:** Mr Mason can take comfort from the provision in the amendment that says that "a person of good standing in the community"

who

"has known the applicant for ... 2 years"

can sign a statement. In those circumstances, a plumber would be entirely able to be a signatory.

The amendment refers to those who have retired from professions, and I have opened up the ability for the Government to set out the list of professions. Such a list could entirely mimic the professions that are outlined for the UK passport process. The amendment allows for both options, which I hope gives Mr Mason comfort.

The bill represents a very significant liberalisation of the process for obtaining a GRC. It removes the vast bulk of the procedure that is set out in the 2004 act and, in doing so, it vastly broadens the pool of people to whom the rights are afforded.

I am in favour of reform, and it is clear that the demedicalisation of our laws in this area follows international trends. My amendments would not make it more difficult than it currently is to obtain a GRC—very far from it—but they would certainly and purposely add a hurdle to obtaining a GRC in comparison with what is in the bill.

With my amendments, the process for obtaining a GRC would still be far quicker and easier for trans people than it is today, and it would have a built-in level of safeguarding for women, girls and trans people. The bill has almost nothing that provides safeguarding against bad-faith actors. The statutory declaration, which is, in my view, ill defined and transactional, is insufficient in that regard—I have had conversations to that effect with the cabinet secretary.

I certainly do not accept the portrayal of safeguarding as an indulgent middle-class concern, which is how some members—inadvertently, I am sure—characterised my safeguarding proposals at stage 2. Some members and lobbyists portray concerns about bad-faith actors as scaremongering—some such points have already been made today. I say to them that my very sincere hope is that what concerns the public majority does not come to pass. In any case, I believe that strengthening public confidence in the process would be worth it. The opinion polls should give the cabinet secretary pause for thought—not because of electoral consequences, but because of what they say about the operation of, and confidence in, the laws that are before us.

We cannot in good conscience dismiss the concerns of the very significant experts from whom we have heard. Last night, the UN special rapporteur on violence against women and girls presented to the Parliament compelling testimony. She said:

"violent males who can take advantage of any loopholes will do so in order to get into women's spaces and have access to women."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 19 December 2022; c 18.]

Those words should weigh heavily on all of us.

There is, of course, a counter-proposition to self-ID. I believe that, when one seeks recognition, we do so in our community. All of us are worthy of respect and dignity and of being seen for who we are. In that way, identity is a concept not of individualism but of community. The linguistic root of identity is the same in terms of how we are recognised and how we endure; it is about what we have in common as much as it is about what sets us apart. Dignity is a call to community. No one can be recognised alone.

I understand that there are opposing voices—those who do not agree. On this issue of public concern and consequence, competing rights must be balanced. Parliament's reaction to the need for reform on an issue that, although it is contentious, is fundamentally uncontested, should not be to dismiss and ignore either side of the debate; it should be to embrace the challenge of finding balance and safeguards to reduce risks to those who are scared and those who are vulnerable.

**Monica Lennon:** On his amendments, does Michael Marra recognise the concerns that trans people have raised, including the trans rights youth commission, whose members I met on Friday? Does he accept their concern that amendment 106 might force a trans person to out themselves to obtain the countersigning?

**Michael Marra:** I, too, have met trans people to discuss the issue. I have discussed it with the trans youth groups in Scotland.

There are two aspects to my response to Monica Lennon's question, which is more than reasonable. The first is that if someone has been living in, and therefore expressing, their gender identity for three months, there will be a public aspect to that. The other aspect is that, if somebody has lived in their identity for many years, they will be able to avail themselves of the part of amendment 106 that I spoke to Mr Mason about, which involves a person who is familiar to them but who is not a close personal contact, such as a professional. I believe that there are two options there.

I understand the concerns of trans people, but I believe that what I propose in amendment 106 is a necessary hurdle that will raise the bar by asking people to meet its requirements.

I believe that a system that commands broad public support is better for everyone. Therefore, as we are set to pass the bill, I ask the cabinet secretary to put on record why it would not be better to have a system that provides simple measures of social checks, in which the public can have real confidence, and why the repeated concerns of experts in the field of violence against women and girls have not been given due weight

in the bill that is before us. Does she, and does her Government, accept that when a system is balanced between respect and risk, feelings and fear, or dignity and distress, our laws should err on the side of caution?

I deeply regret the manner in which the Government has approached the bill. There is a route to compromise that would afford respect and recognition for all. Unfortunately, that is not the path that the Government has chosen.

**Shona Robison:** The requirement for a statutory declaration as part of the two-stage process under the bill for applying for legal gender recognition will ensure that the process is robust. I set out that point in my open letter to all MSPs to ensure that it is fully understood.

Guidance provided by the Law Society of Scotland for a notary public administering a statutory declaration provides that the notary must be satisfied as to the identity of the applicant, which must be based on evidence if the person is not known to them, and must be satisfied that the applicant understands the contents of the statutory declaration. Following discussions with members, the amendments in my name in this group provide additional assurance to that effect by requiring in the bill that the person who makes a statutory declaration must provide two pieces of evidence to prove their identity.

Statutory declarations are a well-understood part of our legal system that have been in use for nearly 200 years. The relevant legislation on statutory declarations is the Statutory Declarations Act 1835. Statutory declarations are legal documents similar to the affidavits that are used in court. They are taken in front of notaries public and guidance on them is supplied by the Law Society.

In some circumstances, a statutory declaration can be made in front of a councillor, but the current GRC guidance states that a statutory declaration for the purpose of a GRC application should be made in front of someone who is able to administer an oath. Therefore, I would have been happy to support the first part of Paul O'Kane's amendment 103, which makes that explicit. However, amendment 103 would also require that a statutory declaration must be

"in the form provided for in regulations made by the Registrar General".

That is not possible following an amendment from Pam Duncan-Glancy that was agreed to at stage 2, which ensures that the bill already provides that a statutory declaration that is made under the bill is made by virtue of the Statutory Declarations Act 1835. That act sets out the form for statutory declarations in its schedule.

**Pam Duncan-Glancy:** As the cabinet secretary will be aware, the 1835 act sets out the form for statutory declarations, as my colleague Paul O’Kane set out. However, does she recognise that forms of words, including for civil partnerships and marriages, have been used since the 1835 act and that there is already precedent for having a particular form of words attached to a statutory declaration, regardless of the fact that the form for statutory declarations was written into the 1835 act?

**Shona Robison:** I will come on to that. As things stand, the registrar general would be required to lodge amendments setting out the form for a statutory declaration, duplicating what is in the 1835 act. Any deviation from that would mean two sets of incompatible requirements being placed on a statutory declaration for a GRC application, and that could effectively mean that Paul O’Kane’s amendments could make it impossible to validly apply—which I cannot support. The risk of that happening would be increased by the requirement under his amendment 140—although I understand that Paul O’Kane is not going to move it.

**Emma Roddick:** I wonder whether the cabinet secretary could clear something up. It sounds as though she is saying, however inadvertently, that the amendments to which she is referring would be wrecking amendments. Am I getting that right?

**Shona Robison:** I am not sure that I would go as far as to say “wrecking amendments”. I think that they would inadvertently cause confusion, but I do not think that that is Paul O’Kane’s intention.

**Martin Whitfield:** Will the cabinet secretary take an intervention?

**Shona Robison:** If I could just finish this point.

Unfortunately, we were not able to resolve these matters with Paul O’Kane. We could have worked together on a constructive amendment, as we have done with other members. Yesterday morning, I lodged a manuscript amendment that would have made the clarification regarding councillors without the requirement for redundant regulations. We explained the issues to the member, saying that we were working on a solution that would allow us to support the policy intention. Unfortunately, Paul O’Kane did not express support for that when given an opportunity, and the Presiding Officer did not accept that manuscript amendment.

**Paul O’Kane:** Will the cabinet secretary give way on that point?

**Shona Robison:** Yes.

**The Deputy Presiding Officer:** I would clarify to the cabinet secretary—and she will be well

aware—that it is entirely a matter for the Presiding Officer whether or not to accept—

**Shona Robison:** Of course—I understand that.

**The Deputy Presiding Officer:** That is fine. I call Paul O’Kane to make his intervention.

**Paul O’Kane:** I am grateful to the cabinet secretary for giving way. I appreciate what she is saying. I began a constructive conversation with her officials, although I was disappointed by the tone and attitude of her officials in the subsequent conversations.

I think that my amendments can work. The 1835 act specifies the form of words that is to be used, and that could be attached—it is a statutory declaration. I have no intention to wreck the bill: I make it clear that that has never been my intention.

I am also keen to understand from the cabinet secretary how she intends to clarify the point about councillors if she does not explicitly accept my amendment that would take councillors out of the process.

**Shona Robison:** I will come on to that. For clarity, I do not think that what Paul O’Kane is proposing is a wrecking amendment at all; I just think that there has been an inability to reach an agreement that could have resolved some of the misunderstanding. I return to the point that, at stage 2, an amendment was agreed that ensures that the bill already provides that a statutory declaration made under the bill is made “by virtue of” the format set out in the Statutory Declarations Act 1835. We had already agreed that, but then we have had more amendments being lodged.

**Pam Duncan-Glancy:** Will the cabinet secretary take an intervention?

**Shona Robison:** I think we have had the exchange about that.

I wish to come on to the point that Paul O’Kane has just directly asked me about. As a result of what I have outlined, I cannot support Paul O’Kane’s amendments 103, 104 and 140, because they risk making the process unworkable. However, on his question about councillors, we will clarify that point through guidance and we will maintain the current approach, stating that statutory declarations should be made in front of someone who is able to administer an oath. I think that that will deal with the point that Paul O’Kane was concerned about regarding councillors.

Paul O’Kane’s amendment 100 additionally requires proof of identity to be provided to the registrar general, but that is an unnecessary additional bureaucratic requirement, as the application already includes the statutory declaration itself, for which the applicant must



have provided two forms of identification in person, and the notary public must be satisfied of their identity—something that is already required. If my amendments 47 to 49 are accepted, that will also be set out in the bill.

I cannot support the amendments in the name of Graham Simpson, which I think are contrary to the principles of the bill. Living in the acquired gender is an existing requirement under the Gender Recognition Act 2004, and it means living your daily life in a gender that is different from your gender recorded at birth. An applicant will have to make a statutory declaration that they have been living in the acquired gender for the minimum period of time and that they intend to do so permanently. That is the same as under the current process. We are not changing that in the bill; we are reforming it so that a diagnosis of gender dysphoria and evidence that the person has been living in their gender for a minimum of two years are not required.

21:15

**Pauline McNeill:** This relates to my intervention on Graham Simpson, and I am genuinely asking this question because I am not sure about this myself. Perhaps the cabinet secretary can tell me what the right interpretation is. I agree that the 2004 guidance exists and that that is how people acquire their gender, through a two-year process, incrementally, under the Gender Recognition Act 2004. However, the bill does not require people, per se, to provide any documentation in order to get their certificate. Therefore, there is a separate point to be made about how a person acquires that. Am I right in saying that, or am I wrong? I do not mind being wrong, but I would like to know.

**Shona Robison:** We are quite clear that, with regard to the 2004 act and the requirement to live in the acquired gender, the examples given are in guidance. They are not in the legislation. That is what we replicate by adopting the 2004 guidance. It is not in the legislation. For all the reasons that we understand, it is about guidance, not prescription in the legislation.

**Graham Simpson:** Will the cabinet secretary take an intervention?

**Shona Robison:** No—I want to move on to Michael Marra's points.

I cannot support the amendments in the name of Michael Marra because I consider that, as others have said, they could create a barrier to a person's accessing their rights. The aim of the bill is to establish an administrative process that is based on self-declaration, and Michael Marra's amendments would require someone else to make a declaration about a person's gender identity. The point that Monica Lennon made in that regard

is important, because that could involve making the declaration to a person who has no awareness of the person's previous gender identity. That is not in the spirit of the bill.

I understand that applying for a passport involves a countersignatory process, but applying for a passport does not involve making a statutory declaration and all that that entails, whereas applying for a GRC does.

I urge members not to support those amendments but to support the amendments in my name.

**Rachael Hamilton:** I was going to intervene on the cabinet secretary, but perhaps she can help me with her manuscript amendment. The SNP keeps telling us that we have taken six years to get to this point and that we have had two consultations and still, yesterday, we got a manuscript amendment from the cabinet secretary on a point that I raised in the stage 2 debate. I will apologise to the cabinet secretary if I am incorrect but, during the stage 1 proceedings, I asked her to clarify the point about notaries public. I asked:

"Can you clarify the point that you made about notaries public? I presume that that referred to witnesses of declarations of living in the acquired gender. Who are those notaries public? Do they include city councillors?"

The cabinet secretary replied:

"Notaries public are quite often solicitors, and justices of the peace can sometimes be city councillors."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 15 November 2022; c 50.]

Am I reading it correctly: does the cabinet secretary's manuscript amendment remove city councillors as a notary public?

**Shona Robison:** No. It relates to a councillor also being a JP. The point that Paul O'Kane wants to clarify is that a councillor would be able to take an oath in their role as a JP. That is the position under the guidance, and we will ensure that that guidance is followed, so that someone in the role of a councillor would be able to take an oath only in their role as a JP. That was the point that I made at stage 2.

I wish to make a point about manuscript amendments to Rachael Hamilton. We are trying to support and work with members on amendments, which is why any manuscript amendments that I have tried to make seek to do that rather than to be unhelpful.

**Rachael Hamilton:** I thank the cabinet secretary for clarifying that point, because it was one that I tried to dig deep into at stage 2. I hope that my intervention also helped to clarify that point.

I will not speak to Graham Simpson's amendments. I will focus my remarks on some of

the other amendments in the group. Amendment 100, in the name of Paul O’Kane, would require that any proof of identity that is provided as part of the GRC application is certified as a true copy by the person who received the statutory declaration of someone’s intention to change gender. We are sympathetic to that measure, because it is important that somebody’s identity is verified, so we will support that amendment. I am glad that Paul O’Kane took inspiration from the inspirational Graham Simpson.

Amendment 100, coupled with amendment 47 in the name of Shona Robison, would require the identification of a person making a statutory declaration. It specifically asks that two pieces of identity are provided by the person making the application. Again, that seems a sensible measure, although I make it clear that that would not be necessary if the Scottish Government were not removing the other parts of the gender recognition process that already exist in law. We will also be happy to support amendments 48 and 49, which are consequential to amendment 47.

That brings me to the subsequent amendment 47A, which contains examples of identity that an applicant must provide. Normally, I would be sympathetic to a measure that provides further clarity in the bill but, as part of our principled stance, which states that 16 to 17-year-olds absolutely should not be able to apply for a GRC, we will unfortunately not be able to support that amendment, because it specifically lists provisions that enable that age cohort to apply for a gender recognition certificate.

Amendment 103, which is also from Paul O’Kane, provides that a statutory declaration

“must ... not have been taken and received by a councillor”, which is the issue on which I just teased out an explanation from the cabinet secretary. I am glad to see that addressed in the amendment, which we will support.

That amendment, along with amendment 104, specifies that statutory declarations must be

“in the form provided for in regulations made by the Registrar General”,

and amendment 140 states that those regulations must be made under the affirmative parliamentary procedure. I am, of course, happy to support both of those amendments, so that clarity is provided to the registrar general and so that the regulations that they are operating under will be scrutinised appropriately.

Finally, I turn to amendments 106 and 141, which are from Michael Marra and implement countersignatory provisions, which he also lodged for stage 2 committee proceedings. Those provisions would require that an application for a

gender recognition certificate must be accompanied by a statement from a countersignatory who

“has known the applicant for at least 2 years, and ... is a person of good standing in the community, or ... works in a recognised profession”,

as we have heard. I believe that amendment 106 is a slight improvement on the bill, because it would add an extra provision when someone is applying for a gender recognition certificate that does not presently exist. However, it does not address the removal of the three key safeguards that are in the Gender Recognition Act 2004—namely, being aged at least 18, requiring a medical intervention for applicants and living in one’s acquired gender for at least two years.

Therefore, I do not think that Michael Marra’s amendments go anywhere near far enough to address the concerns that I have with the bill, and I suspect that they do not do enough to address his concerns with the bill, either. I would be interested to know whether Michael Marra will support the bill if his amendments are agreed to. I will support his amendments 106 and 141, but I reiterate that they are not enough alone to change my mind to support the bill.

**Maggie Chapman:** I cannot accept the amendments in this group submitted by Paul O’Kane, Michael Marra or Graham Simpson. One of the points of the reforms that we are seeking to introduce is to make the application process for a gender recognition certificate easier. Creating administrative burdens by requiring certified copies of documents does not do that.

Michael Marra’s amendments are problematic for another reason. Requiring a trans person to seek agreement to or support for their application from people they have known for two years who are of good standing or a professional is completely inappropriate. Although I am heartened that Michael Marra has not included the same list of professions that he considered worthy enough to include in his stage 2 countersignatory amendment, the very idea of requiring a countersignatory at all flies in the face of self-identification.

Statutory declarations are not something that one makes on a whim to a friend or a neighbour. They are sworn statements made under oath and witnessed by an appropriate person, as we have heard. Making a false statutory declaration carries a sentence of up to two years in prison. That is already a significant and serious step and, in my opinion and that of many people who work with and support trans people, as well as that of trans people themselves, there is no value in requiring an additional step through a countersignatory.

It is not appropriate for an outsider to have to confirm a person's gender identity. It could be difficult for more socially isolated trans people to find a recognised professional who has known them for two years and who they trust. That should not prevent them from obtaining legal recognition of who they are.

Graham Simpson suggested that some of Michael Marra's amendments might be a little bit snobbish. I cannot comment on that. However, as the cabinet secretary has said, UK passport applications might need a countersignatory but they do not require a statutory declaration, so that comparison is inappropriate—it is apples and oranges.

The reforms that we are trying to pass this week are about making the application for a gender recognition certificate easier. Let us not put additional barriers or hurdles in the way.

**The Deputy Presiding Officer:** I call Paul O'Kane to wind up and to press or withdraw amendment 100.

**Paul O'Kane:** In summing up, I note that I am disappointed that the cabinet secretary feels that she cannot accept my amendment 103, which, as I said in my opening remarks, I have lodged in the spirit of being supportive and ensuring that the bill commands the confidence of not only trans people but the wider public.

As I said in my intervention, I acknowledge the initial conversations that I had with the cabinet secretary's official, in which we had a shared intent to clarify who can witness statutory declarations. However, following the exchanges between the cabinet secretary and Rachael Hamilton, I am not entirely sure that I am any clearer. The approach that I have taken on trying to remove councillors from the process is based on the signing powers that councillors hold so that they can witness declarations. Ensuring that we do not overpoliticise the process, and so that legal professionals instead of politicians witness such things, was my intent in trying to remove councillors from the process. It was nothing to do with councillors' roles as justices of the peace; indeed, I do not think that councillors can perform the role of notary public, which is solely in the purview of solicitors. We need a bit more clarity on that in the guidance that the cabinet secretary has committed to.

As I have said, I was encouraged by initial conversations but, subsequently, I was disappointed by the approach and tone of the official whom I dealt with. I do not agree with the cabinet secretary's further assertions that my amendment would impact the bill in the way in which she has outlined.

The form of the 1835 act would be explicit in the regulations that would be laid before the Parliament in secondary legislation by the registrar general. Indeed, as I have said, forms already exist under the 2004 act that incorporate the wording of the 1835 act. It is important that the Parliament hears what is in the 1835 act. It says:

"I do solemnly and sincerely declare that I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act ... passed in the Year of the Reign of His present Majesty, intituled An Act",

and the guidance note says that the title of the act should then be inserted. My view is that that wording would be attached to whatever form the registrar general provides and it would be approved by the Parliament through the affirmative procedure.

**Pam Duncan-Glancy:** On the point that Paul O'Kane has just raised about the 2004 act, I understand that a form that is a statutory declaration has been created as part of the 2004 act, which would seem to contradict what we have heard about not being able to do that because of the 1835 act.

**Paul O'Kane:** Yes—that is absolutely my understanding. It is why I have just outlined the wording of the 1835 act, which is included in that form, along with the current process. We would seek to replicate the new process on that form along with the wording of the 1835 act.

Through my amendments in that regard, I am trying to be helpful; they are sensible and demonstrate what people would recognise as a common-sense approach. I am disappointed that the Government cannot accept them.

My other amendments follow in the same vein. Through them, I aim to ensure that there is a belt-and-braces approach with regard to those who witness statutory declarations, that the evidence that is provided as proof of identity is lodged with the registrar general and that there is a record that the process has been followed properly. I think that everyone wants to have confidence that it has been followed properly, which is true whether you are a trans person applying for a GRC or a member of the wider public.

21:30

I acknowledge Graham Simpson's amendments and note that he is keen to claim credit for inspiring me to lodge mine. I note, however, that there are some differences between his amendments and those that I have produced. Mine deal with the process of witnessing statutory declarations. There are differences in how I have set out my list of evidence, because I have tried to demedicalise the process, in line with the intent on

this side of the chamber, and to ensure that no higher barriers are placed in front of trans people regarding issues such as gender markers.

I have already said that we support the cabinet secretary's approach to proof of identity and want to take that further.

My colleague Michael Marra and I have spoken at length about the nature of the bill and of his amendments. As I said in my opening remarks, I do not agree with the content of all his amendments, especially that of his countersignature amendment, but I respect his sincerely held views as he brings that amendment to the chamber. I acknowledge that.

The amendments have been offered, as I said in my opening remarks, in a spirit of trying to ensure that the bill is as robust as possible and that it commands the confidence of anyone who has to engage with the process—particularly trans people, but also the wider public. That is the spirit in which I offer my amendments, and I hope that they will command support.

**The Deputy Presiding Officer:** Are you pressing amendment 100?

**Paul O'Kane:** Yes.

**The Deputy Presiding Officer:** The question is, that amendment 100 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)

Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)

Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

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)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 42, Against 72, Abstentions 10.

*Amendment 100 disagreed to.*

*Amendment 1 moved—[Graham Simpson].*

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

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Carlaw, Jackson (Eastwood) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 70, Abstentions 1.

*Amendment 1 disagreed to.*

*Amendment 12 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** I remind members that, if amendment 12 is agreed to, I will be unable to call amendment 101 due to pre-emption.

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

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)

Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 35, Against 90, Abstentions 0.

*Amendment 12 disagreed to.*

*Amendment 101 not moved.*

**The Deputy Presiding Officer:** The next group is on background checks for applicants. Amendment 30, in the name of Russell Findlay, is grouped with amendments 31 to 33, 35, 36, 38 and 43 to 45.

**Russell Findlay:** I have five amendments in group 8: amendments 30, 31, 32, 33 and 36. Like my amendments in group 2, they are not about criminalising or stigmatising trans people. They are to ensure that there is access to the most comprehensive information that is possible when applications are assessed.

At stage 2, I sought to require applicants to disclose criminal convictions. With hindsight,

putting the responsibility on applicants was arguably not the best approach. However, the same principles apply to my new amendments, those being that an applicant’s criminal history should be taken into consideration and that those who decide on GRCs would benefit from being as informed as possible. That is necessary not least because the existing safeguard of a medical diagnosis will be removed by the bill.

Amendment 30 would require a level 2 Disclosure Scotland check to be made as part of the GRC application process. The information on the Scottish Government’s website about the Disclosure (Scotland) Act 2020 gives the example of someone seeking to work as an accountant needing a level 2 check.

Amendment 31 would require the registrar general to instruct a level 1 disclosure check for all GRC applications. Members will know that the level 1 check includes unspent convictions and contains sex offender notification requirements. That is less information than is provided by a level 2 disclosure.

If members do not agree with amendment 30, they may prefer to support amendment 31 as an effective way of striking the balance between the applicant’s rights and the need for some form of background check.

Amendment 33 is technical. It simply adds the registrar general to the list of bodies that are able to instruct a level 1 disclosure check. Amendment 32 would require the registrar general to check whether a GRC applicant is on either the children’s barred list or the adults barred list. The former is a list of individuals who are banned from working with children; the latter is a list of people who are banned from working with vulnerable adults. Sometimes, people can be on both those lists.

Amendment 36 is important and relates to the rest of my amendments in the group. If some or all of those amendments are agreed to, the registrar general will need to have some direction about what that will mean. Amendment 36 would require the Scottish Government to come up with detailed guidance about the criteria that would need to be considered by the registrar general when assessing a GRC application and, crucially, the grounds for approval and rejection.

The new self-ID process removes the need for any medical element. It is therefore sensible and reasonable for the new, experimental decision-making process to be as fully informed as possible.

I will now address the amendments in group 8 that were lodged by Ruth Maguire. Amendment 35 would require the registrar general to

“contact Police Scotland with a request for any relevant information”

about a GRC applicant. The information that would be passed on would then be considered when deciding whether granting an application would be unreasonable. Amendment 38 defines relevant information as details about

“previous abusive behaviour towards a partner or ex-partner.”

Amendment 43 clarifies that the registrar general must notify Police Scotland if an application has been granted to a person about whom relevant information was received, by telling the police their name, the person’s acquired gender and the date on which they acquired a gender recognition certificate. I will be supporting all of Ruth Maguire’s amendments and their consequential amendments 44 and 45. It is vital that there are as many safeguards for women and girls as possible.

From what we have heard in the debate and long before it, we know that men who have a history of abuse will use any loophole that they can to target vulnerable women. Providing the registrar general with a mechanism to find out about a GRC applicant’s history of abuse is a welcome step in preventing men who would exploit that by causing harm to women. Police Scotland already has a scheme in operation that allows individuals to request information about their partner’s history of abuse through the disclosure scheme for domestic abuse Scotland. The police already hold that information, and they should be able to provide the registrar general with that upon their request. That information can then be evaluated by the registrar general so that they can judge whether it would still be reasonable to grant a request for a GRC.

Given that the Scottish Government seems intent on removing the current safeguards that exist in law, it is vital that as many safeguards as possible are put in place at this stage. Although I believe that providing more information to the registrar general will not be enough on its own, I still support it as an additional safeguard. I hope that Ruth Maguire and her colleagues will support my amendments, which seek to add further protection for women and girls.

I move amendment 30.

**Ruth Maguire (Cunninghame South) (SNP):** I will speak to my amendments 35, 38 and 43 to 45, and in doing so I am thinking of victims of men’s violence—women in all their diversity. I will mention Anne, who wrote to me along with the other females who offered to share their experiences with the Equalities, Human Rights and Civil Justice Committee in order to explain the importance of single-sex spaces. Those spaces

were important for their emotional and therapeutic needs as they recovered from the abuse that was exacted on them by men. I am heart sorry that the narrow scope of the bill has meant that the important impact of opening the process to a wider cohort has not been given as full an airing in our Scottish Parliament as it should have.

The purpose of my amendments is to prevent a person with a history of domestic abuse from obtaining a GRC without undergoing further scrutiny before a GRC is granted and to ensure that GRC holders cannot take advantage of a change of identity to evade checks for domestic abuse made under the disclosure scheme, by requiring a specific check on whether a person has a history of domestic abuse before they are granted a GRC, and, if the application is granted, notifying Police Scotland. That would be achieved by requiring a specific check on the person’s history. If they had such a history, the registrar general would take further advice on whether to accept the application, with regulations to set out how that would be done and permitting the involvement of such external input as was deemed appropriate.

Domestic abuse is widely understood to include manipulative and coercive behaviour. These amendments are about perpetrators of that crime.

21:45

**Tess White:** Although we welcome the member’s amendments, does she agree that there are still far too many loopholes in the bill that need to be addressed in order to protect women and girls?

**Ruth Maguire:** We have to deal with the amendments before us. However, I share the member’s concerns.

My amendments are about the perpetrators of domestic abuse. Individuals who carry out such abuse may be attracted to an easier-to-access GRC process, specifically as part of a pattern of coercion of an existing partner, or to aid concealment of their identity from new partners. Some may see adopting a female persona as a way of gaining women’s trust and being able to show that they have gone all the way to obtaining a GRC as part of obtaining that trust.

There are routes for an interested person to challenge, after the event, a GRC that was falsely obtained. However, I ask colleagues, just for a moment, to put themselves in the shoes of a woman who has been subjected to coercion, control and abuse. If we do that, I think that we can acknowledge just how stressful it would be to engage with that process. Further to that, abusers may—as we occasionally see with custody and family courts—see engaging in such a process as



an extension of the patterns of control. My amendments aim to prevent perpetrators of domestic abuse from doing that. I commend them to the Parliament.

**Maggie Chapman:** I will be brief. I will not support any of the amendments in the group. It is very galling, once again, to have to make the argument that predatory men do not need a gender recognition certificate to abuse women and that trans people should not be considered and treated as a threat or risk to others.

**Ruth Maguire:** Will Maggie Chapman acknowledge that she is the only person in the chamber who is conflating trans people and criminals? She is the only person who has mentioned that. My amendments are about predatory men and are not about trans people.

**Maggie Chapman:** That is not the case. We have heard—*[Interruption.]*

We have heard people in the chamber, in committee debates and elsewhere make exactly that conflation. The Disclosure Scotland PVG system is about giving employers assurances about those they employ to work with vulnerable groups. Applying for a gender recognition certificate has nothing to do with applying for jobs working with vulnerable groups. We should not be using those mechanisms in that way. I urge colleagues from parties across the chamber to vote against the amendments.

**Shona Robison:** I will start with Russell Findlay's amendments, which would introduce a requirement for all applicants for a gender recognition certificate to first undergo checks through Disclosure Scotland. The purpose of Disclosure Scotland, as Mr Findlay knows, is to help employers to make safer recruitment decisions, informed by criminal records as appropriate and to prevent unsuitable people from working with vulnerable groups, including children.

Disclosure Scotland certificates are required for many job roles and the type of check that an employee needs depends specifically on the role for which they are applying. Applying to legally change one's gender and obtain an updated birth certificate is not the same as applying for a job where someone would be working with vulnerable groups. Obtaining a GRC would not be a means of hiding information from a future Disclosure Scotland check. It is a legal requirement to give one's name, and full details of all previous names, to allow Disclosure Scotland to verify a person's identity. The process protects an individual's right to privacy but does not afford the opportunity for any party to conceal past criminal behaviour. Any criminal history information that the law says must be disclosed will be disclosed, even if that

information predates the current name or gender of the applicant.

**Stephen Kerr:** There is a lot of evidence to support what was said earlier about the state of public opinion in respect of the bill. Therefore, in the cabinet secretary's view, given that so many checks are being taken away, would it not be reassuring to the public if that one check was left in place? Would that not give confidence to the public about the nature and purpose of the bill?

**Shona Robison:** I am sure that the member is aware of all the safeguards that have been put into the bill at stages 2 and 3 for those reasons. I do not think that any of those safeguards would ever have to be used, but they have been introduced in order to address some of those concerns. However, such safeguards have to make sense and be workable, and I do not think that trying to bring in Disclosure Scotland, which is for a completely different purpose, is workable or desirable.

Ruth Maguire's amendments would require the registrar general to contact Police Scotland about each and every applicant to determine whether they have a history of domestic abuse. The amendments would require the registrar general to consider whether granting the application would be unreasonable, although the amendments themselves do not grant the registrar general the power to refuse an application on that basis. There is already provision in the bill for a person who has an interest, including the registrar general, to make an application to the sheriff on the ground that an application was fraudulent. I heard what Ruth Maguire said, and she makes a reasonable point about whether someone who has been the victim of domestic abuse would feel able to do that, for all the reasons that we understand. It would be up to the sheriff in each individual case, but it could be that an organisation advocating on behalf of the person would be able to do that. Whether to accept that would be up to the sheriff, but there would be a compelling case for them to do so.

Police Scotland's disclosure scheme for domestic abuse has helped to safeguard those who have been suffering from or are at risk of domestic abuse. The scheme aims to tackle and prevent domestic abuse by providing individuals with the right to ask police about a partner's background if they suspect that they have a history of domestic abuse. The purpose of the scheme is to allow people to make an informed decision about their situation, where they may be at risk in a relationship. It also allows Police Scotland to tell people that they may be at risk. That information can be given, even if it has not been asked for, and even when someone has changed their name or gender identity.

**Finlay Carson (Galloway and West Dumfries) (Con):** We have seen legislation such as that relating to short-term lets delayed, in some part due to the lack of resources in Police Scotland to carry out the checks. Would the cabinet secretary therefore agree that Police Scotland must be given the necessary resources to undertake some of the checks that may come about as a result of changes made in Parliament today?

**Shona Robison:** I am not sure what the relationship is to short-term lets.

**Finlay Carson:** The police do not have the capacity.

**Shona Robison:** Police Scotland's disclosure scheme is already up and running. It is helping victims of domestic abuse and keeping people safe. I am not aware of that scheme having particular issues. If there are, I am sure that the justice secretary would be keen to hear about them. However, as far as I am aware, the scheme has been working well and continues to work well.

The point is that we need to ensure that there are safeguards—as I said earlier, we have accepted and introduced a number of them—but they have to be workable and related to the purpose of the bill. I do not think that using Disclosure Scotland in that way would be. I have also set out some of my reasons for considering that Ruth Maguire's amendments are difficult.

I urge members not to support any of the amendments in this group.

**The Deputy Presiding Officer:** I invite Russell Findlay to wind up and indicate whether he intends to press or withdraw amendment 30.

**Russell Findlay:** I should begin by going back to some of Maggie Chapman's comments. She began by saying that men do not need a GRC to abuse women. My response would be to say that of course they do not, but inevitably they will use it for that. I think that that will happen. She went on to say that trans women are being treated as a threat or a risk. I have not heard anything in the debate or the previous parliamentary proceedings where any member has suggested that. Both this group of amendments and many of the others that we have debated are about predatory males. It is worth putting that on the record.

My amendments are reasonable and sensible. The cabinet secretary referred to Disclosure Scotland's role. It sounded as though there was a rigidity about how it can operate, but it is a public asset. I believe that it could well have a role in the administration of what we are proposing, if there were to be the political will for that to happen.

I press amendment 30.

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

**Members:** No.

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

The vote is closed.

**Anas Sarwar (Glasgow) (Lab):** On a point of order, Presiding Officer. My apologies—my computer decided to update at the wrong time. I would have voted no.

**The Deputy Presiding Officer:** Mr Sarwar, I am afraid that your vote has not been recorded—*[Interruption.]*—but it has been now. *[Laughter.]* You should always wait for the full sentence.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowe, Sharon (South Scotland) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)

Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)

Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 89, Abstentions 3.

*Amendment 30 disagreed to.*

*Amendment 31 moved—[Russell Findlay].*

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

**Members:** No.

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

The vote is closed.

22:00

**Richard Leonard (Central Scotland) (Lab):** On a point of order, Presiding Officer. My app did not connect. I would have voted no, had it done so.

**The Deputy Presiding Officer:** Thank you, Mr Leonard. That will be recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)  
Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
Adam, Karen (Banffshire and Buchan Coast) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
Chapman, Maggie (North East Scotland) (Green)  
Choudhury, Foysol (Lothian) (Lab)  
Clark, Katy (West Scotland) (Lab)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Constance, Angela (Almond Valley) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don, Natalie (Renfrewshire North and West) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Duncan-Glancy, Pam (Glasgow) (Lab)  
FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lochhead, Richard (Moray) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Gillian (Central Scotland) (Green)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Marra, Michael (North East Scotland) (Lab)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McAllan, Màiri (Clydesdale) (SNP)  
McArthur, Liam (Orkney Islands) (LD)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
McNeill, Pauline (Glasgow) (Lab)  
Minto, Jenni (Argyll and Bute) (SNP)  
Mochan, Carol (South Scotland) (Lab)  
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
O'Kane, Paul (West Scotland) (Lab)

Rennie, Willie (North East Fife) (LD)  
Robertson, Angus (Edinburgh Central) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Rowley, Alex (Mid Scotland and Fife) (Lab)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Sarwar, Anas (Glasgow) (Lab)  
Slater, Lorna (Lothian) (Green)  
Smyth, Colin (South Scotland) (Lab)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Collette (East Kilbride) (SNP)  
Stewart, Kaukab (Glasgow Kelvin) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Sweeney, Paul (Glasgow) (Lab)  
Swinney, John (Perthshire North) (SNP)  
Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Tweed, Evelyn (Stirling) (SNP)  
Villalba, Mercedes (North East Scotland) (Lab)  
Whitfield, Martin (South Scotland) (Lab)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
Wishart, Beatrice (Shetland Islands) (LD)  
Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Briggs, Miles (Lothian) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 89, Abstentions 3.

*Amendment 31 disagreed to.*

*Amendment 32 moved—[Russell Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 32 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Cameron, Donald (Highlands and Islands) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Dowey, Sharon (South Scotland) (Con)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Gulhane, Sandesh (Glasgow) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Lumsden, Douglas (North East Scotland) (Con)  
Maguire, Ruth (Cunninghame South) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
McCall, Roz (Mid Scotland and Fife) (Con)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Regan, Ash (Edinburgh Eastern) (SNP)  
Ross, Douglas (Highlands and Islands) (Con)

Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)

McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 89, Abstentions 3.

*Amendment 32 disagreed to.*

*Amendment 102 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** The question is, that amendment 102 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)

Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)

McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Briggs, Miles (Lothian) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 31, Against 92, Abstentions 1.

*Amendment 102 disagreed to.*

*Amendment 33 moved—[Russell Findlay].*

**The Deputy Presiding Officer:** The question is, that amendment 33 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 33, Against 90, Abstentions 2.

*Amendment 33 disagreed to.*

*Amendment 103 moved—[Paul O'Kane].*

**The Deputy Presiding Officer:** The question is, that amendment 103 be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 52, Against 73, Abstentions 0.

*Amendment 103 disagreed to.*

**The Deputy Presiding Officer:** I call amendment 104, in the name of Paul O'Kane, already debated with amendment 100. Paul O'Kane to move or not move.

**Paul O'Kane:** Not moved.

*Amendment 104 moved—[Sue Webber].*

**The Deputy Presiding Officer:** The question is, that amendment 104 be agreed to. Are we agreed?

**Members:** No.



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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Abstentions**

Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 73, Abstentions 1.

*Amendment 104 disagreed to.*

*Amendment 140 moved—[Paul O’Kane].*

**The Deputy Presiding Officer:** The question is, that amendment 140 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Paul O’Kane:** On a point of order, Presiding Officer. My digital voting platform says that there has been a problem and an error. I would have voted yes.

**The Deputy Presiding Officer:** Mr O’Kane, your vote was recorded.

**Neil Bibby:** On a point of order, Presiding Officer. I would have voted yes.

**The Deputy Presiding Officer:** Mr Bibby’s vote was recorded.

**Ruth Maguire:** On a point of order, Presiding Officer. It is unclear whether I connected. I would have voted no.

**The Deputy Presiding Officer:** Ms Maguire’s vote has also been recorded.

**Alexander Burnett (Aberdeenshire West) (Con):** On a point of order, Presiding Officer. I would like to check whether my vote was recorded. I would have voted yes.

**The Deputy Presiding Officer:** Mr Burnett’s vote was recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 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)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)

McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 52, Against 73, Abstentions 0.

*Amendment 140 disagreed to.*

**The Deputy Presiding Officer:** I advise members that, given that we are nearing the time at which we were scheduled to finish for the evening, but we are obviously not as far into the proceedings as we had expected to be, I will suspend the meeting for a comfort break of around 15 minutes, during which time business managers will meet to consider how to proceed from here.

22:13

*Meeting suspended.*

22:39

*On resuming—*

**The Deputy Presiding Officer:** I ask members to resume their seats. We will proceed with group 9, which is on applications by adults with incapacity. Amendment 34, in the name of Ruth Maguire, is grouped with amendment 46.

**Ruth Maguire:** These amendments ask for more protection at the start of the process for vulnerable adults and require the registrar general to have regard to the Adults with Incapacity (Scotland) Act 2000, as well as to the importance of inclusive communication and the promotion of equality and non-discrimination, by ensuring that information and support are provided in a way that

supports capacity and decision making in line with the principles of the 2000 act.

The amendments would require the provision of information, advice and support in relation to understanding the effect and consequences of obtaining a GRC, including for people with powers under a welfare power of attorney or guardianship order.

The 2000 act is the key legislation that enables other parties to make decisions for people who do not have legal capacity to make decisions for themselves due to a mental disorder, which might include mental illness, learning disability or personality disorder, or who cannot communicate because of a physical disability. A person is considered incapable if they cannot act, make a decision, communicate a decision or understand or retain memory of a decision.

As an experienced mental health officer told me, it is important that incapacity is not seen as a blanket judgment and, rather, that it is decision specific. For example, someone might still be able to manage their money but might not be able to decide on welfare matters.

I acknowledge that the bill provides ways for a person with an interest to challenge a GRC, but there is nothing included at the front end of the process. The Equalities, Human Rights and Civil Justice Committee made some general comments about the need for guidance for all applicants, looking mainly at 16 and 17-year-olds, but the situation of vulnerable adults did not appear to be considered. A general duty in that area would prevent their needs from being overlooked. Stronger provision is possible for those people who are covered by formal arrangements than for those who are not.

The aim of my amendments is to build safeguards at the application stage to reduce the risk of a later successful challenge in the sheriff court on grounds of incapacity to understand.

**Sue Webber:** I agree with Ruth Maguire that it is vital that only adults who are capable of understanding the implications of their decision are able to apply for a GRC. Does she agree that that highlights that any application for a GRC should be made only by people who are aged 18 or over?

**Ruth Maguire:** Yes, I agree with that.

Early assessment would prevent the person from getting a GRC and then others having to intervene at a later stage. I believe that going through the process and then having it challenged at the end would be far more difficult and challenging for the adult concerned. I want to be clear that this in no way suggests that everyone with communication difficulties or a learning

disability lacks capacity, and I repeat that it is important that incapacity is not seen as a blanket judgment and, rather, that it is decision specific.

The amendments would benefit applicants who are incapable of understanding by reducing the risk that they are put through complex and stressful legal processes that could have been avoided if more care was taken earlier to avoid a GRC being issued to anyone who is incapable of understanding its effect.

I move amendment 34.

**Pam Duncan-Glancy:** I wish to speak against amendment 34, in the name of Ruth Maguire, but I support amendment 46 on the basis that it is incredibly important that we take into consideration inclusive communication and support for disabled people.

I worry that amendment 34 could have a disproportionate impact on disabled people. Guardianship orders and power of attorney have long since had an impact on disabled people's choice, control, freedom and dignity. In this process, it is of course crucial that all, including the registrar general, consider capacity and coercion, for example. There are elements of protections in that regard in the bill and in other areas—for example, in the work that the registrar general does on forced marriage.

At best, amendment 34 is not needed and, at worst, it could have an unintended consequence for disabled people that I do not think that Ruth Maguire and other members would want it to. On that basis, I will not support the amendment.

**Shona Robison:** These amendments would place a duty on the registrar general to ascertain for every application for a GRC whether the person applying is subject to a guardianship order or welfare power of attorney in order to have regard to the Adults with Incapacity (Scotland) Act 2000 and to provide information, advice and support.

22:45

Under the Age of Legal Capacity (Scotland) Act 1991, a person of or over the age of 16 years generally has legal capacity to enter into any transaction having legal effect. The bill also already provides for a person who has an interest in a GRC to apply to the sheriff to revoke a certificate on the ground that the applicant was incapable of understanding the effect of that GRC, or that the applicant was incapable of making a valid application.

**Ruth Maguire:** Will the cabinet secretary respond to my point that those processes are available at the end, rather than at the beginning, of the GRC application and will she comment on

what safeguards are available at the beginning of the process?

**Shona Robison:** The registrar general can also make a similar application to refuse a GRC application on the ground of incapacity, which would happen at the start of the process.

It is right that it is for the sheriff, rather than the registrar general, to determine whether a person has the capacity to make an application, based on the evidence, because the sheriff, unlike the registrar general, would be able to gather that evidence.

There are other persons who could validly have an interest in a certificate in circumstances where the person obtaining the certificate may not have capacity. Those persons include, for example, a person with power of attorney, a guardian or a person authorised under an intervention order under the Adults with Incapacity (Scotland) Act 2000, who acts for the person obtaining the certificate. The 2000 act makes provision about decision making on behalf of those lacking capacity, generally in relation to applications to the sheriff or the Court of Session or to the public guardian. The registrar general does not have functions in relation to proceedings under that act, and therefore it is not clear what the relevance would be to the registrar general's functions in this context.

Provision already exists in the bill to allow for GRCs to be refused or revoked on the ground of an applicant's capacity, whatever their age and, as has been set out, National Records of Scotland will provide guidance to applicants on how to make an application and the effects and consequences of obtaining a GRC.

These amendments also require the registrar general to make information, advice and support available and to communicate in an inclusive way. There is already a requirement on the registrar general to publish information on the process and effect of a GRC. I agree that that should be done in an inclusive and accessible way. National Records of Scotland already has a clear commitment to making its websites and resources usable and accessible. That is set out in its accessibility statement.

I do not think that the amendments are required and I urge members to vote against them.

**The Deputy Presiding Officer:** I call Ruth Maguire to wind up and to press or withdraw amendment 34.

**Ruth Maguire:** I am pleased to have placed on record my concerns about adults with incapacity. Based on what the cabinet secretary has said, particularly about the importance of support and

inclusive communication, I will not press my amendments.

**The Deputy Presiding Officer:** Ms Maguire is not pressing amendment 34. I note that Sue Webber wishes to press amendment 34.

The question is, that amendment 34 be agreed to. Are we agreed?

**Members:** No.

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

The vote is now closed.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** On a point of order, Presiding Officer. My app failed. I would have voted no.

**The Deputy Presiding Officer:** Thank you, Dr Allan. I will ensure that that vote is recorded.

**Kenneth Gibson:** On a point of order, Presiding Officer. My app failed too and I also would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Gibson. I will ensure that that vote is recorded.

**Gillian Martin:** I seem to have lost connection, and I do not know whether my vote was recorded. I would have voted no.

**The Deputy Presiding Officer:** I will ensure that that is recorded.

**Stephanie Callaghan rose—**

**The Deputy Presiding Officer:** Stephanie Callaghan, I can assure you that your vote was recorded.

**Craig Hoy:** I got an error message—

**The Deputy Presiding Officer:** Sorry to interrupt, Mr Hoy. I can assure you that your vote was recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)

Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Mason, John (Glasgow Shettleston) (SNP)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 94, Abstentions 2.

*Amendment 34 disagreed to.*

**The Deputy Presiding Officer:** Amendment 35, in the name of Ruth Maguire, has already been debated with amendment 30. Ruth Maguire to move or not move.

**Ruth Maguire:** Not moved.

*Amendment 35 moved—[Edward Mountain].*

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

**Members:** No.

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

The vote is closed.

**Pauline McNeill:** My app seems to have completely crashed. I would have voted no.

**The Deputy Presiding Officer:** Thank you. I will ensure that that is recorded.

**The Cabinet Secretary for Justice and Veterans (Keith Brown):** My app did not work. I would have voted no.

**The Deputy Presiding Officer:** Thank you. I will ensure that that is recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Dowe, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)

Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Mason, John (Glasgow Shettleston) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 28, Against 95, Abstentions 1.

*Amendment 35 disagreed to.*

*Amendment 36 moved—[Russell Findlay].*

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

**Members:** No.

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

The vote is closed.

**Keith Brown:** My app did not work. I would have voted no.

**The Deputy Presiding Officer:** I will ensure that that is recorded.

Mr Hoy, I know that you want to make a point of order, but I assure you that your vote has been recorded.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowe, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)

Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)

Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Carlaw, Jackson (Eastwood) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 55, Against 68, Abstentions 1.

*Amendment 36 disagreed to.*

**The Deputy Presiding Officer:** I call Martin Whitfield to move or not move amendment 37, which was debated with amendment 6.

**Martin Whitfield:** Not moved.

*Amendment 37 moved—[Oliver Mundell].*

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

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)



Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 32, Against 90, Abstentions 1.

*Amendment 37 disagreed to.*

**The Deputy Presiding Officer:** I call Jackie Baillie to move or not move amendment 105, which was debated with amendment 6.

**Jackie Baillie:** Not moved.

*Amendment 105 moved—[Sue Webber].*

**The Deputy Presiding Officer:** The question is, that amendment 105 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Simpson, Graham (Central Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 9, Against 111, Abstentions 2.

*Amendment 105 disagreed to.*

*Amendment 38 moved—[Ruth Maguire].*

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

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)

Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 86, Abstentions 0.

*Amendment 38 disagreed to.*

23:00

**The Deputy Presiding Officer:** I call Michael Marra to move or not move amendment 106, which was debated with amendment 100.

**Michael Marra:** Not moved.

*Amendment 106 moved—[Jeremy Balfour].*

**The Deputy Presiding Officer:** The question is, that amendment 106 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Richard Leonard:** On a point of order, Presiding Officer. My app would not connect to the server. If it had, I would have voted no.

**The Deputy Presiding Officer:** Thank you, Mr Leonard. I will ensure that that is recorded.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)

Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysof (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 FitzPatrick, Joe (Dundee City West) (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, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)

Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Webber, Sue (Lothian) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 25, Against 95, Abstentions 1.

*Amendment 106 disagreed to.*

### After section 4

*Amendment 2 moved—[Graham Simpson].*

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

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burnett, Alexander (Aberdeenshire West) (Con)

Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhan (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Briggs, Miles (Lothian) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 65, Abstentions 2.

*Amendment 2 disagreed to.*

*Amendment 3 moved—[Graham Simpson].*

**The Deputy Presiding Officer:** The question is, that amendment 3 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Foyso Choudhury (Lothian) (Lab) rose—**

**The Deputy Presiding Officer:** I can advise you that your vote was recorded, Mr Choudhury.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** On a point of order, Presiding Officer. The app does not say that my vote was registered. I voted no.

**The Deputy Presiding Officer:** I can advise you that your vote was recorded, Ms Adam.

#### For

Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 54, Against 65, Abstentions 3.

*Amendment 3 disagreed to.*

*Amendment 39 moved—[Michelle Thomson].*

*Amendment 39A moved—[Russell Finlay].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 60, Against 63, Abstentions 0.

*Amendment 39A disagreed to.*

*Amendment 39B moved—[Russell Finlay].*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)

Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)



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

**The Deputy Presiding Officer:** The result of the division is: For 60, Against 63, Abstentions 0.

*Amendment 39B disagreed to.*

*Amendment 39C moved—[Russell Findlay].*

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

**Members:** No.

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

#### For

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
Cameron, Donald (Highlands and Islands) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Dowey, Sharon (South Scotland) (Con)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Findlay, Russell (West Scotland) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Lumsden, Douglas (North East Scotland) (Con)  
Maguire, Ruth (Cunninghame South) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
McCall, Roz (Mid Scotland and Fife) (Con)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Regan, Ash (Edinburgh Eastern) (SNP)  
Ross, Douglas (Highlands and Islands) (Con)  
Simpson, Graham (Central Scotland) (Con)  
Stewart, Alexander (Mid Scotland and Fife) (Con)  
Thomson, Michelle (Falkirk East) (SNP)  
Webber, Sue (Lothian) (Con)  
Wells, Annie (Glasgow) (Con)  
White, Tess (North East Scotland) (Con)  
Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
Adam, Karen (Banffshire and Buchan Coast) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Chapman, Maggie (North East Scotland) (Green)  
Choudhury, Foyso (Lothian) (Lab)

Clark, Katy (West Scotland) (Lab)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Cole-Hamilton, Alex (Edinburgh Western) (LD)  
Constance, Angela (Almond Valley) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don, Natalie (Renfrewshire North and West) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Duncan-Glancy, Pam (Glasgow) (Lab)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Gougeon, Mairi (Angus North and Mearns) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Griffin, Mark (Central Scotland) (Lab)  
Gulhane, Sandesh (Glasgow) (Con)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Johnson, Daniel (Edinburgh Southern) (Lab)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Lochhead, Richard (Moray) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Gillian (Central Scotland) (Green)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Marra, Michael (North East Scotland) (Lab)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Matheson, Michael (Falkirk West) (SNP)  
McAllan, Màiri (Clydesdale) (SNP)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
McNeill, Pauline (Glasgow) (Lab)  
Minto, Jenni (Argyll and Bute) (SNP)  
Mochan, Carol (South Scotland) (Lab)  
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
O'Kane, Paul (West Scotland) (Lab)  
Rennie, Willie (North East Fife) (LD)  
Robertson, Angus (Edinburgh Central) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Rowley, Alex (Mid Scotland and Fife) (Lab)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Sarwar, Anas (Glasgow) (Lab)  
Slater, Lorna (Lothian) (Green)  
Smyth, Colin (South Scotland) (Lab)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Collette (East Kilbride) (SNP)  
Stewart, Kaukab (Glasgow Kelvin) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Sweeney, Paul (Glasgow) (Lab)  
Swinney, John (Perthshire North) (SNP)  
Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Tweed, Evelyn (Stirling) (SNP)  
Villalba, Mercedes (North East Scotland) (Lab)  
Whitfield, Martin (South Scotland) (Lab)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Greene, Jamie (West Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 35, Against 87, Abstentions 1.

*Amendment 39C disagreed to.*

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

**Members:** No.

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

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)

Simpson, Graham (Central Scotland) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 61, Against 61, Abstentions 0.

As the vote is tied and Parliament has been unable to reach a view on the amendment, I have to exercise my casting vote. In line with the approach adopted by all my predecessors, I will cast it against the amendment.

*Amendment 39 disagreed to.*

*Amendment 107 moved—[Rachael Hamilton].*

**The Deputy Presiding Officer:** The question is, that amendment 107 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

23:15

**Jackie Baillie:** On a point of order, Presiding Officer. My app did not refresh in time. I would have voted no.

**The Deputy Presiding Officer:** I will make sure that that is recorded, Ms Baillie.

**Brian Whittle:** On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

**The Deputy Presiding Officer:** I will make sure that that is recorded, Mr Whittle.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Doney, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)

Simpson, Graham (Central Scotland) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Gulhane, Sandesh (Glasgow) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 91, Abstentions 1.

*Amendment 107 disagreed to.*

#### Section 5—Statutory declarations and other evidence in relation to marriage or civil partnership

*Amendments 4 and 5 not moved.*

#### After section 6A

*Amendment 40 moved—[Gillian Martin].*

*Amendment 40A moved—[Shona Robison].*

**The Deputy Presiding Officer:** The question is, that amendment 40A be agreed to. Are we agreed?

**Members:** No.

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

#### For

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

Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)

McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

McCall, Roz (Mid Scotland and Fife) (Con)  
 White, Tess (North East Scotland) (Con)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 119, Against 2, Abstentions 2.

*Amendment 40A agreed to.*

*Amendment 40B moved—[Shona Robison].*

**The Deputy Presiding Officer:** The question is, that amendment 40B be agreed to. Are we agreed?

**Members:** No.

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

#### For

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

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 118, Against 1, Abstentions 3.

*Amendment 40B agreed to.*

*Amendment 40C moved—[Shona Robison].*

**The Deputy Presiding Officer:** The question is, that amendment 40C be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Sharon Dowey:** On a point of order, Presiding Officer. I am sorry—my app did not connect. I would have voted yes.

**The Deputy Presiding Officer:** I will make sure that that is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)

Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 120, Against 0, Abstentions 3.

*Amendment 40C agreed to.*

*Amendment 40D moved—[Shona Robison].*

**The Deputy Presiding Officer:** The question is, that amendment 40D be agreed to. Are we agreed?

#### Members: No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowe, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O’Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 119, Against 0, Abstentions 3.

*Amendment 40D agreed to.*

*Amendment 40E moved—[Shona Robison].*

**The Deputy Presiding Officer:** The question is, that amendment 40E be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)



Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 118, Against 0, Abstentions 3.

*Amendment 40E agreed to.*

**The Deputy Presiding Officer:** The question is, that amendment 40, as amended, be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Michael Marra:** On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

**The Deputy Presiding Officer:** I will make sure that that is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

## Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 121, Against 0, Abstentions 1.

*Amendment 40, as amended, agreed to.*

## Section 7—Issue of full gender recognition certificate to person with interim certificate

*Amendment 41 moved—[Gillian Martin].*

**The Deputy Presiding Officer:** The question is, that amendment 41 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed. Clare Haughey is online with a point of order.

**The Minister for Children and Young People (Clare Haughey):** On a point of order, Presiding Officer. I could not connect to the app. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Ms Haughey. I will make sure that your vote is recorded.

## For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Mackay, Gillian (Central Scotland) (Green)

#### Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 121, Against 1, Abstentions 1.

*Amendment 41 agreed to.*

*Amendment 42 moved—[Gillian Martin].*

23:30

**The Deputy Presiding Officer:** The question is, that amendment 42 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Mackay, Gillian (Central Scotland) (Green)  
 Mountain, Edward (Highlands and Islands) (Con)

#### Abstentions

Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 120, Against 2, Abstentions 1.

*Amendment 42 agreed to.*

#### After section 7

*Amendment 43 moved—[Ruth Maguire].*

**The Deputy Presiding Officer:** The question is, that amendment 43 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Pam Gosal (West Scotland) (Con):** On a point of order, Presiding Officer. I do not think that my vote went through. I would have voted yes.

**The Deputy Presiding Officer:** I will make sure that that is recorded, Ms Gosal.

#### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)

Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 87, Abstentions 0.

*Amendment 43 disagreed to.*

### Section 8—Gender recognition obtained outwith Scotland

*Amendment 44 moved—[Ruth Maguire].*

**The Deputy Presiding Officer:** The question is, that amendment 44 be agreed to. Are we agreed?

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 88, Abstentions 0.

*Amendment 44 disagreed to.*

*Amendment 45 moved—[Ruth Maguire].*

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

**Members:** No.

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

### For

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)

Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 36, Against 88, Abstentions 0.

*Amendment 45 disagreed to.*

#### Before section 8A

**The Deputy Presiding Officer:** I call amendment 46, in the name of Ruth Maguire, already debated with amendment 34. Ruth Maguire to move or not move.

**Ruth Maguire:** Not moved.

*Amendment 46 moved—[Sue Webber].*

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

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)  
 Marra, Michael (North East Scotland) (Lab)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O’Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Abstentions**

Mason, John (Glasgow Shettleston) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 49, Against 74, Abstentions 1.

*Amendment 46 disagreed to.*

*Amendment 47 moved—[Shona Robison].*

*Amendment 47A moved—[Paul O’Kane].*



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

**Members:** No.

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

The vote is closed.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** On a point of order, Presiding Officer. I could not connect. I would have voted no.

**The Deputy Presiding Officer:** I will ensure that that is recorded, Mr Beattie.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 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)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Burnett, Alexander (Aberdeenshire West) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)

Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 32, Against 70, Abstentions 22.

*Amendment 47A disagreed to.*

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

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 121, Against 0, Abstentions 3.

*Amendment 47 agreed to.*

#### Section 8A—Order authorising rejection of application for certificate

*Amendment 48 moved—[Shona Robison].*

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

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)

Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
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 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
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 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Wells, Annie (Glasgow) (Con)

Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 118, Against 0, Abstentions 6.

*Amendment 48 agreed to.*

*Amendment 49 moved—[Shona Robison].*

23:45

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

**Members:** No.

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

The vote is closed.

**Colin Smyth (South Scotland) (Lab):** On a point of order, Presiding Officer. My app seems to have frozen. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Smyth. I will make sure that that is recorded.

#### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
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 Greer, Ross (West Scotland) (Green)  
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 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
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 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
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 Hyslop, Fiona (Linlithgow) (SNP)  
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 Mochan, Carol (South Scotland) (Lab)  
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 O'Kane, Paul (West Scotland) (Lab)  
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 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)

Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Balfour, Jeremy (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Webber, Sue (Lothian) (Con)  
 White, Tess (North East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 118, Against 0, Abstentions 6.

*Amendment 49 agreed to.*

**Jeremy Balfour:** On a point of order, Presiding Officer. I would like to go back to the point of order that I made at the start of the debate about members with disabilities and caring responsibilities. It is now coming up to 12 o'clock. For those of us who have carers, they will now have to stay up well beyond 12 o'clock so that they can help us when we get home. Did the bureau consider that at its most recent meeting? Can you also tell us what time you expect this to end so that those—*[Interruption.]*

Presiding Officer, I appreciate that other members might not have these concerns, but those of us who do should be heard. Can you say when you think business will finish so that members who have to provide care will have some idea?

**Jackie Baillie:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** Can I deal with Mr Balfour's point of order first, and then return to you, Ms Baillie?

**Jackie Baillie:** Of course.

**The Deputy Presiding Officer:** I accept that you made that point of order earlier, Mr Balfour. The issue was discussed by business managers at their most recent meeting. The Presiding Officer laid heavy emphasis on precisely the points that you have made, but the business managers have agreed to continue business this evening until

group 13. I am not able to give you a precise time for finishing. It will depend on the length of the speeches and the number of votes.

**Jackie Baillie:** I am sure that we all appreciate that the time is approaching midnight. The difficulty that we have is that people are tired, mistakes will be made and there are substantive groups ahead of us. It would be a mistake to try to achieve all that, so I wonder whether you could consult with the business managers to see whether we can curtail business just now and resume tomorrow.

**The Deputy Presiding Officer:** Thank you, Ms Baillie. That reiterates Mr Balfour's point of order. As I say, we had a meeting with business managers about an hour ago and it was agreed that we would proceed until group 13. I invite those who have a similar view to Ms Baillie's to have a word with their business managers. If there is a prevailing view that we should not proceed as agreed at the most recent meeting of the business managers, there might be an opportunity to review that. There is not much more that I can add at this stage.

**Meghan Gallacher (Central Scotland) (Con):** On a point of order, Presiding Officer. I seek your guidance once more. In the run-up to the establishment of the Scottish Parliament, much was made of its proposed family-friendly principles. As it stands, the Parliament has today spent almost 10 hours debating the Gender Recognition Reform (Scotland) Bill. Many MSPs, including me, have young families and they will have had to make last-minute arrangements for childcare. If the Parliament is to conduct itself in such a way, Holyrood can no longer define itself as a family-friendly Parliament. My fear, as referenced earlier, is that I will not be the last MSP to state that late-night sittings are incompatible with working here while raising a young family.

Can the Presiding Officer advise whether late-night sittings are now standard, or whether amendments can be voted on over multiple dates, with the final debate taking place in January to better accommodate sitting hours?

**The Deputy Presiding Officer:** Thank you, Ms Gallacher. As I said to Mr Balfour, during the meeting with other business managers, the Presiding Officer laid heavy emphasis on precisely the points that you have made and which Mr Balfour made at the beginning of the meeting. She also laid heavy emphasis on the aspiration that the Parliament has always had to be family friendly. It is more than regrettable that we find ourselves in this situation, but, nevertheless, the group of business managers agreed earlier this evening to continue to group 13.

As I say, further discussions can be had with business managers, and I am sure that a further meeting can be arranged to discuss it, but that is the basis on which I am proceeding.

**Liam Kerr (North East Scotland) (Con):** On a point of order, Presiding Officer. Would the Presiding Officer accept a motion without notice to put the question raised by Jackie Baillie MSP to the Parliament to pause business and resume tomorrow?

**The Deputy Presiding Officer:** I thank Liam Kerr for that point of order. I am not inclined to accept the motion without notice at this stage, but in the interim I impress on the business managers that they should reflect on the comments that have been expressed across the chamber by a number of members and revisit the matter. On that basis, there might be an opportunity to look again at what was agreed at the most recent business meeting.

**Douglas Ross (Highlands and Islands) (Con):** On a point of order, Presiding Officer. I understand from that pause that you are perhaps waiting for business managers to convene again. As all the party leaders are in the chamber, would it be possible for us—the First Minister, me and the leaders of the other political parties—to assemble to look at the timetabling of the bill proceedings and consider what we can agree on to take the issue forward?

**The Deputy Presiding Officer:** Thank you, Mr Ross. I appreciate the offer, but it is really a matter for the business managers, and I cannot add much to what I have said.

We move to group 10, which is on certificates obtained by fraud. Amendment 108, in the name of Jamie Greene, is grouped with amendments 110, 114 to 116, 138 and 139.

**Jamie Greene:** I am as keen as anyone to get through the bill, but before I speak to this group of amendments, may I suggest that we give the business managers a few minutes in an adjacent room to have a discussion? I would be happy to postpone for a few moments to let them make a decision. There is clearly strength of feeling coming from all quarters on the matter, Presiding Officer, and I seek your guidance on whether that could happen.

**George Adam:** On a point of order, Presiding Officer. I am quite happy—[*Interruption.*]

**The Deputy Presiding Officer:** Can we have a bit of quiet?

**George Adam:** It is obvious that everyone wants to see what the business managers would do, so I am happy to have a conversation with my fellow business managers to discuss that and take it from there.

**The Deputy Presiding Officer:** Thank you, minister. I appreciate that. There will be a brief suspension to allow business managers to have the discussion.

23:54

*Meeting suspended.*

00:11

*On resuming—*

## Motion without Notice

**The Presiding Officer (Alison Johnstone):** Colleagues, the Parliamentary Bureau has agreed to suspend proceedings at this point, and I am minded to take a motion without notice to amend Wednesday's business programme to remove the members' business debate in the name of Jim Fairlie and to resume consideration of stage 3 amendments to the bill at 1.15 pm. I invite George Adam to move the motion.

**The Minister for Parliamentary Business (George Adam):** Thank you, Presiding Officer. I am happy to move,

That the Members' Business debate in the name of Jim Fairlie be removed from Wednesday's Business and consideration of amendments be resumed at 1.15 pm on Wednesday.

**Douglas Ross (Highlands and Islands) (Con):** As our proceedings come to a close, Presiding Officer, I would just reflect that Tuesday sittings should not continue into Wednesday for anything other than emergency legislation. It is deeply disappointing that the Government—*[Interruption.]*

**The Presiding Officer:** Colleagues, I ask that we hear Mr Ross, please.

**Douglas Ross:** It is deeply disappointing that the Government has timetabled this legislation in such a way. I see that the First Minister remains in the chamber, so I hope that she will go away this morning and consider with her Government colleagues the remainder of the timetabling for the Gender Recognition Reform (Scotland) Bill. It does not need to be pushed through in the final hours and days before we break for the Christmas recess.

I also ask that we as an entire Parliament put on record our thanks to its staff. *[Applause.]* Our security staff, the catering staff, the chamber staff and the information technology staff have stuck with us today and will be with us if the Government—*[Interruption.]*

**The Presiding Officer:** Thank you, members.

**Douglas Ross:** —if the Government continues with this timetable. We thank the staff for their efforts, and I hope that the First Minister will reconsider the attempt that she is making to railroad this legislation through at such pace.

**The Presiding Officer:** The question is, that the motion that I described be agreed to.

*Motion agreed to.*

**The Presiding Officer:** I close the meeting.

*Meeting closed at 00:13.*





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