



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Meeting of the Parliament

Tuesday 25 June 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 25 June 2024

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
<i>Motion moved—[Jamie Hepburn]—and agreed to.</i>	
TOPICAL QUESTION TIME	4
MV Glen Sannox and MV Glen Rosa (Delivery update)	4
Linwood Industrial Estate Fire	8
BUSINESS MOTION	12
<i>Motion moved—[Jamie Hepburn]—and agreed to.</i>	
CIRCULAR ECONOMY (SCOTLAND) BILL: STAGE 3	13
MOTION WITHOUT NOTICE	161
<i>Motion moved—[Jamie Hepburn]—and agreed to.</i>	
DECISION TIME	162

Scottish Parliament

Tuesday 25 June 2024

[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, and our time for reflection leader today is the Rev Margaret McArthur, the minister of Cardross parish church.

The Rev Margaret McArthur (Cardross Parish Church): Good afternoon.

“But you must not forget this one thing, dear friends: One day is like a thousand years to the Lord, and a thousand years is like one day.”

Those words of Scripture certainly put time into perspective. This time for reflection is but a brief moment for all of you, and I hope that it provides that most precious of things: time—time to set aside the business of politics to find some peace and perspective.

Recently, debates have been scrutinised by commentators who have spoken in terms of sides, opponents, winners and losers and who have said how fierce or feeble the debate might have been. However, you are, first and foremost, human beings. You have lives outwith politics, families to care for, interests to pursue and the company of friends to enjoy.

Take time to reflect on the good things that you have achieved. Take time to reflect that, when labouring a point too much, you might lose a friend as a result. Take time to reflect that there is much that can be achieved together in the common fight against want and the social problems that are faced by those in our communities, who look to you for help to better their lives. That is a heavy responsibility, and having enemies just adds to the burden.

Much more can be achieved when personal feelings and ambitions give way to the common weal and when we treat others with respect—when we talk not about “this side” and “that side” or “them and us” but about just “us”.

My parish of Cardross, which has connections to Robert the Bruce, is, I am sure, well known, but let me share the story of a humbler resident from the past. Her story is one that spans time, and it highlights the divide that still exists between rich and poor. A girl named Jean Watson took meat from the laird’s store to feed her family. Fearing retribution, she fled. Facing a burn in stormy spate, she swore that, if she were ever able to,

she would have a bridge built there. Life turned out well, and she was, indeed, able to provide the bridge, which still to this day bears the inscription, “Not we, but God.”

Time rolls on. People come and go. Empires rise and fall,

“But you must not forget this one thing, dear friends: One day is like a thousand years to the Lord, and a thousand years is like one day.”

In all the deliberations, the debates and the demands of politics, take time to reflect that what is done in this Parliament or in any other will be but a moment in millennia, so it must count.

Bless you today and every day.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-13779, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to business. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

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

(a) Tuesday 25 June 2024—

delete

9.00 pm Decision Time

and insert

10.10 pm Decision Time

(b) Wednesday 26 June 2024—

after

2.00 pm Portfolio Questions:
Constitution, External Affairs and
Culture, and Parliamentary Business;
Justice and Home Affairs;
Education and Skills

insert

followed by Ministerial Statement: European
Structural and Investment Funds

(c) Thursday 27 June 2024—

after

12.00 pm First Minister's Questions

insert

followed by Standards, Procedures and Public
Appointments Committee Debate:
Standing Order Rule Changes -
Procedures on Consent in Relation to
UK Parliament Bills

followed by Appointment of Scottish Minister and
Junior Scottish Minister

delete

2.15 pm Decision Time

and insert

2.30 pm Decision Time—[*Jamie Hepburn*]

Motion agreed to.

Topical Question Time

14:05

**MV Glen Sannox and MV Glen Rosa
(Delivery update)**

1. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the delivery of the MV Glen Sannox and MV Glen Rosa, in light of reports that a senior programme director has been removed from the project. (S6T-02059)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The Scottish Government was informed on 19 June by Ferguson Marine that the ship delivery director's contract had been terminated as a result of a breakdown in trust. That is wholly a decision for Ferguson Marine. I can, however, confirm that the interim chief executive officer of Ferguson Marine provided his most recent update on MV Glen Sannox in a letter to the Net Zero, Energy and Transport Committee on 31 May 2024, in which he states that the yard is working

"to achieve the handover date of 31st July 2024."

Jamie Greene: The phrase "breakdown in trust" is interesting. There has been an awful lot of trust broken between our island communities and the Government, unfortunately. This latest loss of expertise, right at the very top of the yard, comes just three months after Ferguson's well-respected chief executive was also unceremoniously sacked from his position. Why are the relationships breaking down in the yard? That is helping nobody, not least the workers in the yard.

David Tydeman was apparently sacked on the grounds of poor performance, but I think that everybody knows the truth: it is more likely that he was sacked from his position because he was simply speaking uncomfortable truth to power about this whole sorry saga. What our islanders and the workers at the Ferguson Marine yard deserve is some straight-talking truth from ministers and not bad news that is going to be snuck out after recess.

Let me ask specifically, in case it was not clear the first time round, will the MV Glen Sannox be delivered to Caledonian Maritime Assets Ltd by the end of July—yes or no?

Kate Forbes: In the past few weeks, I have met the chair and the chief executive. I have made my expectations very clear to them, and both of them have confirmed to me that they see no change to the commitment to deliver the vessel by the end of July. Obviously, the chief executive will continue to keep the Net Zero, Energy and Transport

Committee informed but, certainly, face to face in those conversations and publicly in the written letters that he has issued to the relevant committee, he has made clear the commitment to meet the 31 July deadline.

Jamie Greene: I am sorry to say this to the cabinet secretary but, knowing that this topical question was coming up in the chamber today, should she not have picked up the phone and spoken to the chief executive to get an update on the status of the ships today, rather than basing her answer on a letter from weeks ago? The situation is not good enough for our island communities. The vessels are nearly six years late and they are approaching £0.5 billion in cost, with the figure still rising. All the while, the yard has no certainty over its long-term future. The phrase that is being used by workers at the yard is that time is running out. They are absolutely right: time is running out for the yard.

When will the Government make a decision on the small vessel replacement programme? When on earth will the Government finally get a grip of the endless disruption that our islands face as a result of this whole sorry saga?

Kate Forbes: The member will know that I said just a matter of days after coming into office that we expected that decision to be announced imminently. A few days later, the member's boss—the Prime Minister—called an election and we have since been tied up with purdah, unable to make public announcements. We hope to be in a position to make a public announcement as soon as we are permitted to do so.

Stuart McMillan (Greenock and Inverclyde) (SNP): It is important to remember that the key reason why the Scottish Government stepped in to save Ferguson Marine was to protect jobs in an area of high deprivation and unemployment. Can the cabinet secretary give details on how many people have been employed since then? How have local businesses benefited? How many young people have secured apprenticeships at the yard?

Kate Forbes: Stuart McMillan has been a long-standing advocate for the yard and for the local community, both of which are a priority for the Government. Currently, 288 staff are employed at the shipyard. Since the shipyard became publicly owned, 72 apprentices have been employed, with two thirds of those remaining with the yard after completing their apprenticeships. Recently, one of the yard's young female apprentices won the Scottish engineering graduate apprentice of the year award, which is a fantastic achievement that highlights the commitment of the business to developing future talent.

Katy Clark (West Scotland) (Lab): The Deputy First Minister will be aware of the anger and distress on Arran and other islands, given the delays and the unreliability of the ferry service. Workers at Ferguson Marine are in a similar position. Last year, the then chief executive officer warned that urgent investment was needed by last Christmas to enable essential reconfiguration at the site. We are very much aware that the Deputy First Minister took part in a summit, but can she give an update, given that the investment is both urgent and essential?

Kate Forbes: There was a lot in Katy Clark's question—including islanders, future investment and workers at the yard. Let me take them one at a time.

First, we recognise the impact on Arran residents. The Cabinet Secretary for Transport has stressed to CalMac that everything must be done to address capacity and provide assurances for the community as we approach the peak summer season.

We have been progressing work in relation to the request for investment at the yard. When I met representatives of the unions at the beginning of May, we said that the outcome of that due diligence work was due in a matter of days, and that was true at the time. I am very keen to be in a position to publicly announce what we will be able to do next, and I look forward to being out of purdah in order to do that.

Willie Rennie (North East Fife) (LD): The Deputy First Minister talks about trust. She seems to be trusting the board and the chief executive an awful lot in this circumstance. Those are the people who got rid of the two widely respected individuals who were brought in to rescue the project when it fell apart some years ago. How does the Deputy First Minister have that confidence? What steps has she taken to get the expertise, from outside the Government and beyond, to know that those are the right steps—especially as Mr Crossan has returned to CMAL? He is not discredited; he still has his job. Why has that happened, and what is the Deputy First Minister going to do about it?

Kate Forbes: There are a number of different points here. On the matter of getting the expertise, we have taken steps to ensure that we have as much expertise as possible when it comes to informing our decision. For example, in my answer to Katy Clark, I was talking about getting the right due diligence on the investment work that is required. CMAL has indicated that it will continue to lend full support to Ferguson Marine Port Glasgow to deliver the MV Glen Sannox. It will utilise other members of the technical team where appropriate, as we are all committed to delivering the Glen Sannox according to schedule.

The Presiding Officer (Alison Johnstone): I am keen to take further supplementary questions from members, but I would be grateful if questions were concise.

Kenneth Gibson (Cunninghame North) (SNP): I was in Arran on Sunday, and there are real concerns there about vessel capacity. Arran is struggling with the capacity constraints that have been caused by repairs to the MV Caledonian Isles, which are taking it out of service. Can the cabinet secretary give an update on on-going work to bring that vessel back into service urgently? With the Arran farmers show and Brodick highland games taking place in early August, how will CalMac ensure that the island has adequate capacity as summer progresses?

Kate Forbes: The member is right to raise that. We see the significant impact on Arran residents, communities and businesses of the reduced capacity of the ferry to Arran following the outage of the MV Caledonian Isles for essential steelwork repairs. The Cabinet Secretary for Transport has been communicating with CalMac to try to get everything done as quickly as possible so as to address capacity and provide assurances. She is getting regular updates on when the vessel will return to service, and we understand from CalMac that that is currently expected in August. Interim arrangements are currently in place to help with capacity, with MV Alfred operating on the Arran route and additional crew being available to maximise the vessel's passenger capacity throughout this period.

Graham Simpson (Central Scotland) (Con): What led to the breakdown in trust between the board and the programme director?

Kate Forbes: The decision was taken entirely by Ferguson Marine and its board. In terms of moving forward, CMAL has committed to continue to work with Ferguson Marine to ensure that both vessels are delivered as quickly as possible. As the decision was taken by the board, it would be appropriate for the board, rather than Scottish ministers, to speak to the situation.

Paul Sweeney (Glasgow) (Lab): Is it not the case that this chairman, who has no shipbuilding experience, is repeatedly sacking those who do have it for telling him uncomfortable truths about the operational realities of delivering a highly complex programme that is on track—as it has been for months—for handover this summer? That has not changed. All that has changed is that the chairman seems to be carrying out a face-saving exercise on the operational workforce, which is leading the project as best it can.

Kate Forbes: I have confidence in the chair of Ferguson Marine and in the chief executive to deliver the work that has been set out. Having met

them individually very recently, as well as the chief financial officer, I have made my expectations clear and they have provided me with assurances. The chief executive is also aware that he is under parliamentary scrutiny and answerable to the Scottish Parliament committee. He will provide his next quarterly update to that committee.

Linwood Industrial Estate Fire

2. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government what its response is to the reported public safety and environmental concerns arising from the fire at Linwood industrial estate on 23 June. (S6T-02058)

The Minister for Victims and Community Safety (Siobhian Brown): I thank the Scottish Fire and Rescue Service crews, along with all our emergency services, for their sterling efforts in tackling the large and complex fire that broke out at the Enva recycling facility on Sunday. At its height, 10 appliances and 50 firefighters were at the scene. Thankfully, there were no casualties and, as of this morning, the Scottish Fire and Rescue Service has confirmed that one fire appliance and one height appliance remain in attendance, with firefighters working to eliminate any remaining hot spots and dampen down.

As a precaution, early yesterday morning local residents were advised to remain indoors with windows and doors shut. That advice was lifted later yesterday morning. As part of a multi-agency response, the Scottish Environment Protection Agency is actively engaged in the situation and is working closely with public sector partners, including Public Health Scotland and Greater Glasgow and Clyde Health Board, to mitigate any potential impact on the surrounding community and environment.

I am pleased to say that there is no on-going risk to public safety and that the cause of the fire will be the subject of an immediate and thorough investigation, as would normally happen.

Neil Bibby: I thank the minister for that answer, and I join her in extending my thanks to the 55 firefighters who attended for their bravery and professionalism in tackling the fire, and to the police, SEPA and council officials who have also responded. The scale of the fire at the waste recycling plant was significant—it could be seen for many miles across Renfrewshire, Glasgow and beyond.

There has also been significant concern about the fire's environmental impact. As the minister mentioned, local residents were urged to close windows and doors to avoid toxic smoke. Debris and ash have been reported landing on people's properties many miles away. What advice has been or will be given on what people should do if

they have battery debris or any other debris from the fire, for example, in their gardens or on their cars?

Siobhian Brown: SEPA has confirmed that there were no compliance issues around the site that it was aware of. The site was deemed to be low risk, with no impact on amenity, and it is well managed. It deals only with waste electrical and electronic equipment.

Any constituents in the area who have any residue from the fire in their gardens should contact the local authority. I know that SEPA has a working group, and it will be liaising with the local authority and the SFRS.

Neil Bibby: I hope that the authorities will make that advice publicly available rather than just asking constituents to seek it. That would be helpful.

The recycling of electric batteries is only going to become more prevalent, and given that there was another fire at the industrial estate in 2022, will the minister work with the industry to ask the Scottish Fire and Rescue Service and SEPA to publish a full report not just on what happened, but on what the risks were, what they could be in the future and what mitigations can be put in place in order to maintain public confidence in the future?

Siobhian Brown: I think that we will have to wait for the thorough investigation to be concluded before we make any commitments in that regard. For the member's information, he might like to know that, along with other United Kingdom nations, the Scottish Government is reviewing the UK-wide batteries regulation, which applies to placing batteries on the market and to waste battery issues, including recycling.

We are considering the changes that are needed to provide an appropriate framework for the increasing number of electric vehicle batteries that are arising as waste and how they can best be managed in the UK market. That will include looking at opportunities for better regulation.

The Presiding Officer: If we have concise questions and responses, I can take a few more questions from members.

Clare Adamson (Motherwell and Wishaw) (SNP): I, too, thank the emergency services for their response.

The Scottish Fire and Rescue Service has presented to the cross-party group on accident prevention and safety awareness on so-called zombie batteries. Although investigations are ongoing on this particular situation, I note that lithium-ion batteries must be appropriately disposed of and contained as they are recycled. Consumer action is vital in that respect. What action can the Scottish Government take to raise

consumer awareness of the safe and appropriate disposal of rechargeable batteries, in particular in goods such as vapes, toothbrushes and USB-charged devices?

Siobhian Brown: Clare Adamson might be aware that the SFRS has in place a bespoke working group that focuses on the risks of lithium-ion batteries. Its findings will bolster our community safety messaging. The working group has been expanded to include a number of stakeholders and to assist in a number of workstreams, including the planning and consultation process for battery energy storage systems, which I hope will raise awareness of the issue among the public.

Maurice Golden (North East Scotland) (Con): I, too, thank the fire service for its efforts. Fortunately, no one was hurt. Although the exact cause of the fire has yet to be established, we must recognise that waste facilities, especially battery recycling facilities, are at risk of incidents. That is why I have repeatedly raised safety concerns, such as those around the handling of lithium-ion batteries and gas canisters. Back in 2022, the Scottish Government told me that discussions were on-going with the waste sector. Will the minister tell us what action has been taken since then?

Siobhian Brown: As I have said previously, there is a bespoke working group, and the UK Government is currently reviewing the UK-wide batteries regulation. The Scottish Government is clear that battery energy storage is an essential component of the decarbonised electricity grid, and that we need bold action to tackle the climate emergency. Scotland has extensive renewable generation capabilities with which to accelerate our just transition to net zero.

Mark Ruskell (Mid Scotland and Fife) (Green): The scenes that we saw were absolutely horrific, and I pay tribute to the emergency services. We never want to see such scenes again, but we have seen such fires repeatedly across Scotland, particularly at Friarton in Perth, where one incident led to a tragic loss of life.

Does the minister agree that those who manufacture and sell disposable electronic devices need to take more producer responsibility for their products, including through take-back schemes in which they can invest in proper health and safety requirements that will keep them safe and enable those products to be recycled?

Siobhian Brown: I share Mark Ruskell's concerns. Since 2023, there have been 1,200 fires across the UK, which is an increase of 71 per cent from 2022; we have had four such fires in Scotland. I am in agreement with Mark Ruskell.

Paul O’Kane (West Scotland) (Lab): I join colleagues in offering thanks to all the emergency services that attended the fire. As we have heard, the plume of smoke could be seen from some miles away, and it drifted several miles northwards. Concern was raised with me locally that it took several hours for the public health information that people should close their windows and stay indoors to be forthcoming, and there was a sense of fear and alarm in the surrounding area. What learning will be done with civil contingency partners to understand how events unfolded that evening? How will the minister ensure that local residents are kept informed of the investigations?

Siobhian Brown: As I said to Paul O’Kane’s colleague Neil Bibby earlier, we will ensure that there is consultation and that information is put out in the public domain. Lessons can be learned. A working group was set up immediately with SEPA, the local health service and the SFRS, and we will continue to engage and let the community know what is happening.

Business Motion

14:24

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-13760, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Circular Economy (Scotland) Bill. Any member who wishes to speak to the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees that, during stage 3 of the Circular Economy (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 and 5:	2 hours 30 minutes
Groups 6 and 7:	3 hours 35 minutes
Groups 8 to 10:	5 hours
Groups 11 to 13:	7 hours
Groups 14 and 15:	7 hours 30 minutes.—[<i>Jamie Hepburn</i>]

Motion agreed to.

Circular Economy (Scotland) Bill: Stage 3

14:24

The Presiding Officer (Alison Johnstone):

The next item of business is stage 3 proceedings on the Circular Economy (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—Scottish Parliament bill 31A—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 in the chat box as soon as possible after I call the first amendment in that group. Members should now refer to the marshalled list of amendments.

Before section 1

The Presiding Officer: Group 1 is on the purpose of circular economy. Amendment 38, in the name of Maurice Golden, is the only amendment in the group.

Maurice Golden (North East Scotland) (Con): Amendment 38 reduces confusion and greenwashing by creating a single definition of the circular economy for all stakeholders.

It is important that we define what the circular economy is, and that is what the purpose provision would do. Clarification is particularly important, not least because we have before us a circular economy bill that, as drafted, will not deliver a circular economy. It is currently a waste and littering bill, although I think that amendment 38, and others to be considered today, can improve the bill and bring it closer to achieving a circular economy in Scotland.

I move amendment 38.

Sarah Boyack (Lothian) (Lab): I very much welcome amendment 38, in the name of Maurice Golden, which is similar to one that I lodged at stage 2 that did not receive enough support at that point.

I also welcome the amendment's language about "goods, products and materials" because I pushed that issue at stage 2. Having a section on purpose in the bill would help to provide clarity about what we want a circular economy in Scotland to look like. That would help to ensure

that the strategy and targets that will be created as a result of the bill are coherent. It would also send out a signal to industry and consumers, so that everyone can consider their actions and behaviour and what they can change to ensure that "goods, products and materials" are kept in use for longer. It will mean not just talking about the waste hierarchy but getting on with managing our waste in line with that.

A section on purpose would also send a signal to the wider public sector. Local authorities take decisions every day about managing their waste services, so setting out the purpose of a circular economy here in Scotland will help them to make the right, focused decisions and will ensure that we progress towards a circular economy for the long term.

The bill is called the Circular Economy (Scotland) Bill, so we must ensure that it is not just a recycling bill. This purpose amendment would be incredibly helpful in delivering on the title of the bill and I therefore encourage members across the chamber to support amendment 38.

The Minister for Climate Action (Gillian Martin): As I said during stage 2 consideration of the bill, although I very much understand the sentiment behind amendment 38, I cannot support it.

In the first place, the amendment claims to set out a purpose for the whole of the bill but, in reality, it attempts to describe a circular economy. As a result, its legal effect is limited and uncertain.

Specifically, amendment 38 refers to "just transition principles" under section 35 of the Climate Change (Scotland) Act 2009, a reference to which was included in the bill as amended at stage 2 as one of the many issues that ministers "must have regard to" in preparing the circular economy strategy. The majority of the other issues in Mr Golden's purpose provision are already included in section 1(3) of the bill, or will be discussed later today as part of consideration of amendments relating to the circular economy strategy. That discussion will include additions to section 1(3) to recognise

"due diligence in relation to environmental protection and human rights",

managing waste within Scotland, and amendments to section 1(4) regarding

"the wider environmental impact of particular sectors and systems",

which I will be happy to support. Those changes to the bill will have direct legal effect and will allow Parliament to hold ministers to account for the content of the strategy, which will provide the overall framework for wider policy in the area.

14:30

In contrast, amendment 38 is not linked to the substantive sections of the bill and would not impose any duties or obligations, so it would have no legal effect. It would be unhelpful to have in the bill a purpose provision that did not reflect the legal effect of the sections on the strategy and targets, as they will be amended. The term “circular economy” appears only in sections 1 to 7, and the remaining sections mostly amend other legislation.

Graham Simpson (Central Scotland) (Con): I am somewhat confused by the minister’s approach. Does she not accept that, given that we have a circular economy bill, we at least ought to know what is meant by “circular economy”? That is what amendment 38 sets out. Is the minister against having a purpose in the bill or is she just against Maurice Golden’s version of a purpose?

Gillian Martin: There is no international definition of “circular economy” and, if we included one in the bill, we would risk the terminology becoming outdated. Knowing Maurice Golden as I do, I think that there is a chance that he might end up creating an international definition of “circular economy” but, for the moment, there is no recognised definition of that.

Douglas Lumsden (North East Scotland) (Con): Will the minister take an intervention?

Gillian Martin: No—I want to get to the end of my comments on the amendment.

In short, the Scottish Government’s view is that amendment 38 does not work legally and would not add value to what is already in the bill. On that basis, I cannot support it.

The Presiding Officer: I call Maurice Golden to wind up and to press or withdraw amendment 38.

Maurice Golden: I am conscious that we have many amendments to dispose of today, so I simply press my amendment.

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

Members: No.

The Presiding Officer: There will be a division. As this is the first division at stage 3 of the bill, I will suspend the meeting for about five minutes to allow members to access the voting system.

14:32

Meeting suspended.

14:37

On resuming—

The Presiding Officer: We come to the vote on amendment 38. Members should cast their votes now.

The vote is closed.

The Minister for Parliamentary Business (Jamie Hepburn): On a point of order, Presiding Officer. Unfortunately, the app was not working. I would have voted no for myself and no as a proxy vote on behalf of Richard Lochhead.

The Presiding Officer: Thank you, Mr Hepburn. We will ensure that those are recorded.

Michelle Thomson (Falkirk East) (SNP): On a point of order, Presiding Officer. Inexplicably, my application closed suddenly, and I was unable to vote. I would have voted no.

The Presiding Officer: Thank you, Ms Thomson. We will ensure that that is recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 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)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment 38 is: For 48, Against 64, Abstentions 0.

Amendment 38 disagreed to.

Section 1—Circular economy strategy

The Presiding Officer: Group 2 is on the circular economy strategy. Amendment 31, in the name of Mark Ruskell, is grouped with amendments 93, 94, 39 to 41, 95, 42, 65, 72, 96, 97, 43, 98, 44, 44A, 45, 73, 74, 66, 33, 75 and 76.

Mark Ruskell (Mid Scotland and Fife) (Green): This is a large group of amendments, so I will try to be as succinct as Maurice Golden was.

Amendments 31 and 33 set out a requirement for ministers to

“set out improvement plans for ... Minerals”

that are critical to the green energy transition. The minerals include copper, lithium, nickel and iron, which are vital for renewables and for the battery technologies that we will use in the decades to come.

Members will be aware that mining those materials has serious social and environmental consequences, and that demand for them is going to grow rapidly. Given their importance, it is vital that the Government considers how reuse and recycling of those materials across the energy sector can be developed. We are already seeing focus on the onshore wind sector and on repowering turbines, and there are great supply chain and economic opportunities around that. However, planning and leadership from the Government are needed.

I lodged similar amendments at stage 2: I thank the minister for discussing the issue again ahead of stage 3. I recognise that primary legislation might not be the most appropriate place for this complex issue, but I seek assurances from the minister that those critical matters will be addressed in the Scottish Government’s work on energy policy—particularly the energy strategy and the just transition plan.

Development of a circular economy is key to tackling the twin crises of climate change and biodiversity loss. Throughout the passage of the bill and in evidence, we have heard about the importance not only of reducing the amount of

resources that we consume but of reducing the carbon emissions that are associated with the goods, products and services that we all need and use.

We should always be focused on having an economy in which we not only reduce the amount of materials that we consume but reduce their carbon impacts. I am grateful to the minister for the constructive discussions that we have had on that.

Following those discussions, I lodged amendments 40, 41 and 42, to ensure that the characteristics of a desirable economy that are set out in section 1(3) of the bill include not only reducing consumption of products and materials but reducing their whole-life-cycle carbon emissions. That will help to lay the foundations for the deep transformations in the economy that we need to happen during the next 20 years, as we start to head towards net zero. I urge members, across parties, to support the amendments.

On amendment 43, during discussions with many stakeholders I heard about the importance of education and skills. In its stage 1 report, the Net Zero, Energy and Transport Committee highlighted the importance of behaviour change. I was pleased that, at stage 2, the Scottish Government lodged an amendment to ensure that that will be taken into account when developing a circular economy strategy.

Amendment 43 expands on that to ensure that education and skills are also specifically taken into account by ministers in the development of the strategy. The Organization for Economic Co-operation and Development estimates that, globally, we will have 18 million new jobs in the circular economy by 2040. Our young people need the skills to access those new jobs. There is a precedent for that; in the Irish Circular Economy and Miscellaneous Provisions Act 2022, there is a strong focus on education. I ask members to support amendment 43.

Another issue that has been raised regularly with me by stakeholders is the importance of action to move up the waste hierarchy—in particular, strengthening of the commitment to reuse schemes such as refill and take-back. Amendment 44 would insert in section 1 a requirement that

“In preparing the circular economy strategy, the Scottish Ministers must have regard to the role that reuse, refill and take-back schemes have in contributing to the development of a circular economy.”

I again thank the minister for our discussions on the matter. I am sure that, during our proceedings this afternoon, she will receive many thanks for the positive cross-party discussions that have taken place throughout stages 2 and 3.

I welcome the minister's commitment to developing a product stewardship plan as part of the draft waste and circular economy route map, which will take those issues fully into account.

14:45

I believe that my amendment 44 would ensure that those issues would be actively considered. I note, though, that Maurice Golden has lodged amendment 44A, which is an amendment to my amendment 44, to add detail to how such schemes

“will prioritise products and packaging”.

It is important to ensure that there is flexibility in how all manner of potential reuse, refill and take-back schemes are developed. It is therefore important that the Government has flexibility, so I urge members to support amendment 44 as it stands, without Mr Golden's amendment to my amendment.

Given that I am opening the debate on this group, I will offer some brief remarks on other amendments in the group. Clare Adamson's amendment 45 and Bob Doris's amendment 73 would add important requirements for ministers to

“have regard to ... workplace safety”

and “international impacts” when preparing the strategy. I will be happy to support those.

I will also support Monica Lennon's amendment 95, which would require that reusable items be prioritised over single-use items in the strategy wherever possible. I know that it will not be possible to do so in every case, but it is important to have that aim. Amendment 95 is supported by many non-governmental organisations, and I hope that the minister will consider supporting it, too.

I will also support Maurice Golden's amendment 98, which requires ministers to “have regard to” critical sectors that have come up in evidence, “including construction”, when preparing the strategy.

Finally, I have sympathy with the thinking behind Maurice Golden's amendment 65 and Sarah Boyack's amendment 93, on ensuring that waste is “managed in Scotland” rather than being shipped overseas, but I will listen to the minister's arguments before I make up my mind on those.

I move amendment 31.

Sarah Boyack: Amendment 93, which is in my name, would require the circular economy strategy to set out how offshoring of waste would be reduced. During our discussions at stage 2, there was considerable support for attempts to ensure that the offshoring of Scotland's waste is reduced through the bill's provisions.

Statistics that were published last year by the Scottish Environment Protection Agency revealed that 6,500 tonnes of waste had been shipped overseas from Scotland between 2018 and 2022. If the bill is to achieve a truly circular economy, that needs to stop. That is why it is essential that the strategy sets out steps to reduce offshoring of waste. I have seen the impact of rubbish littering coastlines abroad. We need to ensure that we do the right thing here.

Amendment 96, in my name, would strengthen the requirements that the Scottish ministers must take into account when devising the circular economy strategy. A number of them reflect the purposes of a circular economy. It is my expectation that amendment 96 would ensure that the strategy would take those factors into account.

There is a raft of really positive amendments in the group. Those from Mark Ruskell, Maurice Golden and Ben Macpherson cover important issues including critical materials and the

“whole life-cycle carbon emissions of goods”.

Maurice Golden’s amendment 98 highlights the need to ensure that key sectors of the economy are involved in the creation of a strategy that reduces the impact of waste. Reduction of

“construction materials, steel, plastics and textiles”

is good not only for our waste economy but for our climate.

Paul Sweeney (Glasgow) (Lab): Sarah Boyack has made excellent points in support of her amendment 98. Does she share my frustration at the Government’s lack of a joined-up strategy on those aspects—in particular, on green steel? We export enough steel to be self-sufficient in steel manufacturing, but there is no link to initiatives such as the development of electric arc furnaces to ensure proper circular use of steel in our country.

Sarah Boyack: I clarify that amendment 98 is not in my name but in Maurice Golden’s; I am simply indicating my support for it. However, I very much agree with Paul Sweeney’s point.

Ben Macpherson’s amendment 66 highlights several issues that we need to address. Clare Adamson’s amendment 45, on the importance of consumer and workplace safety, also mentions critical factors and needs to be supported. My colleague Monica Lennon has lodged a series of excellent amendments, which I hope members will support.

I am conscious that this will be a long debate, so I will not make a mini-speech on every amendment.

Monica Lennon (Central Scotland) (Lab): I agree with Sarah Boyack—there are some

important amendments in the group. I will not speak to them all, but I think that Mark Ruskell, in opening consideration of the group, got off to a good start—in particular, with regard to his amendment on “critical minerals”.

As many people have pointed out during scrutiny of the bill, it is a framework bill, which means that the main effects of the legislation will become apparent later, after publication of the secondary legislation and strategy. It is important, therefore—indeed, it is crucial—that we get things right at this stage. That includes ensuring that the right requirements for the strategy are in the text of the bill. The amendments in the group are therefore important, as we have heard.

My amendments 94 and 97 seek to strengthen the bill’s alignment with the Climate Change (Scotland) Act 2009. At stage 2, the Scottish Government lodged an amendment requiring ministers to

“have regard to the just transition principles set out in ... the Climate Change ... Act”.

However, that amendment did not include all the subsections in section 35 of the 2009 act, which contain specific requirements for the climate change plan in relation to employment, the regions, and support for the workforce, businesses and communities.

Key stakeholders, including the Just Transition Partnership and Friends of the Earth Scotland, agree with Scottish Labour that the definition of “just transition” that we have seen at stage 2 is too narrow. Amendments 94 and 97 would implement subsections (20) and (21) of section 35 of the 2009 act. That is important, because it would require the Scottish Government to consider

“how any proposals and policies”

will

“affect different sectors ... and ... regions”

of the economy; to support sectoral and regional developments; and to

“set out ... costs and benefits”

of policies. I ask colleagues to back amendments 94 and 97 in order to draw from the best practice in the 2009 act and to ensure that our transition towards a circular economy is a just transition.

Amendment 72 would require the strategy to consider human rights and environment impacts in supply chains. I thank Friends of the Earth Scotland and Scottish Environment LINK for supporting amendment 72, and I thank the Minister for Climate Action for engaging constructively with me and with Scottish Labour on the amendment following stage 2.

During stage 2, we discussed at length the impact of policy in Scotland on other countries, in particular with regard to how resource demand here can impact on other parts of the world, especially in the global south, in both an environmental context and a human rights context. The importance of due diligence in supply chains was highlighted many times. Amendment 72 would strengthen the strategy's commitment to

"due diligence ... in supply chains",

thereby ensuring that we maximise the environmental and social benefits in Scotland and internationally.

I am grateful to Mark Ruskell for his support for amendment 95, which aims to strengthen the strategy with regard to promoting reuse. At stage 1, we heard concerns that the bill was too recycling focused; some people called it "a recycling bill". People were looking for more on other aspects of the waste hierarchy—in particular, reuse.

I am pleased, therefore, that the Scottish Government has sought to address that further at stage 2 and to provide more reassurance. Scottish Labour would, however, like the bill to go further and to strengthen the provision in relation to the waste hierarchy. My amendment 95, which would require that

"reusable items are given priority over single-use items wherever possible",

is backed by key stakeholders, including Scottish Environment LINK's sustainable economy group, which has provided valuable expertise in scrutiny of the matter.

Amendment 74 relates to how ministers prepare the circular economy strategy, and states that they

"must have regard to ... encouraging equal opportunities ... and ... furthering the reduction of inequalities of outcome which result from socio-economic disadvantage."

The minister and I had some good discussions in which we agreed that we need to take a gender-sensitive approach when we are thinking about transitioning towards a circular economy. I will not talk about nappies too much just now, because that will come in a later group, but it was through our discussion of how an item—I see that Douglas Lumsden is giggling. I am sure that he will have a lot to say on that later.

That is partly the point; there is a wee bit of embarrassment about items such as nappies. That led us into a discussion about stigma and the gendered aspects of the issue, which is perhaps why we have noticed that there is not enough policy development in that regard.

Douglas Lumsden: There is certainly not any embarrassment about nappies; I am just surprised that Monica Lennon did not raise the issue sooner.

Monica Lennon: I aim to surprise. We will talk about the issue later.

Amendment 74 speaks for itself, and I hope that members will support it. I am pleased to have worked closely with the minister on it.

I will make a final comment on amendment 45, which is in the name of Clare Adamson. It is an important amendment, as others have said. I know from my work chairing the cross-party group on construction that there is a lot of support for what the amendment proposes. In the interests of time, I will leave it there. I hope that colleagues will also support amendment 45.

Maurice Golden: My amendment 39 is about a refillables promotion plan; such plans have proven environmental benefits. It links to amendments 44 and 44A, which I will come to shortly. Amendment 65 is on managing waste locally—I raised that issue during stage 2—which limits the impact of our waste on other countries, creates economic opportunities and reduces environmental impacts, such as from the transport of waste. Section 1(3) sets out the desirable characteristics of a circular economy that Scottish ministers must have regard to. Amendment 65 would insert into that section wording such that those characteristics would include an economy in which

"waste is managed in Scotland if it is appropriate to do so."

There are, of course, always logistical and economic implications to take into account when managing waste. I thank the minister for his constructive engagement in developing an amendment that recognises the importance of managing waste in Scotland if it is appropriate to do so.

Amendment 98 is important in that it highlights the sectors of the Scottish economy that are material based. It does not exclude other sectors, and I think that a case can be made for others. It highlights the construction sector, given that 40 per cent of emissions come from construction in our built environment. On steel, the Scottish "Draft Energy Strategy and Just Transition Plan" does not consider the material demand from the policies in it, and that needs to change. On plastics, the Ellen MacArthur Foundation has said that there could be more plastic in the ocean by weight than fish by 2050. Clearly, there is action to be taken there.

My favourite sector is perhaps textiles, because it is very much forgotten. The zero waste programme for Scotland has been cancelled, reinstated and cancelled again before being reinstated, so it is clear that there is not a

comprehensive action plan. The Scottish Government has consulted on parts of it, but there is nothing in the bill that represents a comprehensive action plan on textiles. When we consider that around 30 per cent of clothing in our wardrobes has not been worn for at least a year, and that £140 million-worth of clothing is sent to landfill each year in the United Kingdom, it is clear that things need to change. That is why I believe that, in relation to textiles, we should be designing for circularity, implementing circular economy business models, closing the loop on materials and, finally, encouraging consumer behaviour change.

I turn to Mark Ruskell's amendment 44, which I think is positive but perhaps lacks teeth. My amendment 44A seeks to rectify that by detailing how reuse, refill and take-back schemes would be rolled out. That would create a deep understanding of those products and packaging options.

There are a number of amendments in the group that I will not cover individually other than to say that I am generally positive about them and will listen to the case that members make.

15:00

Clare Adamson (Motherwell and Wishaw) (SNP): I will limit my comments to amendment 45.

At stage 2, I lodged a probing amendment on the challenges of electrical safety in the workplace and for consumers. I put on record my thanks to Electrical Safety First, the Royal Society of Chemistry and other members of the cross-party group on accident prevention and safety awareness for raising those concerns. I was also heartened by the cross-party interest in the probing amendment.

Amendment 45 has timely relevance, given recent fires in the waste industry. I thank the minister for working with me to ensure that safety considerations for consumers and workplaces will be taken into account in the development of the strategy.

I ask members to support amendment 45.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): During stage 2, there was an important discussion about the impacts of policy in Scotland on other parts of the world—in particular, the impact on the global south. Resource use here can have negative impacts on communities and environments elsewhere.

I acknowledge the role of the Scottish Catholic International Aid Fund in particular in highlighting those concerns. I also recognise the input of several members across the chamber in doing likewise. I note that Monica Lennon and Sarah

Boyack have raised those matters, at stage 2 in particular, and we have heard some of that again this afternoon. I thank the minister for her positive and constructive discussions following stage 2.

Amendment 73 would insert the requirement for the Scottish ministers to

“have regard to the potential international impacts of their circular economy policies”

in preparing the circular economy strategy. We have a proud track record in Scotland of listening to those who are impacted directly by climate change internationally. The 26th United Nations climate change conference of the parties—COP26—established a Glasgow dialogue between parties, relevant organisations and stakeholders to address loss and damage associated with the adverse impacts of climate change.

Graham Simpson: I am curious to know how Bob Doris thinks that we could measure the potential international impacts of circular economy policies in Scotland. How does he think that could be done?

Bob Doris: I am not sure how that could be done. That is why the amendment does not call for us to measure those impacts in any particular way. The Scottish ministers would “have regard” to them. The precision in the amendment is important to allow Mr Simpson to support it.

I mentioned COP26 and the Glasgow dialogue because they gave visibility to front-line communities and those who are most vulnerable to the adverse effects of climate change. Indeed, the Glasgow dialogue continued in Bonn earlier this month.

My amendment 73, which would mean that the Scottish ministers would “have regard to” the international impacts of our circular economy policies in Scotland, would embed in our domestic policy landscape the visibility that we saw at COP26. Together with the minister's amendments 75 and 76, which will extend consultation requirements to persons whom ministers consider to have an interest in the strategy, including international organisations, my amendment will ensure that policies that are made in Scotland take account of impacts overseas, and will ensure a just and fair approach to developing a more circular economy.

I urge members to support amendment 73.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): During the stage 1 process, the Net Zero, Energy and Transport Committee heard significant evidence about particular sectors of our economy and waste-producing aspects of our society that will need to be considered and which need to change in order for a more circular

economy to be realised, as well as individuals and communities taking action.

At stage 2, I raised the issue of including in the bill priority sectors—specifically, construction, food waste and household waste. As other members have noted, construction accounts for around half of Scotland's waste, so it is an important sector for us to focus on. I am grateful for the collaboration with the Built Environment Forum Scotland, the Royal Institution of Chartered Surveyors and the Chartered Institute of Building in Scotland in considering those issues.

However, having listened carefully to the feedback from the minister at stage 2, I appreciate the Scottish Government's argument that highlighting specific sectors in the bill might limit future flexibility. I have also been assured that, in developing and delivering its strategy, the Scottish Government is committed to making sure that those key sectors are addressed. Therefore, I do not think that Maurice Golden's amendment 98 is appropriate, in the same way that my amendment at stage 2 was not appropriate—there needs to be flexibility in the strategy to address all the main sectors.

I am also concerned that the sectors that are named in amendment 98 are not defined, as I sought to define them or to reference other legislation in my amendment at stage 2. The lack of definitions could create difficulties.

I am grateful to the minister for engaging constructively on those points and on the issue of the major sectors at stage 2 and since, and for working with me to put forward an alternative approach, in amendment 66, of setting out criteria that should be used when identifying priority sectors and systems for the circular economy strategy. Amendment 66 introduces such criteria. In particular, it links priority sectors to climate change targets, to the

“life-cycle carbon emissions of goods, products and materials,”

to maximisation of

“the value of the circular economy”

and to

“wider environmental impact”.

That also takes into account some of the issues raised by Mark Ruskell at stage 2.

Amendment 66 would strengthen and future-proof the strategy in its development and delivery, and I urge members to support it.

The Deputy Presiding Officer (Liam McArthur): I call the minister to speak to amendment 75 and the other amendments in the group.

Gillian Martin: This has been a really good discussion, and there was a good discussion at stage 2 as well.

I will start with amendment 66 from Ben Macpherson, because it provides a useful framework for some of my later points. At stage 2, there was a detailed discussion on the merits, or otherwise, of including specific sectors or systems in the bill. I understand the temptation to put them in the bill, but it remains my firm view that the circular economy strategy must be future-proofed and allow for flexibility, given that what is a priority now might not be a priority in the future, and new sectors and technologies could emerge that would not be captured by the legislation.

Ben Macpherson has set out eloquently today the case for providing a set of criteria that should be used when identifying those systems and sectors for our priority action. That allows for a consistency of approach without hindering the ability to adapt and react.

Maurice Golden: I appreciate the minister's comments regarding the mentioning of specific sectors, but will she outline to the chamber what work has been conducted to create more circularity in the textile sector?

Gillian Martin: I will start with the fact that I have a charity shop suit on today. I hope that Mr Golden is wearing a second-hand piece of clothing as well.

Textiles have been mentioned throughout the debate, and that sector is a priority for us. I do not think that people realise how polluting fast fashion is, including how much from it gets into our water courses. Later, we will come on to amendments that concern our international responsibility, given that a lot of fast fashion is produced outwith the UK and imported. We should have better visibility of what we are buying. That communications piece is important, as well.

I hope that providing a set of criteria to be used in identifying priority systems and sectors allows a consistency of approach to sectors that we need to prioritise and enables us to tackle them.

Amendment 66 also addresses some of the issues that Mark Ruskell highlighted at stage 2 around environmental harm. I appreciate the engagement that I have had with Mr Ruskell and Mr Macpherson on this issue, and I am happy to support the amendment.

However, I cannot accept amendment 98 from Maurice Golden. As Ben Macpherson said, it takes the opposite approach by locking in certain sectors and materials. That does not mean that those sectors will not be prioritised, because Ben Macpherson's amendment 66 strengthens the bill

by giving the criteria for how we identify priority sectors.

At stage 2, Mr Ruskell raised the important issue of the resources that are required for the transition to a circular economy, and I am grateful to him for doing so. Amendment 31 refers to “critical minerals”, and amendment 33 provides a definition of those minerals. The same minerals are often called transition minerals.

At stage 2, Mr Ruskell asked whether it would be appropriate to put such a provision in the bill or whether there was another way for the Scottish Government to work with industry to ensure that the aspiration to deal with critical minerals is addressed in a sustainable way that can be reflected elsewhere in policy. He specifically mentioned the energy strategy. I have reflected on that and we have spoken outwith the formal proceedings. I have given a commitment to Mr Ruskell in relation to finding appropriate wording on that for the energy strategy. That important issue must be expanded on in the energy strategy. I am happy to continue to do that, as I am in relation to other sectors and minerals. However, I still do not believe that that aspect should be in the bill. For that reason, I hope that Mr Ruskell will not press amendment 31 and will instead continue to work with me. It has been worth while getting the issue on the record. I hope that he will work with me on the wording in relation to what we will do to tackle that in the energy strategy, which we will publish after the general election.

A lot of the other amendments in the group bring back and refine issues from stage 2. Monica Lennon and Bob Doris followed up on the concerns that they expressed at stage 2 and, for the record, that were also expressed by Sarah Boyack and Maurice Golden, about the environmental and international impact that any actions that are taken in Scotland as a result of a circular economy strategy might have.

I was really pleased to work with members on that. We had a lengthy discussion and were able to agree wording on Monica Lennon’s amendment 72, on due diligence and supply chains, which I am very happy to support, and on Bob Doris’s amendment 73, on international impacts, which is an issue that speaks to our climate justice responsibilities. Whatever the material impact is, we have a moral responsibility, so I appreciate members highlighting the matter.

During stage 2, Monica Lennon highlighted the importance of taking account of the equality aspect. I agree with her that we should use a gendered lens not just on this policy but on every policy. I welcome the constructive conversations that we had. I am happy to support her amendment 74.

Similarly, following discussions with stakeholders and with Mark Ruskell, who highlighted the importance of carbon emissions in circular economy policy, I will support his amendments 40 to 42. In discussions with stakeholders, the issue of education and skills was raised, and I am happy to support his amendment 43.

Maurice Golden previously raised the issue of managing waste locally, which I thought was laudable. Although at the time, in stage 2, I could not agree with the wording, I definitely agree with the intent. There might always be logistical, economic or social reasons why that might not happen within a specific local authority area, for example. After we had a discussion on that, we both agreed that we did not really mean a local authority area. The principle, which I agree with, is that waste should be managed as close to where it is produced as is possible in a domestic setting. I am really happy to support his amendment 65.

At stage 2, Clare Adamson raised concerns about the safety of second-hand electrical goods and the dangers of battery fires. I was happy to engage in further conversations with her on the issue. Events at the weekend in Linwood have shown how important that consideration is. We have cross-party agreement on the importance of that. Although I recognise that many of the legislative levers in this area on health and safety and on product safety are reserved, I am very happy to support her amendment 45. I also give my reassurance that safety matters in relation to the recycling of all materials—not just electrical items, but electrical items in particular—are being looked at.

Together, those amendments will strengthen the circular economy strategy and the bill as a whole.

Amendment 96, from Sarah Boyack, replicates a number of issues that are dealt with by the other amendments that I have just spoken to or that were addressed at stage 2. I understand her intention, but I cannot support the amendment as written.

I adopt a similar approach to amendment 35 from Monica Lennon. I very much agree that reuse is preferable to single use, but I believe that that is already captured in the strategy’s adherence to the waste hierarchy. Reuse is also referred to in other amendments. Therefore, I do not believe that amendment 35 is necessary, despite the fact that I understand the intent behind it.

15:15

The costs and benefits of our policy proposals will be developed as part of a suite of impact assessments that will have to accompany the

strategies, so I do not consider amendment 94 to be necessary.

Amendment 97, in the name of Monica Lennon, would expand the requirements relating to the just transition. I agree that the just transition is central to the development of a circular economy, and I lodged an amendment at stage 2 to ensure that, in preparing for a circular economy, ministers must have regard to those principles. However, the level of detail that amendment 97 would require to be included in the strategy would be unduly burdensome. Such details will be dealt with in other ways, so, sad to say, I cannot support amendment 97.

Our approach to just transition planning is guided by our just transition planning framework and our national just transition outcomes. As I outlined at stage 2, we are committed to producing just transition plans for high-emitting sectors, sites and regions, and I have already said that our energy strategy and just transition plan will be published after the general election. We have sectoral plans for agriculture and land use, the built environment, construction and transport, and work is already under way on a site plan for Grangemouth.

On amendment 93, a large majority of Scotland's waste is managed in Scotland, but Sarah Boyack is right to point out that it is not all managed in Scotland. About 15 per cent is processed elsewhere—that is 15 per cent too much, because it represents a lost economic opportunity as well as an environmental cost. However, policy on international waste exports is reserved.

Maurice Golden: Could the minister highlight how much of the plastic that is collected in Scotland for recycling is recycled here?

Gillian Martin: I do not have the figures in front of me, but I suspect that Mr Golden does or that he at least has them lodged in his brain.

As I was saying with reference to Sarah Boyack's amendment 93, policy on international waste exports is reserved, but that does not mean that we do not do anything about the issue. However, I cannot support amendment 93, and I ask members not to do so, either.

I assure members that the Scottish Government is pressing the UK Government to deliver on its existing commitments to ban plastic waste exports to non-OECD countries and to introduce further measures to influence global markets and reduce imported and exported emissions, given the constraints of devolution. Sarah Boyack's intentions are laudable, but they require work across the Governments in the UK to ensure that the incoming UK Government delivers on the existing commitments.

We will continue to actively discuss waste shipment regulations. The UK Government must respond positively to the Climate Change Committee's calls for us to step up in that regard. I hope that that will mean that the four UK nations will be able to move forward in delivering on the intention behind Sarah Boyack's amendment 93, but I cannot support its inclusion in the bill, for the reasons that I have outlined.

The Deputy Presiding Officer: I call Mark Ruskell to wind up and to press or withdraw amendment 31.

Mark Ruskell: I will not try to summarise all that has been said, given that so many different issues have been raised, but I will make a couple of points that are relevant to the bill.

In relation to amendment 66, Ben Macpherson made the point about including in the bill the right criteria and the right framework to prioritise action in certain sectors. There is a temptation to put everything in a bill—I am often tempted to do that—but that does not always work and is not always consistent with decisions needing to be made at a later time, often through co-production with councils, businesses and other stakeholders. The approach that Ben Macpherson has taken with amendment 66 is the right way to set out the criteria.

However, that emphasises the importance of parliamentary scrutiny after the bill becomes an act and of the choices that the Government makes on the back of that. I very much welcome the minister's commitment to addressing the issue of critical minerals in the energy strategy rather than in the bill, but we will wait to see what is in that strategy, which will no doubt be robustly scrutinised by the Net Zero, Energy and Transport Committee.

Douglas Lumsden: Does Mr Ruskell feel that we should be looking at all critical minerals, not just those for the energy sector? By moving the issue to the energy strategy, we might not do it justice.

Mark Ruskell: That is a reasonable point. I will make the point that the renewables sector is already really engaged in looking critically at how it develops more ethical supply chains and how it engages in the reuse and refurbishing of wind turbines. However, it is a fair enough point, and it shows that the Government, through its on-going work and strategies, needs to look across the piece at critical sectors and take action in relation to that.

I have a couple of other points. Sarah Boyack spoke about the huge impact of offshoring our waste and the huge impact on the global south, and Bob Doris reflected on the excellent evidence that we had from SCIAF on that. To answer

Graham Simpson's question to Mr Doris, yes, we need to look at how we measure that stuff, but we have had sustainable development goals in place for decades, and we should be building really strong indicators to ensure that we are not punishing the global south for our profligacy in the north.

Sarah Boyack's amendment 93 refers to offshoring but, on balance, we prefer the approach in Maurice Golden's amendment 65. However, I recognise that the associated amendment that Monica Lennon has lodged—amendment 72, which is on environmental and human rights due diligence in relation to the supply chain—is a really important matching element. The bill needs belt and braces. We could say that we are implementing human rights legislation, so the issues are already embedded, but it is worth picking that out and making absolutely sure that due diligence is put in place in relation to supply chains.

I will address one final issue, which relates to amendment 44A. I kind of agree with Maurice Golden on the strong set of criteria that are set out in that amendment for what we would want to prioritise for reuse and take-back schemes, but there may be exceptions. I point to plastic bags as an area where reuse and recycling probably does not have the biggest carbon impact of a reuse, take-back or deposit scheme, but where the measures have nevertheless been useful in driving public debate and behaviour change. Therefore, I do not want to be too restrictive on the Government, which needs to make decisions about what it prioritises. In that case, amendment 44 stands on its own.

The Deputy Presiding Officer: Will you confirm whether you want to press amendment 31, Mr Ruskell?

Mark Ruskell: I do not wish to press amendment 31.

Amendment 31, by agreement, withdrawn.

Amendment 93 moved—[Sarah Boyack].

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

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Con)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (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)
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)
Johnson, Daniel (Edinburgh Southern) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East 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)
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) [Proxy vote cast by Richard Leonard]
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)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 48, Against 64, Abstentions 0.

Amendment 93 disagreed to.

Amendment 94 moved—[Monica Lennon].

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.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (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)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 McMillan, Stuart (Greenock and Inverclyde) (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)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (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) [Proxy vote cast by Richard Leonard]
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (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) [Proxy vote cast by Jamie Hepburn]

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)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (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)
 Thomson, Michelle (Falkirk East) (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 50, Against 61, Abstentions 0.

Amendment 94 disagreed to.

Amendment 39 not moved.

Amendments 40 and 41 moved—[Mark Ruskell]—and agreed to.

Amendment 95 moved—[Monica Lennon].

The Deputy Presiding Officer: The question is, that amendment 95 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Michael Marra (North East Scotland) (Lab): On a point of order, Presiding Officer. My app did not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): On a point of order, Presiding Officer. My app was slow, and I had no connection. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Constance. I will ensure that that vote is recorded.

Brian Whittle (South Scotland) (Con): On a point of order, Presiding Officer. My app was frozen. I would have abstained.

The Deputy Presiding Officer: Thank you, Mr Whittle. I will ensure that that is recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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 Deputy Presiding Officer: The result of the division is: For 29, Against 57, Abstentions 29.

Amendment 95 disagreed to.

Amendment 42 moved—[Mark Ruskell]—and agreed to.

Amendment 65 moved—[Maurice Golden]—and agreed to.

Amendment 72 moved—[Monica Lennon]—and agreed to.

15:30

Amendment 96 moved—[Sarah Boyack].

The Deputy Presiding Officer: The question is, that amendment 96 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 48, Against 67, Abstentions 0.

Amendment 96 disagreed to.

Amendment 97 moved—[Monica Lennon].

The Deputy Presiding Officer: The question is, that amendment 97 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 47, Against 66, Abstentions 0.

Amendment 97 disagreed to.

Amendment 43 moved—[Mark Ruskell]—and agreed to.

Amendment 98 not moved.

Amendment 44 moved—[Mark Ruskell].

Amendment 44A moved—[Maurice Golden].

The Deputy Presiding Officer: The question is, that amendment 44A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I could not connect. I would have voted no.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 50, Against 64, Abstentions 0.

Amendment 44A disagreed to.

Amendment 44 moved—[Mark Ruskell].

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

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)
 Balfour, Jeremy (Lothian) (Con)
 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)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 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)
 Thomson, Michelle (Falkirk East) (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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 96, Against 19, Abstentions 0.

Amendment 44 agreed to.

Amendment 45 moved—[Clare Adamson]—and agreed to.

Amendment 73 moved—[Bob Doris]—and agreed to.

Amendment 74 moved—[Monica Lennon]—and agreed to.

Amendment 66 moved—[Ben Macpherson]—and agreed to.

Amendment 33 not moved.

Section 2—Consultation on strategy

Amendment 75 moved—[Gillian Martin]—and agreed to.

Amendment 76 moved—[Gillian Martin]—and agreed to.

After section 5

The Deputy Presiding Officer: Group 3 is on duties on public bodies and those in receipt of public funds. Amendment 99, in the name of Maurice Golden, is grouped with amendments 53 and 80.

Maurice Golden: The amendments would enhance the requirement on public bodies to install due diligence measures, which are required because public procurement, in particular, is still not circular enough. The weakness of the sustainable procurement legislation has been exposed in its not delivering public procurement that can pump prime the circular economy, but these amendments would support that to happen. In addition, thinking in particular about amendment 53, I note that, if this work is adhered to already, codification should not be an issue.

I am broadly in sympathy with amendment 80 in this group but fear that it may place too much of a burden on those in receipt of public funds. I am certainly happy to be convinced and hope that the current voting pattern, in which the circular economy is defined by indyref 2, will change, because the constitutional question is not, in my view, pertinent to this bill, which is far more important than that.

I move amendment 99.

Mark Ruskell: Amendment 80 brings back an issue that I raised at stage 2. It would require businesses and organisations in receipt of public funding to report on their contribution to the circular economy.

That matters because of the substantial amount of money that is allocated by Scotland’s three enterprise agencies. The total enterprise training and support budget for 2023-24 was £423 million, which is a considerable investment, with considerable power to transform the economy.

The proposal does not set rigid targets for companies in receipt of public money but merely adds a requirement to assess how circular their existing practices are and to set out the ways in which they intend to improve on that, if possible, during the period that is covered by any grant or loan. It is a light-touch way of embedding thinking about circularity in the operations of businesses across the country and it takes a very similar approach to that in Maurice Golden's amendment 99. I therefore hope that he will put the constitutional divide to one side and back my amendment 80.

At stage 2, some members raised concerns about proportionality and the need to ensure that the amendment does not place an undue burden on smaller organisations, which might put off potential recipients of public funding. I have listened carefully to those concerns and have considered them in this revised amendment. Rather than making a stand-alone report on their contributions to the circular economy, organisations could make a statement on the extent to which their activities contribute to reducing, reusing and recycling materials as part of their annual report.

Funding bodies would also be able to exempt organisations from reporting requirements on the basis of the sector that they operate in, the annual turnover of the company or the total value of the grant or loan that is being offered. That would reduce the burden because a public agency could decide that it would not add the reporting requirement when making small funding awards or, particularly, when making awards to small businesses. It will be up to the agencies to do that. That gives flexibility to funding bodies, such as Highlands and Islands Enterprise, to apply their judgment on a case-by-case basis.

This is an important mechanism. If we are serious about embedding circular practices across the economy, we must recognise the power of the public pound and should create conditionality for grant making. That was referred to in the Scottish Government's 2016 strategy "Making Things Last", which recognised the need for enterprise agencies to more seriously integrate circular economy thinking. The minister will remember from her previous role as convener of the Environment, Climate Change and Land Reform Committee that that was mentioned in the committee's green recovery report in 2020, as we came out of Covid, when we spoke about embedding the circular economy in our grant-making processes.

This mechanism would also keep us in line with the European Union's 2020 economy action plan. It is hugely important that we stay aligned with the EU so that we can rejoin when Scotland is independent.

Sarah Boyack: Procurement is a key issue here. I am keen to support amendment 53 because it will raise awareness of the circular economy across the public sector. It will be critical for the implementation of the bill that that happens. Amendment 53 also links well with Monica Lennon's amendment 72, which she moved earlier and which requires a strategy to exercise

"due diligence in relation to environmental protection and human rights ... in supply chains".

It will be important to take a joined-up approach and to use the Scottish Government's ability to produce regulations to make this happen.

The other issue is that giving a duty, as is set out in amendment 99, to every public sector body would make this a day-to-day issue. It would mean that public bodies would think strategically about their impact, their supply chains, their procurement and what difference they will make. That is critical given the huge impact that it could have in the public sector in making the circular economy principles part of everyday public spending.

15:45

Gillian Martin: I apologise, Presiding Officer, but I have quite a lot to say about group 3. It is important that I set out why we do not support any of the amendments in the group, even though I understand why they were lodged, so I want to spend a bit of time on them.

On Maurice Golden's amendment 99, I agree that public bodies have a hugely significant role to play in delivering Scotland's circular economy. The amendment highlights the role of procurement in particular, as Sarah Boyack outlined. As I said at stage 2, however, the sustainable procurement duty that was introduced by the Procurement Reform (Scotland) Act 2014 already requires public bodies to consider how they can improve economic, social and environmental wellbeing and secure improvements.

We are also taking action through policy. Public bodies should outline in their annual procurement strategies how they will use procurement to contribute to the response to the global climate emergency, and they should report progress in their annual procurement reports. That is already required explicitly to address climate change and circular economy obligations. Our latest annual report on procurement activity shows that, in 2021-22, 71 per cent of reporting bodies provided evidence of how they were addressing environmental wellbeing and climate change through procurement.

In addition, public bodies are required to comply with and report on wider climate change duties. Since 2015, more than 180 public bodies have been required to report annually on their

compliance with the climate change duties under the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015, which includes, where applicable, targets on reducing indirect emissions and reporting on waste.

Douglas Lumsden: I hear what the minister says about public bodies having all those plans in place. If that is the case, however, putting a circular economy plan on top of that should not be overly burdensome for local authorities or other public bodies. I am struggling to see why the minister is so against public bodies having their own plans. If the Scottish Government is going to have a plan, I think that public bodies need to have plans as well.

Gillian Martin: With respect, what is proposed would be burdensome. Amendment 99 would tie the definition of a public body to section 3(1)(a) of the Freedom of Information (Scotland) Act 2002, which could capture several thousand bodies, including all primary care providers that deliver national health service services in Scotland, as well as other small and medium-sized organisations such as registered social landlords and independent special schools. All of those would be required to comply. That is my issue. It would be overly burdensome for those smaller organisations, it would be disproportionate for many of those bodies and it would be unworkable for all those plans to be approved by ministers.

I believe that continuing to develop and improve existing reporting requirements is the most appropriate way of ensuring that public bodies deliver on the circular economy, rather than creating potentially burdensome additional duties on public bodies at a time when public funds and resources are constrained.

Monica Lennon: I am not sure that I agree that what is proposed has to be a burden. Surely it is an opportunity. If Scotland is going to aspire to be a more circular nation, surely we need to encourage all our public bodies, regardless of their size, to play their part, and having a plan is really the start of that process.

Gillian Martin: Encouraging is fine, but requiring small organisations, such as those that I outlined, to have a plan and to report would be overly burdensome.

As well as procurement obligations, I will look to incorporate further circular economy requirements in further revisions of the climate change reporting guidance. That comes back to the encouragement piece and the fact that things are already in train. I therefore cannot support amendment 99. However, I will keep the matter under review. As with so many of the amendments, I understand the

intention; I just do not want them to lead to unintended consequences.

Amendment 53 was also lodged by Maurice Golden. As I set out to the committee when we discussed the issue at stage 2, I whole-heartedly agree that preventing human rights harm and ensuring environmental due diligence are values that should be upheld. Our national performance framework has a very clear commitment to a Scotland in which rights are respected, protected and fulfilled.

A significant body of rights that is derived from the European convention on human rights is already hard-wired into the devolution settlement, and it is already unlawful for Scottish public authorities to act in a way that is incompatible with those rights. As I have mentioned, our national procurement legislation—the Procurement Reform (Scotland) Act 2014—includes a sustainable procurement duty, which requires contracting authorities to “consider” and “act” on opportunities to improve

“economic, social and environmental wellbeing”.

Contracting authorities that have a procurement spend of £5 million or more in any financial year must set out and report on how they comply with the sustainable procurement duty. That is proportionate. My issue is with disproportionate burdens on smaller organisations.

Although we can exclude suppliers for breaches of environmental and human rights, we cannot exclude companies from public procurement on the basis of universal, adequate due diligence. Rather than introducing burdensome requirements that would discourage Scottish small and medium-sized enterprises and third sector organisations—the very people that we are keen should win public contracts—we take a proportionate approach to addressing environmental and human rights risks in the supply chain.

In addition, we expect UK regulations to be made in due course, in line with schedule 17 to the UK Environment Act 2021. Those regulations will prevent the use of forest risk commodities that are derived from illegally deforested land in the UK supply chain. That will introduce an element of environmental due diligence. Given the range of legislation that is already in place, our view is that a new duty on public bodies is unnecessary.

If amendment 53 were to be passed, the additional burden would fall not just on the public bodies but on the businesses in the supply chains, through our commitment to the new deal for business.

Excuse me, I have to take a drink. Tonsillitis has reared its ugly head this week of all weeks.

Asking for a duty on public bodies is laudable, but getting that information would have a cascade effect on the small businesses that supply public bodies.

I support the motivation behind amendment 53. I supported amendments 72 and 77, in the name of Monica Lennon, which refer to “due diligence” and deal with the issue in a more strategic and less burdensome way.

I turn to amendment 80 from Mark Ruskell. *[Interruption.]*

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): Will the minister take an intervention?

Gillian Martin: Yes, I will.

Kate Forbes: That will allow her to take a glass of water. Does she agree that all these amendments are making for an interesting debate?

Gillian Martin: I thought that the Deputy First Minister was going to offer to go out to the chemist to get me some lozenges.

On amendment 80 from Mark Ruskell, I recognise the importance of encouraging businesses to play their part. I have written to the chief executives of the enterprise agencies to better understand what they are already doing on that, and I am challenging them on what more can be done. Highlands and Islands Enterprise has already come back to me and is talking about bringing forward net zero conditionality from quarter 3, to support organisations to transition.

I understand that the intention of amendment 80 is not to place extra burdens on businesses, but it runs the risk of doing so. I therefore want to take the issue under review and scrutinise what the enterprise agencies are doing in that space. If they are not encouraging in the same way as on net zero obligations and conditionalities, we will have to have a stronger conversation.

Mark Ruskell: Those are warm words. *[Interruption.]* I will give the minister a moment to get a lozenge. I am on the lozenges as well. When do we go beyond warm words, and the writing of letters, to actual plans from the enterprise agencies? In the debate, there has been a lot of talk about burdens but, ultimately, this is about businesses and organisations becoming much more resource efficient and much leaner. That is a good thing for productivity and business.

Gillian Martin: I broadly agree with Mark Ruskell. I believe that the focus should be on targeted action rather than on broad reporting requirements. It should be on supporting businesses to make changes in their everyday lives. I do not agree that a legislative requirement

that is focused on reporting is appropriate, so I cannot support the amendment. However, the general intent of Mark Ruskell’s amendment, which is for businesses that receive public support to be cognisant of their duties with regard to reaching net zero in the circular economy, is laudable. I just cannot support the amendment. Also, I thank him for the intervention, which allowed me time to have a cough sweet.

The Deputy Presiding Officer (Annabelle Ewing): I call Maurice Golden to wind up and to press or withdraw amendment 99.

Maurice Golden: The fundamental point of the amendments in this group is that, if Parliament and the Scottish Government believe in a climate emergency, we need to change things. Existing reporting requirements are not working, and assurances do not cut it. Where are the circular economy business models being procured? There are very few.

The Government has been in power since 2007, yet it is framing the obligations as burdens. In fact, there are opportunities to make savings and, yes, changes—perhaps there could be requirements in moving from capital to revenue budgets.

Nonetheless, there is a big problem. I will give one example, given the time constraints. The NHS in Scotland has purchased 129.7 million disposable cups since 2019, yet it has purchased a little more than 200,000 reusable cups. That is not an example of a circular economy business model but a very basic example of public bodies not applying the waste hierarchy. Therefore, we require things to change.

Gillian Martin: Will the member take an intervention?

Maurice Golden: I am happy to.

Gillian Martin: I thank the member for raising that point. That is why it is important that we have a debate on the issue. The member pointed to an area in which public bodies can do an awful lot more. This is an opportunity for public bodies to reflect on some of the evidence, such as the evidence that the member gave, and to see how they can do better in that regard. I applaud that.

Maurice Golden: I appreciate those comments. My frustration is that this is a climate emergency and, unfortunately, there is no time for reflection; we need action now. There has been plenty of time to make slow, progressional change in that area, but it is not happening. We are sitting here, in 2024, facing a daunting task relating to what is required not just from public bodies but from individuals, the third sector and the private sector.

On that note, I press amendment 99.

The Deputy Presiding Officer: The question is, that amendment 99 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 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)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 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)

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, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 60, Abstentions 0.

Amendment 99 disagreed to.

Section 6—Circular economy targets

The Deputy Presiding Officer: Group 4 is entitled “Deadline for and expiry of regulation-making powers under the bill”. Amendment 1, in the name of Graham Simpson, is grouped with amendments 2 to 9, 12 to 20 and 22 to 30.

16:00

Graham Simpson: I have 27 amendments in this group, all of which relate to deadlines for expiry of regulation-making powers under the law. I do not intend to give chapter and verse on them individually. Given the minister's current state of health, I invite her to follow the same approach.

At stage 2, I lodged similar amendments that offered the committee an opportunity to reduce timescales to either six months, one year or two years. I thought that those were reasonable amendments. None of them required a particularly quick turnaround, because if we are serious about delivering a circular economy, we need an ambitious pace of working. Like my previous attempts at stage 2, my current amendments would set a timetable for the making of various regulations under the bill and would give the Government of the day a deadline. At stage 2, I invited the committee to

"turbo-boost the bill under the dynamism of Gillian Martin"—[*Official Report, Net Zero, Energy and Transport Committee*, 7 May 2024; c 47.],

but the committee and the minister rejected my invitation. In fact, the minister told me that she was not "about the fast lane" and cautioned me against rushing things "at our peril". She did not want to be tied to a timeline that would require the Government to deliver regulations within two years, but she recognised

"the need to make swift progress ... and that timelines are important."—[*Official Report, Net Zero, Energy and Transport Committee*, 14 May 2024; c 30.]

I was disappointed by what I saw as a lack of ambition. We want the Government of the day, whoever that is, to deliver a circular economy properly, but also at pace. I did think that giving the Government three years was far too long. However, in the light of how things progressed at stage 2, I am opting for that now. Three years should give any Government more than ample time to make regulations, including the meaningful consultation to which the minister referred at stage 2.

In this group, I also have a series of sunset clauses that say that if the Government has not made regulations under those sections within three years, those provisions will expire. That should focus the minds of any minister, I would have thought.

I am grateful to have the support of Friends of the Earth on amendments 1 and 2 in this group. Amendment 1 says that ministers must make regulation-setting targets within three years. Friends of the Earth agrees that such regulations should be introduced as soon as possible. Amendment 2 says that if ministers do not hit that

target, they should make a statement to Parliament to explain themselves.

Members will be pleased to hear that I am about to sit down. I will decide how to proceed with my other amendments after I have heard other members' views on them.

I move amendment 1.

The Deputy Presiding Officer: No other member has indicated that they wish to speak on the amendments, so I call the minister to wind up.

Gillian Martin: Not that I have much of a choice, but I will have to keep my comments brief in order to save my voice. I am in danger of rehearsing some of the arguments that I made at stage 2. I will not go over them again, because they are on the record. Many of the amendments relate to regulation powers that are subject to the affirmative procedure, such as those for circular economy targets or for households recycling targets, and others, such as regulations to impose charges for single-use items, are even subject to the super-affirmative procedure. Such regulations would depend on the securing of parliamentary approval and the scheduling of parliamentary business, so they are at risk of being unworkable. Neither do I want to constrain the important work that would come first to ensure that we take an informed approach.

I will leave it there, Presiding Officer. I have had conversations with Mr Simpson. He knows my position: I am unable to support any of his amendments in this group.

The Deputy Presiding Officer: I call Graham Simpson to wind up and to press or withdraw amendment 1.

Graham Simpson: I have nothing to add. I press amendment 1. We will see how that goes.

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.

The vote is closed.

Clare Adamson: On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Adamson. Your vote will be recorded.

Michael Marra: On a point of order, Presiding Officer. Apologies—I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Marra. Your vote will be recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 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, 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 29, Against 83, Abstentions 0.

Amendment 1 disagreed to.

The Deputy Presiding Officer: Group 5 is on circular economy targets. Amendment 46, in the name of Mark Ruskell, is grouped with amendments 47, 48, 67, 77, 49, 100, 68, 78 and 79.

Mark Ruskell: During group 2, we discussed the desirability of an economy in which the consumption of material goods and products that we use is reduced, together with their carbon life-cycle emissions. Amendments 46 to 48 mirror my earlier amendments 40 to 42, as they would insert similar provisions into section 6 relating to targets. I ask that members support those amendments.

I turn briefly to other amendments in the group. Scottish Greens support Maurice Golden's amendment 67, which is in line with his earlier amendment on managing waste within Scotland, as discussed in group 2. We also support amendment 77, from Monica Lennon. As I said previously, it is right to take human rights and environmental due diligence into account when setting circular economy targets. Related to that is Sarah Boyack's amendment 100, which would take into account the "carbon emissions associated with" the consumption of materials.

I move amendment 46.

Maurice Golden: Amendment 67 mirrors my earlier amendment 65, in seeking to ensure that the importance of managing waste

"in Scotland if it is appropriate to do so"

is taken into account as a desirable characteristic of a circular economy that

"Scottish ministers must have regard to"

in setting circular economy targets. That would provide consistency between sections 1(3) and 6(2). For the same reasons that I outlined previously, I urge members to support the amendment.

Amendment 49 is a weakened version of amendments that were lodged at stage 2 with regard to setting overall circular economy targets. Circle Economy Foundation's publication "The Circularity Gap Report Scotland" estimates that circular economy policies could result in our emissions dropping by 43 per cent and resource consumption almost halving. The UK economy is 7.2 per cent circular, which is above the global average. However, Scotland is trailing far behind, with a circular economy score of just 1.3 per cent—in other words, 98.7 per cent of the resources that we use are from virgin sources.

I would like to change that. Although my amendment 49 does not specify a target—as I did in my amendment at stage 2—it would allow for one to be set by regulation, however weak or lacking in ambition that may be; that would be the decision of Scottish Government ministers.

All the amendments in group 5 are positive, and I look forward to hearing more about them.

Monica Lennon: There is a lot of agreement on this group, and we certainly support all the amendments in it. My amendment 77 seeks to mirror my earlier amendment 72, which was already debated in group 2 and agreed to. Amendment 77 is about ensuring that the application of due diligence in relation to environmental protection and human rights is exercised in supply chains. That would ensure that those issues are taken into account when

ministers produce secondary legislation, and it would provide consistency between sections 1(3) and 6(2), for the same reasons that I set out earlier.

I thank members for their comments, and I ask them to support Sarah Boyack's amendment 100. As I said, we support all the amendments in the group.

Sarah Boyack: My amendment 100 would ensure that targets that are introduced via regulations include targets for cutting "carbon emissions associated with" consumption. That is absolutely critical if we in Scotland are to bring down our CO₂ emissions and to meet our global aspirations and our commitments.

There was a lot of debate at stage 2 on what the targets will look like. Although the minister has given us some understanding of that, I am concerned that we still do not have a full grasp of what the targets will look like and what level they will be set at. We need to move to a circular economy to ensure that Scotland is responsible and that we cut our carbon emissions to net zero. Amendment 100 is essential to ensure that circular economy targets that include cutting carbon emissions are at the heart of the targets that are produced and set as a result of the bill.

One thing that is striking about the amendments in this group is the extent to which members have reflected on the discussion at stage 2. The amendments show that members listened to what colleagues said in those discussions.

Mark Ruskell's amendments are important. They are about linking the consumption of goods, products and materials to carbon emissions.

Maurice Golden's amendment about the overall target is key, as is making sure that

"waste is managed in Scotland if it is appropriate to do so."

We should try to encourage that. It is not an absolute must, but it is critical that we get people to think about that and that we push it up the agenda.

Monica Lennon's comments about human rights and supply chains fit in with that, and the comments that Ben Macpherson made on his amendment are also important. We need to think about how to develop a circular economy in which all the different sectors play a key role.

All the amendments in this group are really important. We support the minister's amendments in the group, and we think that approving all the amendments in the group would really strengthen the bill.

Ben Macpherson: At stage 2, we agreed my amendment that prioritised adding key sectors and systems identified in the development of the

circular economy strategy to a list of examples of provision that may be made in regulations for circular economy targets. My amendment 66, which we discussed earlier this afternoon in group 2—I am grateful to members for supporting it—sets out criteria for identifying those priority sectors for the strategy, as colleagues will recall. Amendment 68 is a consequential amendment that makes it clear that the same criteria apply to identifying the sectors and systems in the targets regulations as apply to identifying them for the purpose of the circular economy strategy.

For clarity and completeness, I ask members to support amendment 68.

Gillian Martin: I agree very much with Sarah Boyack's comments about the fact that members have reflected on the debate that we had in this area at stage 2. For the most part, the revised amendments in this important group reflect the fact that members listened to one another and came back with workable amendments.

I will start with Mark Ruskell's amendments 46 to 48, Maurice Golden's amendment 67 and Monica Lennon's amendment 77, which mirror amendments that were discussed in relation to section 1, and which I am happy to support, for the same reasons that I outlined earlier.

16:15

My amendments 78 and 79 seek to expand the consultation requirements for targets in line with those that were discussed earlier in relation to section 2 on the circular economy strategy, and I urge members to support them.

On Sarah Boyack's amendment 100, I appreciate that there is a strong interest in that area from stakeholders who wish to see the importance of carbon emissions recognised. I absolutely agree with that sentiment. Section 6(3) contains a non-exhaustive list of possible targets. Although I recognise that the detail of those targets will be subject to further analysis and consultation, I am happy to support amendment 100.

Unfortunately, amendment 49 breaks the trend. Again, I understand why Maurice Golden has lodged it, but I note that, in its stage 1 report, the committee said:

"The Committee understands the need for a robust approach to setting targets and supports rigour."

I agree with that assessment, as any targets will have significant implications and will require further detailed consultation.

There are no official statistics to measure overall circularity. Although the circularity gap report provides an estimated figure, it is based on different data sets compared with other measures,

such as the material flow accounts produced by Zero Waste Scotland. The circularity gap report also highlights the fact that significant elements, such as extraction rates, are driven by areas that are outside Scotland's control, such as fossil fuel extraction. I have set out an approach to setting targets that is based on the development of a monitoring and indicator framework to ensure consistency and certainty of data on which targets can be based. Unfortunately, amendment 49 pre-empts that process, so I cannot support it.

The Deputy Presiding Officer: I call Mark Ruskell to wind up and to press or withdraw amendment 46.

Mark Ruskell: I have no more comments to add. I press amendment 46.

Amendment 46 agreed to.

Amendments 47 and 48 moved—[Mark Ruskell]—and agreed to.

Amendment 67 moved—[Maurice Golden]—and agreed to.

Amendment 77 moved—[Monica Lennon]—and agreed to.

Amendment 49 moved—[Maurice Golden].

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.

The Cabinet Secretary for Finance and Local Government (Shona Robison): On a point of order, Presiding Officer. I had difficulty reconnecting to my system. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Robison. Your vote will be recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)

Gulhane, Sandesh (Glasgow) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 47, Against 67, Abstentions 0.

Amendment 49 disagreed to.

Amendment 100 moved—[Sarah Boyack]—and agreed to.

Amendment 68 moved—[Ben Macpherson]—and agreed to.

Amendments 78 and 79 moved—[Gillian Martin]—and agreed to.

Amendments 2 and 3 not moved.

After section 7

The Deputy Presiding Officer: Group 6 is on recycling targets. Amendment 50, in the name of Maurice Golden, is grouped with amendments 69, 52, 51, 70, 10, 36, 62, 104 and 91.

Maurice Golden: A number of amendments in this group are really easy for the Scottish Government to support. Many of them simply codify the Scottish Government’s own targets but give them years extra—sometimes more than a decade—to achieve them. I am convinced that, given the years of extra time to deliver them, almost anyone in this chamber would be able to do that. We will see whether the Scottish Government is up to that very low bar.

Amendment 50 is on the overall recycling target. The Scottish Government has said that it could reach the 70 per cent target by 2025; amendment 50 moves that date to 2026. Progress toward that is actually very good and strong, and I am

confident that Scotland will achieve it in any case. That is a very easy one as a starter for 10.

The recycling target for 2030 in amendment 69 is in line with the UK Climate Change Committee's recommendations for more stretching targets in this area. It is definitively ambitious, and in that regard, I would expect the Scottish Government not to support it. However, I am ambitious, and I believe in the climate emergency, so that is why I have proposed it.

Amendment 52 is on a target for the household recycling rate of at least 50 per cent. Household recycling rates have flatlined for a decade and are currently at 43 per cent, but they are very easy to fix. The amendment allows the Scottish Government 13 years' extra time to achieve the target that it set. I did not come up with this: the Scottish Government said that it would reach that rate by 2013, and the amendment says 2026. Being given 13 years extra to reach a very easy target should be something that the Scottish Government is able to support; otherwise, there are massive problems to address.

Next up is amendment 51, on the target for households for 2028. In this amendment, I have not been quite so generous. In it, I ask the Scottish Government to deliver a household recycling rate of 60 per cent eight years later than the year that it set for that target—so it would have only an extra eight years to attain that very easy recycling rate.

Amendment 70 is on the target for the household recycling rate being 78 per cent by 2030, which I appreciate is one step further. It is minorly ambitious, and in that regard, if members in this chamber lack ambition, they might not want to support it.

Amendment 62 seeks to ensure that reports on progress are made annually. We cannot have failure after failure, year after year, without some form of reporting. Such reporting is incredibly important, given the current Scottish Government's proven track record of failure.

I am supportive of the other amendments in the group, and I hope that all members who believe in tackling a climate emergency will support my amendments.

I move amendment 50.

Graham Simpson: I have a couple of amendments in the group: amendments 10 and 36. The bill will increase recycling rates in Scotland only if it introduces dedicated recycling targets for household waste and core materials, which I will discuss later. Those targets should be aligned with those that are set under the UK-wide extended producer responsibility scheme. Without targets, waste management companies here have no incentive to properly sort and recycle all

materials. Introducing targets means that they would need to demonstrate proper treatment of all materials in order to receive EPR fees. That would drive improved recycling in Scotland.

Amendment 10 says that there should be targets for each core material, including drinks cartons, while amendment 36 is slightly less prescriptive. I am grateful to Monica Lennon for supporting amendment 36.

Monica Lennon: This group of amendments is important. It follows on from an important debate that we had at stage 2. We believe that the targets that Maurice Golden and Graham Simpson have lodged are critical to driving up action to increase recycling. We also agree that targets are essential, but, as we have seen in relation to climate targets, action is crucial. Given that this is a framework bill, it is critical that we set the right ambitions now, so that we can steer the right action to meet those ambitions in the future.

I have one amendment in this group. Amendment 104 is to

“make further provision for the promotion of reuse to assist local authorities to achieve their targets”.

That is connected to Scottish Labour's concerns that, initially, the bill had a lot of focus on recycling but not enough on other important parts of the waste hierarchy, particularly reuse. Section 13 deals with targets for household waste recycling specifically. However, ultimately, it is important that we include provisions for the promotion of reuse wherever possible.

I thank Scottish Environment LINK for supporting amendment 104. The amendment recognises the crucial role of local authorities. Increasing reuse through the targets will help our local authorities to drive down the amount of waste that is ending up in landfill and will help to ease the transition to a more circular economy.

Gillian Martin: I understand Maurice Golden's intentions with amendments 50, 69, 52, 51 and 70, but I cannot support them. I said at stage 2 and in response to recent parliamentary questions that we intend to consider targets for separate waste streams and carbon-based metrics, which we believe will accelerate the reduction of household waste more effectively than the previous targets. That approach is based on the Climate Change Committee's recommendations. Those amendments would pre-empt the detailed consideration and consultation that will be required before any future national statutory targets are set.

Maurice Golden: Will the minister give way?

Gillian Martin: I will finish my point first.

I reiterate that sections 6 and 7 already enable the Scottish ministers to set targets by regulations.

Such regulations would provide for targets in relation to increasing recycling, reducing waste and increasing reuse. Although the powers in the bill do not require the Scottish ministers to specifically set national targets for recycling, the aims of the amendments could be achieved by the existing provisions once appropriate targets are developed and agreed through the co-design process.

16:30

Maurice Golden: I appreciate what the minister has said, but I will make two points. First, if the intention is to go down a material and carbon metric route, why did the Scottish Government abandon doing that in 2012? Secondly, in response to a written question from me, Màiri McAllan said that the Scottish Government's recycling targets are still valid—it is still attempting to achieve them—so why would the Scottish Government not accept codification of its own targets?

Gillian Martin: Mr Golden is right to point out that the original targets were set in 2012. We have now received advice from the Climate Change Committee that the best way forward involves using carbon metrics and identifying waste streams, which is why we are now taking the view that I have set out. After all, 2012 was a long time ago, so we are adhering to up-to-date advice.

We have set out our intention to co-design appropriate recycling targets for individual local authorities, using powers in section 13 of the bill, to help to drive continued improvements in local recycling. The development of local targets could inform and have an impact on future national household recycling rates. I reassure members that the development of appropriate statutory circular economy targets, including consideration of the potential for future recycling targets, will be a key priority for the Scottish Government as part of the implementation of the bill's measures and the circular economy strategy.

For similar reasons, I cannot support amendments 10 and 36, in the name of Graham Simpson. The wording of the amendments presents some legal issues, because it appears to attempt to provide new definitions of dry recyclable waste streams. In doing so, the amendments would undermine the definitions that are set out in the Environmental Protection Act 1990. The existing definitions inform local authority and commercial waste collection, the transport of waste, sorting and reprocessing, as well as associated obligations such as the duty of care, permitting and licensing obligations and producer responsibilities. The existing definitions will also inform packaging and the EPR when it is introduced in 2025.

Amendments 10 and 36 imply that a target must be set “for each core material” in the code of practice. I understand why Graham Simpson has lodged the amendments, because we have discussed the matter. As we discussed, we send a signal to the market when we identify and prioritise particular waste streams, and I understand the desire to signal priority waste streams for the market view, which might encourage certain businesses to set things up relating to those waste streams. However, that is what the co-design process will do. I feel very confident that the co-design process will send such signals without any of the targets being in the bill.

On amendment 62, sections 5, 6 and 7 of the bill already provide for reporting on progress on the circular economy strategy and for monitoring of and reporting on the circular economy targets and any recycling targets that are set out by ministers as part of those targets. As I have mentioned, work is under way to establish an agreed monitoring and indicating framework that can be used to track different aspects of the circular economy and can form the basis of future targets. The framework will inform stakeholder input and engagement over the coming year. The aim of amendment 62 could be achieved by existing provisions, so I am unable to support it.

I very much welcome the intention behind Monica Lennon's amendment 104, and I understand why she has lodged it. It is important to encourage the reuse of items, because that diverts materials away from waste streams. However, having deliberated on and assessed the amendments that have been lodged at stage 3, we believe that amendment 104 would allow for provision in regulations regarding recycling targets for local authorities that would be outwith the scope of their existing statutory responsibilities as waste authorities. Local authorities recycle waste, but reuse prevents things from becoming waste, so reuse cannot be a statutory waste function of local authorities. That is the difficulty with amendment 104.

For the amendment to work, we would need new statutory functions relating to reuse to be imposed on local authorities. The proposed addition to the recycling targets provision would not achieve the aims of the amendment. As I said at stage 2, local authority statutory waste collection and waste management obligations do not include reuse, so the regulation-making power in section 13 relates solely to the setting of recycling targets.

Monica Lennon: I hope that there will be a break soon so that the minister's voice gets a little bit of respite.

I think that I understand the minister's point about the statutory duties, but people in the

chamber and outwith it will be wondering how the bill will encourage more activity in the local authority space to work with our third sector partners and others so that we can shift towards more reuse, which is really important. If we cannot support such a simple amendment, how else can we give effect to that?

Gillian Martin: There have already been a number of amendments that have embedded reuse into the bill as amended at stage 3. Local authorities' recycling obligations include preparation for reuse—that is the avenue that we will take. In other words, preparation for reuse means activities through which products and parts of products that have become waste are made suitable for reuse. Local authorities also have obligations to manage waste with regard to the waste hierarchy, with reuse being further up that hierarchy than recycling.

The bill already makes provision for the code to address preparation for reuse but, as a result of some of the amendments that have been agreed to, we are embedding reuse into what we might call the prompts that we have for the co-design process. We do not think that it would be appropriate to prescribe mandatory requirements in relation to the provision of wider reuse and repair services, simply because that does not fall under the statutory duties of local authorities. There is a difficulty in that from a legal point of view. Therefore, with regret, I cannot support amendment 104 but, if it helps, I support what Ms Lennon is trying to achieve with the amendment—it is just a little bit difficult in legal terms.

Finally, I lodged amendment 91 to correct a minor error in section 13. The amendment does not change the purpose or intent of the bill, though.

Mark Ruskell: We will not support Maurice Golden's amendments in this group, with the exception of amendment 62. At stage 2, we discussed at length the drawbacks of setting fixed targets in the bill. Setting a recycling target for 2026 would give very little time for co-design with local authorities to take place and for them to prepare a detailed plan to meet their targets. We recognise that some local authorities are further ahead on that than others and might be able to meet a target of 2026, but others will not be able to do that. We need to ensure that everybody gets the support that they need to move together.

I am, however, convinced about amendment 62, which will require the Scottish Government to report annually on councils' progress on meeting their targets. It would be helpful to have that additional information. I listened to the minister's point that there will be reporting on the strategy alongside that, but a report coming to Parliament would be very useful, as it would bring additional

scrutiny. That builds on the amendment that I lodged at stage 2 that requires ministers to report to Parliament if a target is missed, which is similar to a provision in the climate change legislation.

Douglas Lumsden: I am struggling to understand Mark Ruskell's argument. How can ministers come back with a report on where they are with targets if there are no targets? I am confused.

Mark Ruskell: There will be targets, which will be co-produced and developed with local authorities. I am not interested in sticking any old target in the bill and then seeing whether it works. This needs careful co-production. I listened carefully to the evidence that we had at stage 1 from the Convention of Scottish Local Authorities and from the previous minister. That is why we have reached the position that we are in. However, Mr Lumsden should take heart, because we will back amendment 62.

I am really tempted to back Monica Lennon's amendment 104, because I am not seeing enough action on reuse. On Friday last week, I met Circular Communities Scotland and a lot of reuse charities in Stirling. Some fantastic work is happening, but it is not happening everywhere, and I am frustrated by that.

I listened to what the minister said—that reuse cannot be a statutory function and does not fit with the statutory duties—but, like Monica Lennon, I am at a loss to see how we then take things forward in this area in a way that is meaningful. I do not want there to be good practice in only one or two local authorities, while other local authorities are not following it—with reuse and repair, in particular, not being an option for people when they go to their waste management site.

Monica Lennon: Will the member take an intervention?

Mark Ruskell: Yes: I will take Ms Lennon's guidance on what she now wants to do with amendment 104.

Monica Lennon: This is a really important contribution from Mark Ruskell. For clarity, I take this opportunity to say that amendment 104 seeks to place a duty on the minister when creating secondary legislation under section 13. It is not about putting that duty on to local authorities directly. Throughout the scrutiny of the bill, we have heard that there is a real appetite for more activity on reuse, and our local authorities are certainly looking for more guidance and support on that. Mark Ruskell says that he feels a bit frustrated; I would say that that is putting it politely. I have to say, in the gentlest possible way, that the minister's explanation seemed a little bit on the weak side. I take the point about the importance of co-production, in the spirit of the Verity house

agreement, but the issue is not one of directly imposing a duty on to local authorities.

It is important to embed reuse into the bill as much as we can. Amendment 104 simply adds that we should

“make further provision for the promotion of reuse to assist local authorities to achieve their targets”.

I am seeking to be helpful here, and I think that there is cross-party support for the intention behind the amendment. I hope that the Government can give it full consideration.

I am grateful to Mark Ruskell for giving way.

Mark Ruskell: That was a useful intervention. Those of us who are frustrated at the lack of focus on reuse want to see it highlighted in the bill. I hope that amendment 104 is an elegant amendment to sit within the bill, so that it can work to drive progress from local authorities— notwithstanding what the minister has already said.

I do not know whether the minister wishes to reflect further on what she has heard from Monica Lennon.

Gillian Martin: I would just point to the difficulties given the statutory obligations that are already on local authorities. It is all very well for us to promote and prompt reuse as part of the strategy but, for me, that is for the co-design process, and it is for local authorities to share good practice within that process, prioritising reuse—as they should be doing, given the waste hierarchy. I do not think that putting that in the bill will have much of an effect. I do not think, given the statutory limitations, that the proposal would be problematic, but I do not think that it will achieve what Ms Lennon wants it to achieve. I hope that local authorities are hearing us loud and clear on the prioritisation that we want them to place on reuse, and the co-design process represents their opportunity to prove to us that they can carry that forward and do the things that we want to see happening.

Mark Ruskell: I appreciate those thoughts.

At this point I will close and hand back to Mr Golden to wind up.

The Deputy Presiding Officer: I indeed call Maurice Golden to wind up on this group.

Maurice Golden: I must admit to being a little bit perplexed at the Scottish Government setting targets but now being on record as wanting to vote against its own targets, despite it being more than a decade after they should have been met.

To be clear, there is no surprise to local authorities, which would have been expecting to meet the recycling targets in 2013, so 2026 is not

a rush—it is a very long time afterwards. Many local authorities do a fantastic job and are surpassing those targets.

On the carbon metric that, around a decade ago, the Scottish Government promised to introduce, one of the main drawbacks, from the perspective of local authorities at the time, was that it would encourage textiles to be collected, but probably not glass at kerbside. That has unintended consequences for third sector access, and that, I believe, is why the Scottish Government dropped it then. It had nothing to do with any other advancement, but it appears as though, even though it was the wrong move a decade ago, it is suddenly the right move, and the other targets that were the right move then are now the wrong move. The new strategy is exactly the same as the old strategy.

16:45

For the past almost 20 years, the Scottish Government and local authorities have used a co-design process for recycling. That has delivered a very average recycling rate that mirrors that of England, to be honest, and is a complete contrast to that of Wales, which did not use that co-design process that the Scottish Government deployed, has now dressed up and is now going to redeploy and expect different results, even though year after year it fails to meet its own targets.

We are where we are. It seems that there is no climate emergency because, to put it bluntly, if we cannot collect household waste effectively at kerbside, there is no chance of achieving the transformational behaviour change that is required to meet net zero targets. We might as well forget all those debates about net zero. If we cannot do the basics, we should pack our bags, get in a gas guzzler and drive home.

The Deputy Presiding Officer: Mr Golden, can you clarify whether you are pressing amendment 50?

Maurice Golden: I will press.

The Deputy Presiding Officer: The question is, that amendment 50 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 48, Against 65, Abstentions 0.

Amendment 50 disagreed to.

Amendment 69 not moved.

Amendment 52 moved—[Maurice Golden].

The Deputy Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 Rowley, Alex (Mid Scotland and Fife) (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) [Proxy vote cast by Richard Leonard]
 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)
 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, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 47, Against 67, Abstentions 0.

Amendment 52 disagreed to.

Amendment 51 moved—[Maurice Golden].

The Deputy Presiding Officer: The question is, that amendment 51 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Clare Adamson: On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Adamson. Your vote will be recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 Rowley, Alex (Mid Scotland and Fife) (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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 47, Against 68, Abstentions 0.

Amendment 51 disagreed to.

Amendment 70 not moved.

Amendment 53 not moved.

Amendment 80 moved—[Mark Ruskell].

The Deputy Presiding Officer: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

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)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Eagle, Tim (Highlands and Islands) (Con)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 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)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (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)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Simpson, Graham (Central Scotland) (Con)
 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)
 Thomson, Michelle (Falkirk East) (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

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 7, Against 89, Abstentions 19.

Amendment 80 disagreed to.

Section 8—Restrictions on the disposal of unsold consumer goods

Amendment 4 not moved.

The Deputy Presiding Officer: Group 7 is on restrictions on the disposal of unsold consumer goods. Amendment 81, in the name of Sarah Boyack, is grouped with amendments 82, 34, 35, 83 and 84.

Sarah Boyack: I thank the minister and her team for helping me to craft amendments 81, 83 and 84.

As I said at stage 2, retailers in particular are concerned about provisions in section 8 and feel that measures regarding unsold food, along with the number of regulations that would be placed on

them in a short period of time, would prove challenging. I hope that amendment 81 will provide reassurance to those who had concerns about food waste. My amendment 83 would ensure that the Scottish Government publishes guidance on the implementation of this section. Amendment 84 is a consequential and technical amendment.

The amendments are clearly in line with the recommendations in the committee's stage 1 report. The guidance would clarify for businesses the scope of the unsold goods that would be affected. We know that a number of businesses are already trying to repurpose unsold goods and/or divert them from landfill, but there are circumstances in which goods are damaged or contaminated and it would be unsafe to put them to another use. Guidance is therefore needed to ensure that businesses and producers can do the right thing within the letter of the law and that public health and safety is protected.

I hope that members will feel able to support my amendments.

I support the minister's amendment 82, which adds clarity and is therefore helpful.

I will comment on Graham Simpson's amendments 34 and 35. Amendment 34 includes a provision to prioritise reuse rather than recycling, which I think is really good because it will push reuse up the hierarchy. Amendment 35 could have a really positive impact on our communities, because the social benefit that could be delivered by unsold goods could not be more important during this cost of living crisis.

It feels unusual to support all the amendments in the group, but that is certainly what I will do today.

I move amendment 81.

The Deputy Presiding Officer: I call the minister to speak to amendment 82 and other amendments in the group.

Gillian Martin: I welcome amendments 34 and 35 from Graham Simpson. The bill consultation was launched at Fresh Start. Members may be aware of the wonderful work that it does in redistributing goods to help support those who have previously been homeless. We will all have similar organisations in our constituencies and regions: Aberdeen has Instant Neighbour and Peterhead in my area has Stella's Voice. They are fantastic examples of what we want to see happen and I absolutely agree that reuse should be prioritised over recycling. In fact, that is entirely in line with the waste hierarchy, so I am very happy to support amendment 34.

I understand why Graham Simpson lodged amendment 35 and I agree with the intention and

sentiment behind it. I particularly recognise the great work in this area by Circular Communities Scotland and its members. However, there are some problems with the amendment that mean that I cannot support it. Unfortunately, maximising social benefit cannot be defined in regulations and I am further concerned that the wording about

"any existing network of community re-use organisations"

would, if it became part of the bill, exclude new organisations that might be formed or other good causes that could reuse products. That would be unfortunate. I know that that was not Mr Simpson's intention, but it would be an unintended consequence of agreeing to amendment 35.

Although I cannot support the amendment as it is written, I am happy to commit to highlighting the role and the importance of the third sector in this area in the guidance associated with the provisions in this section, in order to avoid unintended consequences while making progress towards the intention behind the amendment. I therefore urge Mr Simpson not to move amendment 35 but to take at face value my reassurance that I am happy to commit to highlighting that role.

I turn to amendment 81. The concerns expressed by the retail and hospitality sectors in relation to food were highlighted by Ms Boyack at stage 2. My predecessor, Lorna Slater, previously pointed out that the policy intention was to target durable goods. In addition, similar provisions at EU level contain an exclusion for food, so I am happy to support amendment 81.

On the issue of guidance, which was discussed at stage 2, I agree with Ms Boyack that it is appropriate for guidance to be published to provide certainty to businesses and enforcement agencies. I was happy to work with Ms Boyack on alternative wording that will ensure that the guidance is published at an appropriate point, and I am happy to support her amendments 83 and 84.

At stage 2, there seemed to be an expectation from members that the new power in section 8 would prohibit or restrict the disposal of a whole range of goods rather than just particular goods such as textiles, which had been talked about in the first instance. My amendment 82 clarifies that regulations may specify the particular types of goods to which restrictions apply. I hope that that will provide extra clarity to businesses. I ask Parliament to support amendment 82.

17:00

Graham Simpson: I am really grateful to Circular Communities Scotland for suggesting my amendments 34 and 35. I am grateful to Monica Lennon and Sarah Boyack for supporting them

and to the minister for supporting amendment 34. I will speak about that one first.

Section 8, which is on restrictions on the disposal of unsold goods, is a really important section and it has wide support. It speaks to the minimisation of waste, which we all want to see, but it could and should go further and state explicitly that the reuse of unsold goods and returns should be prioritised over recycling, as per the waste hierarchy.

Amendment 34 seeks to ensure that section 8 will be explicit in highlighting the value of reuse over just taking things back and breaking them down for recycling. For example, small electrical goods, textiles, furniture and even bikes that are in good working order deserve to be put back into the economy and kept in safe use for as long as possible. Amendment 34 is in line with the principles of creating the conditions for a strong circular economy, and I am really grateful for the minister's support for it.

I see my amendment 35, which is backed by Monica Lennon, as being complementary to amendment 34. It speaks to the principles of passing unsold goods back into the economy via the existing network of community-based and charitable organisations across the country. Most members will be aware of their local reuse projects and charity shops. They not only take in donations of goods and reduce waste but maximise the social value of those donations by undertaking wider charitable activities using the income from the sale of donated goods.

I will skip ahead to the comments that were made—

Mark Ruskell: Will the member take an intervention?

Graham Simpson: Certainly.

Mark Ruskell: Will Graham Simpson comment on the minister's view that, as his amendment 35 refers to "existing" networks of community reuse organisations, the provision would not apply to new networks? Did he consider that in drafting the amendment?

Graham Simpson: Handily, I was just about to come on to that. I had skipped a whole load of speaking notes just to address that very point.

First, the minister questioned what is meant by "social benefit" and how that would be defined in law. I accept her point. We have discussed the matter and I do not want to see something in legislation that has no real meaning. Secondly, I also hear what she says about the phrase "existing network". On reflection, I think that the word "existing" is superfluous and it perhaps damages the amendment. I take her point that amendment 35 would not work with that word

included, so I will not move it. Sadly, it has not been written—it is my fault—in the way that I would have liked. However, I will move amendment 34.

Sarah Boyack: I will certainly press amendment 81, especially given that it has good support. One thing that we should take away from this bill is that our exchange about how we support our local communities and the third sector, which are already doing a fantastic job, and enable them to scale up, is unfinished business. Getting the detail right is always important when it comes to legislation, so I note that Graham Simpson will not press his amendment 35, but I hope that all the other amendments in the group will be agreed to because, if we really push for this to happen, it will make a big difference to our constituents. It will mean that products that would otherwise have been wasted will be put back into use. We have to support that. Maximising the use of all those goods is good for not just the environment and the planet but our constituents. That has to be at the heart of our agenda.

Amendment 81 agreed to.

Amendment 82 moved—[Gillian Martin]—and agreed to.

Amendment 34 moved—[Graham Simpson]—and agreed to.

Amendment 35 not moved.

Amendment 83 moved—[Sarah Boyack]—and agreed to.

Amendment 5 not moved.

Amendment 84 moved—[Sarah Boyack]—and agreed to.

Amendment 6 not moved.

Section 9—Power to require imposition of charges for single-use items

Amendment 7 not moved.

The Deputy Presiding Officer: Group 8 is on single-use items and vaping products. Amendment 101, in the name of Sarah Boyack, is grouped with amendment 71.

Sarah Boyack: At stage 2, I supported amendments to exempt biodegradable coffee cups from future regulations. I made the point that a small number of coffee shops in my region, Lothian, have switched to using biodegradable coffee cups, using the innovation of producers that are based in Edinburgh.

I accept the Government's concerns about the use in legislation of the word "biodegradable". However, to look further at the production methods of biodegradable cups, two acids—polylactic and

crystallised polylactic—are sometimes their core components. Polylactic acid is a biodegradable thermoplastic that is obtained from renewable and organic sources. I do not believe that we should hinder small coffee shops, in particular, which are already making sustainable choices and helping to create the circular economy that we want as a result of the bill.

If the Government cannot accept amendment 101—I make that presumption—I would be very keen to get confirmation from the minister on whether, prior to regulations that would place a charge on single-use coffee cups, she will look fully at exempting biodegradable cups within the regulations.

I strongly support amendment 71, in the name of Gillian Mackay, on vapes—

Mark Ruskell: Is Sarah Boyack not concerned that creating an exemption for compostable cups will create an enormous loophole in any deposit or take-back scheme that is introduced? A lot of coffee cups require specialist composting in order to have high environmental performance. That might not be available to the smaller coffee shops, householders or whoever—who might find themselves inundated with compostable cups and not know what to do with them.

Sarah Boyack: Using compostable products, and disposing of them effectively, is critical to the waste hierarchy and to dealing with our waste. When I go into a shop, now, I am interested in whether its bags are compostable. Some mainstream shops are now using such bags. There is a need to make sure that things are reusable or compostable, and that they are not just thrown out and wasted. That is what is behind the ambition in my amendment 101. I do not think that it is about creating loopholes; it is about reusing and making the best of products.

The last point that I will make is on amendment 71, in the name of Gillian Mackay. Vapes are increasingly becoming complex products and it is more difficult to ensure that all of the component parts are recycled and reused. Amendment 71 is very helpful, and we should support it.

I move amendment 101.

The Presiding Officer (Alison Johnstone): I call Gillian Mackay to speak to amendment 71 and the other amendment in the group.

Gillian Mackay (Central Scotland) (Green): I acknowledge the work that the Scottish Government has done to date to highlight the health and environmental harms of single-use vapes and the commitment to work on a four-nations basis on a ban. I lodged the amendment to place a ban on single-use vapes in the bill. I am responding to concerns that the ban that has

previously been agreed may be delayed due to the current election. A delay will not necessarily happen due to a change in policy or sentiment but simply because it takes time to introduce legislation. I am concerned about the timescale for taking the four-nations approach to introduce a ban.

The real harms that single-use vapes are causing every day mean that we cannot risk waiting. Indeed, a report for Zero Waste Scotland estimated that the total emissions that were associated with single-use vapes in 2022 were between 3,375 and 4,292 tonnes of CO₂; that is the equivalent of the emissions from 2,100 cars on the road. It also showed that the weight of packaging and materials that are discarded as a result of single-use e-cigarette consumption in Scotland is between 800 and 1,000 tonnes per year. Other figures show that 1.3 million single-use vapes were thrown away every week in the United Kingdom last year, although that figure is likely to be far greater now.

It is an impending environmental catastrophe. In the middle of a climate crisis, the last thing that we need is another polluting single-use product, and a ban on disposables is the minimum that we need to protect the planet.

Amendment 71 would see powers to implement a ban on single-use vapes placed in Scots law. It would also enable ministers to put in place an interim scheme that would require retailers to take back single-use vapes.

Graham Simpson: I support the amendment, but I would like to know how Gillian Mackay sees it working in practice. Does she think that there should be a take-back scheme applying to every retailer who sells single-use vapes—should the retailers be compelled to take the vapes back, and if someone takes back a single-use vape, will they be given some money for doing so?

Gillian Mackay: There are different ways to operate a take-back scheme, such as with some form of deposit on the product. If retailers are happy to sell the products, they should also be happy to take them back and recycle them in the appropriate manner.

Edward Mountain (Highlands and Islands) (Con): Most single-use vapes lie around our streets after they have been discarded. What concerns me about the amendment is that there is no way to stop that happening or to encourage people to hand them back. A ban may help in the long term, but I do not think that this will help in the short term. Can you convince me that the amendment will make people hand them in rather than throw them under the nearest bush that they pass?

Gillian Mackay: In the local authority where I live, Falkirk, the easiest places to take single-use vapes to are local waste centres or tips around the area. A lot of the time, people need a car to be able to get there, so that initially puts them off going. Taking vapes back to the shop that they are going to buy their next vape from is much easier than what happens in the current system.

Mr Mountain is smiling, so I hope that I have at least convinced him in the general direction of the amendment.

Such voluntary schemes are already under way in some retail outlets, but the amendment would allow that to be strengthened and expanded across more retailers. I appreciate the difficulties that the amendment gives the Government because of the United Kingdom Internal Market Act 2020, but it is important that we take every opportunity possible to raise the issue. It is an environmental and health issue, and it requires cross-Government work. We need the Scottish Government to use the regulation-making powers that it has to reduce the environmental harm that is caused by vapes, and we need to ensure that we take action quickly. The current delay means that products are already evolving to try to get around being disposable or single use, and that puts us on the back foot again.

Getting it right is important, but we need to do it quickly, because single-use products are doing harm to health and the environment every day. There has been a rise in the number of disposable electronics, and we need to take serious action.

17:15

I seek the minister's assurance that the Scottish Government will set a timeline for the introduction of a ban on single-use vapes as soon as possible after 4 July. If that approach is not forthcoming, will it seek to introduce legislation here? Will it use its existing powers to reduce harm and litter by putting disposable vapes behind cover, as is the case for conventional cigarettes?

Monica Lennon: Scottish Labour welcomes amendment 71, in the name of Gillian Mackay. We note that Action to Protect Rural Scotland also strongly supports the amendment. Adding to the bill a provision that ministers

"may, by regulations, establish a take-back scheme for single-use vaping products"

would be welcome. I hope that all members will support amendment 71.

All members will know, from local conversations that they will have had, that tackling the blight of single-use vapes in our communities is important. People have raised with me the issues caused by litter that they see in local parks. Young people,

especially those in our primary schools, are often the most vocal about that.

Scottish Labour welcomes the other work that the Scottish Government and the UK Government have undertaken and the approaches that Gillian Mackay has championed as we try to achieve a ban on single-use vapes. The Prime Minister's last-minute gamble on an early election has clearly delayed the implementation of any such ban. I hope that, whatever happens after the election on 4 July, we will see cross-party and cross-Government working on the issue. As we work towards the medium and longer term, having such a ban would be ideal. It would be great if that could be done across the UK. If we need to drive that approach forward in Scotland, let us do so. We need to send a strong signal that such littering is not acceptable.

In response to Edward Mountain's question, Gillian Mackay made an important point about making take-back easier for people. For example, South Lanarkshire Council should be commended for its appointment system for local amenity sites in my area. It has seen high demand from people who access the sites by car, so it now has an appointment system to manage any conflict there.

The general point is that we need to make such schemes as easy as possible for individuals to use. If people consume a product and go back to a particular retailer, the take-back model is appropriate.

I strongly support amendment 71.

Graham Simpson: I will comment briefly on amendments 71 and 101. Sarah Boyack's amendment 101 builds on what I attempted to do stage 2, which was to exempt compostable materials from the regulations. Bizarrely, people did not buy that proposal—they did not go for it. I would have thought that, if a material is compostable—in other words, it can break down naturally—we should not apply a charge to it. Ms Boyack has had another go at proposing that, although she has been a little more technical than I was. I will be happy to support her amendment, just as I will be happy to support Gillian Mackay's amendment 71 on introducing a take-back scheme for single-use vapes, which are a problem. The littering of such products is an issue, so her proposal is definitely worth exploring. She mentioned issues that are caused by the United Kingdom Internal Market Act 2020. We would have to get those right before introducing such a scheme, but her proposal is definitely worth exploring.

Gillian Martin: I understand the purpose behind Sarah Boyack's amendment 101, in the same way that I understood Graham Simpson's motivations for his amendments at stage 2. They would create

a specific exemption from charges for single-use items, which, in the case of Sarah Boyack's amendment, would be for those made from polylactic acid or crystallised polylactic acid, which are made from plant-based matter. However, I do not agree that amendment 101 would be beneficial to the aims of the charge, for reasons that I mentioned at stage 2, which I will set out again. Even where a single-use item is biodegradable or compostable, it is still operating on a linear economy model and is designed to be used and discarded, using precious resources for ease and convenience.

To go back to Mark Ruskell's point, biodegradable items often need a specific environment to enable them to biodegrade. In addition, they are often used on the go, so they are just as likely to contribute to the litter on our streets, because they will not dissolve or biodegrade overnight. If they become litter, they will, even if they biodegrade more quickly than plastic, still cause harm to wildlife and livestock.

It is not just a case of looking at the material from which cups are made. The whole point of the charge is to discourage the use of throwaway, disposable items in the first place. Its aim is to trigger behaviour change as part of a wider suite of measures towards reuse.

I reassure Ms Boyack that that does not rule out the possibility of appropriate exemptions. It is an enabling power, and exemptions can be set out in secondary legislation. We can have the debate again, more thoroughly, with a process of consultation and impact assessments—as one would expect—around single-use items and a charge associated with them.

I fully support the intent of Gillian Mackay's amendment 71, which is why measures have already been taken to tackle the environmental impact of single-use vapes. Ten years ago, we did not see these things on our streets, and now they are everywhere that we look—once you see one, you see 10.

On 10 June this year, however, the Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024, which ban the sale and supply of single-use vapes in Scotland, were laid in Parliament. The proposed ban is being brought forward under section 140 of the Environmental Protection Act 1990. The UK Government, the Welsh Government and the Northern Ireland Executive have also confirmed their intention to legislate for a ban, with an agreed common coming into force date of 1 April 2025.

At present, the upcoming general election is not expected to impact on our ability to meet that date. We were the first Government to commit to taking action on single-use vapes, and we fulfilled our

2023 programme for government commitment to consult on measures to tackle the environmental impact of single-use vapes. That approach has had cross-party support in Parliament, including today, and I hope that support will continue as we ensure that that important legislation is passed on returning from summer recess.

With regard to take-back issues, the Waste Electrical and Electronic Equipment Regulations 2013 already require that retailers selling single-use vapes in store or online must meet specific obligations for their collection and recycling. Previously, small and online retailers could meet their obligations by paying into a distributor take-back scheme. From 1 January this year, however, all vape sales were excluded from that scheme, which means that all stores selling vapes are now required to provide in-store take-back. That is supposed to be happening now.

With the greatest respect to Gillian Mackay, who I know has campaigned on the issue, I do not see that it is necessary for members to support these amendments, because everything that she wants is going to happen or is already happening.

Gillian Mackay: Does the minister agree that more needs to be done on enforcement? I am sure that many members on all sides of the chamber will go into their local supermarket and many local shops, where they will see that there are, in fact, no obvious take-back places under the current schemes. It is clear that those schemes are not working in certain places, or that certain retailers are not adhering to them, and there is therefore more that we could do, despite well-intentioned and good schemes being in place.

Gillian Martin: The very fact that I am explaining the distributor take-back obligations, and that none of us seems to be aware that they exist, or has seen any signage in any of our local corner shops or supermarkets, means that retailers are not doing enough. Do they know their obligations? If they do not know their obligations, what is happening to enforce those? In addition, what are they doing to communicate with their customers to let them know that they take back the empty vapes? Gillian Mackay makes a very good point in that regard, but I will leave my remarks there.

Sarah Boyack: The discussion on this group has been good. I am disappointed that the Government will not accept my amendment, but I am glad that the minister will at least look at the regulations issue. I just want to support local businesses that are trying to do the right thing by producing innovative and beneficial products. Monica Lennon and Gillian Martin's points about making it easier for people to do the right thing are critical.

I come back to the minister's final point about communications. The Government will need to think about communications in relation to what the bill will look like at the end of the process. How do we communicate with people in such a way that they understand what the legislation does, what it could do and how it will impact businesses and communities? There has not been enough focus on communication.

The Presiding Officer: Ms Boyack, will you confirm whether you press or withdraw amendment 101?

Sarah Boyack: I absolutely press amendment 101.

The Presiding Officer: The question is, that amendment 101 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.

Shona Robison: On a point of order, Presiding Officer. I am sorry; I had problems connecting again. I would have voted no.

The Presiding Officer: Thank you, Ms Robison. We will ensure that that is recorded.

Beatrice Wishart (Shetland Islands) (LD): On a point of order, Presiding Officer. I am sorry; my app would not connect. I would have voted no.

The Presiding Officer: Thank you, Ms Wishart. We will ensure that that is recorded.

Alexander Stewart (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

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

Jeremy Balfour (Lothian) (Con): On a point of order, Presiding Officer.

The Presiding Officer: I confirm that your vote has been recorded, Mr Balfour.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]

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)
 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)
 Thomson, Michelle (Falkirk East) (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 amendment 101 is: For 47, Against 69, Abstentions 0.

Amendment 101 disagreed to.

Amendments 8 and 9 not moved.

After section 9

The Presiding Officer: I call amendment 71, in the name of Gillian Mackay. Gillian Mackay to move or not move amendment 71.

Gillian Mackay: Given the assurances from the minister, I will not move the amendment.

The Presiding Officer: Thank you—*[Interruption.]* Yes, you can indeed.

Amendment 71 moved—[Douglas Lumsden].

The question is, that amendment 71 be agreed to. Are we agreed?

Members: No.

17:30

The Presiding Officer: There will be a division. Members should cast their votes now.

The vote is closed.

Alexander Stewart: On a point of order, Presiding Officer. My app is still unable to open. I would have voted yes.

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

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the vote on amendment 71 is: For 49, Against 65, Abstentions 0.

Amendment 71 disagreed to.

Jamie Hepburn: On a point of order, Presiding Officer. For the public record, it was not entirely clear who moved the previous amendment. I wonder whether you could give clarity on that.

The Presiding Officer: The amendment was moved by Douglas Lumsden.

Section 9A—Fixed penalty notices for fly-tipping offences

The Presiding Officer: Group 9 is on fly-tipping and unlawfully deposited waste. Amendment 54, in the name of Edward Mountain, is grouped with amendments 55, 85 and 86.

Edward Mountain: Before I go further, I remind members of my entry in the register of interests, which shows that I own a farm in Moray. To be clear, like most farmers and landowners across Scotland, I have suffered from people throwing stuff onto the farm. In the past few weeks, it has been 30 tyres and a rolled-up mattress. Prior to that, it has been deep-freeze units full of food, it has been asbestos, it has been oil and it has been a combination of things, including hypodermic needles scattered along with nails in fields of cattle.

I do not think that there is any excuse for fly-tipping. I think that it is a blight that covers Scotland. However, there are people out there who make a lot of money from it, by going round and collecting waste that they say they are going to dispose of properly, but do no such thing. They find the closest farm or gateway that they can and throw the stuff in it.

That is just not acceptable, which is why my amendments 54 and 55 seek to do one thing only: increase the level of fines for fly-tipping, putting it up to a maximum of £5,000. A fine will not have to be £5,000, but it will be able to be £5,000.

Somebody sitting here will say—the minister said this at a committee meeting—that that is too much money. I remind everyone that in the previous parliamentary session we agreed that, for killing mountain hares, the maximum prison sentence should be five years and an unlimited fine. Yet it appears that £5,000 for fly-tipping, which could kill more wildlife than anything else, is completely unacceptable. We ought to consider carefully what our priorities are and whether we think it is right that people go round the countryside causing a blight on Scotland. That is not making it attractive for tourists to come up here.

I credit the minister for her amendment 85. I take pleasure from knowing that she has listened to my colleague Murdo Fraser and has taken account of all that he has been doing on fly-tipping.

Usually, when fly-tipping is found, the landowner gets what I call a snotogram from the Scottish Environment Protection Agency or some such organisation telling them to remove the rubbish—at their own expense, or at the tenant's expense—

although they did not dump it. The minister's amendment seeks to stop that practice, which is entirely right. I think that, if amendment 85 passes, Murdo Fraser would be happy not to move his amendment 86. However, I could be putting words into his mouth.

I commend both those members for working together to come up with a workable solution so that those who are plagued by fly-tipping are not the ones who have to pay for other people's illegal actions.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am sure that Edward Mountain would agree that some fly-tipping is done by commercial organisations that are actually run by serious organised crime. It goes beyond fly-tipping a fridge-freezer or a mattress; it is something much more sinister.

Edward Mountain: I absolutely agree with Christine Grahame's comment, which is why the fine needs to be sensible enough to stop them doing it in future. Paying a fine of £1,000 is just small change to organised crime; £5,000 might make those criminals sit up.

I am happy to listen to the arguments.

I move amendment 54.

Gillian Martin: I firmly agree with the importance of having a strong and effective enforcement regime to deter and tackle fly-tipping. However, the Scottish Government does not support amendments 54 and 55 from Edward Mountain. I will set out why.

It is important to understand the broad range of activities that can be classed as fly-tipping. Those range from leaving a single household item in the street to abandoning tonnes of waste in a country lane or on agricultural land. Those are very different offences, and a range of penalties are already available to be used in those different scenarios.

A fixed-penalty notice—FPN—as an alternative to prosecution should be used to address lower-level incidences of fly-tipping, which should be appropriately addressed by a sanction that does not result in a criminal conviction. A £5,000 FPN would not be a proportionate amount for those less serious offences.

In her intervention, Christine Grahame pointed to the role that organised crime plays and the very serious instances of fly-tipping that occur. Those are not addressed by way of an FPN. They are reported to the Crown Office and Procurator Fiscal Service for prosecution or, where appropriate and in accordance with the Lord Advocate's guidelines, are addressed by way of civil sanctions imposed by SEPA, which could include the imposition of a variable monetary penalty of up to £40,000.

Edward Mountain: Although penalties are available, the real issue is: how many councils across Scotland have ever prosecuted anyone for fly-tipping? I will give the minister a starter: Moray Council has not issued any penalties.

Gillian Martin: I do not have that information in front of me, but I take Mr Mountain's point that he does not feel that enough has been done to address fly-tipping. I hope that I will be able to give him comfort by setting out some of the other actions that the Government has taken.

Mr Mountain mentioned that I have lodged amendments having listened to his and Mr Fraser's arguments on fly-tipping at stage 2. We increased the fixed penalty for fly-tipping to £500 in January, and it is now at the maximum level that can currently be set by way of secondary legislation. At stage 2, the bill was amended as a result of Mr Fraser's amendment 201, which will allow for future increases to a maximum amount not exceeding level 3 in the standard scale, which is currently fixed at £1,000, and for different levels of penalties to be imposed in different circumstances. That will ensure that the FPN amount can be increased in future and can remain a proportionate means of addressing less serious incidents of fly-tipping as part of the range of options that are available for fly-tipping offences.

Amendments 85 and 86 relate to section 59 of the Environmental Protection Act 1990, which provides SEPA and local authorities with powers to address waste that is deposited on private land when they would otherwise be unable to do so.

Amendment 85 is a Scottish Government amendment, but I thank Murdo Fraser and Edward Mountain for their constructive contributions to the discussions that have informed its development. I appreciate the work that they did with me and my officials on the amendment.

I hope that amendment 85 reassures members that we have listened carefully to their views and have delivered on our commitment to consider issues that were raised at earlier stages of the bill. That includes concerns that were raised during stage 2 about the lack of clarity for private land occupiers on arrangements relating to the unlawful disposal of waste on their land.

Amendment 85 makes two changes to section 59 of the 1990 act. First, it inserts a requirement that a notice may be served to an occupier of the land only when

"the authority is satisfied that the occupier ... deposited ... or knowingly caused or knowingly permitted the deposit of waste."

That will improve clarity on the circumstances in which a section 59 notice can be used.

Secondly, amendment 85 changes the appeals process under section 59 of the 1990 act by directing appeals to the Scottish ministers rather than through the sheriff court system. That approach is consistent with the approach that is taken to a number of other environmental appeals, which are dealt with by the planning and environmental appeals division, so a more streamlined and accessible appeals process will be created.

Overall, I am satisfied that the changes that will be brought about by amendment 85 will clarify the use of section 59 notices for land occupiers and enforcement agencies and will ensure that the appeals process is proportionate and accessible. We are also committed to providing guidance, as noted in the amendment.

I thank Murdo Fraser for lodging amendment 86. I am reassured that we are aiming to achieve broadly the same objectives with our approaches. The effect of Mr Fraser's amendment would be similar to that of the first part of amendment 85, but his amendment would expand the provision so that a notice under section 59(1) could be issued to the owner of any private land in addition to the occupier of that land.

I urge Murdo Fraser to support the Government's amendment 85, given its added value in changing the appeals process, and I ask him not to move amendment 86.

Murdo Fraser (Mid Scotland and Fife) (Con): In what might be an unusual twist, I would like to bring a degree of consensus to the debate.

First, I agree with Edward Mountain on the scourge of fly-tipping. As members might be aware, I was preparing a member's bill on the issue, having run a consultation back in 2022. The purpose of my proposed bill was to improve data collection and publication, to adjust liability on the generators of waste and on innocent owners of land on which waste was dumped, and to increase penalties for offenders. The consultation responses to my member's bill proposal showed very strong support for each of those measures.

I have had very good engagement with the Scottish Government on the issue. I pay tribute to the minister who is currently in charge of the bill for our engagement and, indeed, to the minister who was previously in charge of the bill, Lorna Slater, for the constructive approach that she took to the issue.

I was pleased to see that the Circular Economy (Scotland) Bill as introduced contained a measure to increase liability on the generator of waste to ensure that waste is properly disposed of. That deals with one of the four elements in my member's bill proposal.

In relation to the level of the penalty for fly-tipping offences, the Scottish Government increased the maximum fixed penalty from £200 to £500 through secondary legislation. In my view, that did not go far enough, so at stage 2, as the minister outlined, I lodged an amendment to increase the maximum amount of a fixed penalty from £500 to £1,000. I was pleased that that amendment was agreed to.

At stage 2, I also lodged an amendment on the issue of data collection to modify the Environmental Protection Act 1990 by granting the power to the Scottish ministers to require information from local authorities and the Loch Lomond and the Trossachs National Park Authority in relation to the reporting of incidents of unlawful depositing of waste, to allow the collation and analysis of data on fly-tipping. Again, I was pleased that that amendment was agreed to by the committee at stage 2.

That then left the final and perhaps the most important element: the issue of liability on the part of the innocent landowner on whose property waste has been dumped, where they did not generate the waste or give permission for its dumping. As Edward Mountain outlined, under section 59(1) of the 1990 act, liability for removal of the waste lies with the occupier or owner of the land, who could face fines if the waste is not removed. In addition, where an appropriate statutory body, such as the local authority or SEPA, steps in and removes the waste, the cost of removal can be levied on the owner of the land.

17:45

In my view, that is clearly unfair. It is contrary to natural justice and goes against the polluter pays principle that should underline environmental legislation. I can think of no other area of public policy in which the victim of a crime is held responsible for it and for paying the cost of another's actions. When I consulted on my member's bill proposal, 85 per cent of those responding were fully supportive of the proposal that liability should be removed from an innocent person who has waste deposited on their land, and a further 9 per cent were partially supportive of it. NFU Scotland, Scottish Land & Estates and other representative bodies have been raising the issue over many years.

My amendment 86 would amend section 59(1) of the 1990 act to allow an authority to serve a notice requiring removal of waste only where that authority is

"satisfied that the occupier or owner of the land deposited ... the waste".

That would mean that the innocent owner of land would no longer be required to meet the cost of

removal. That deals with the concerns that farmers and others have been raised with me and that Edward Mountain outlined just a few moments ago.

I was very pleased to see the minister's amendment 85, which essentially says the same as my amendment but goes further, by amending the process of appeal, which will mean that those who are affected by notices will be able to go to the Scottish ministers rather than apply to the court, thus hopefully reducing costs. I am therefore happy to prefer the minister's amendment 85 to mine. Should amendment 85 be agreed to by Parliament, it is my intention not to move amendment 86. I thank the minister for the engagement that we have had on the matter and for her recognition of this injustice, which will be put right should her amendment or mine be agreed to by Parliament today.

One remaining issue that we need to consider, which is not a legal matter but one of Government policy, is about what happens when waste is deposited on the land of an innocent landowner, how that is then removed and who bears the cost. I hope that the Government will consider putting in place some sort of funding system to ensure that the cost of that removal can be met. I would be interested to hear the minister's thoughts on that, if she has any. Perhaps she could intervene on Mr Mountain when he is winding up, or we could deal with that subsequently, but that issue is still to be resolved.

Edward Mountain: I listened to what Murdo Fraser said and I am glad that, between them, he and the minister have come up with a solution that will help to remove the scourge of fly-tipping. Of course, a way of funding the removal of the waste is to make sure that we fine the people who deposit it around the countryside in such a cavalier manner, disregarding farmers, landowners and tourists, and causing a blight on Scotland. I have nothing further to say but, if we do not put a monetary value on that—at the same level as the value of fines for what, in my mind, may be lesser crimes—our approach is out of proportion.

I will press amendment 54.

The Presiding Officer: The question is, that amendment 54 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 is: For 47, Against 69, Abstentions 0.

Amendment 54 disagreed to.

Amendment 55 not moved.

After section 9A

Amendment 85 moved—[Gillian Martin]—and agreed to.

Amendment 86 not moved.

Before section 10

Amendment 10 moved—[Graham Simpson].

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.

The vote is closed.

Angela Constance: On a point of order, Presiding Officer. I had no connection. I would have voted no.

The Presiding Officer: Thank you, Ms Constance. We will ensure that that is recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 is: For 48, Against 68, Abstentions 0.

Amendment 10 disagreed to.

Amendment 36 moved—[Graham Simpson].

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

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by
 Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 is: For 48, Against 69, Abstentions 0.

Amendment 36 disagreed to.

The Presiding Officer: At this point, I suspend the meeting for a 15-minute break. The division bell will ring to notify members that business is resuming.

17:55

Meeting suspended.

18:13

On resuming—

Section 10—Householder's duty of care

The Deputy Presiding Officer (Liam McArthur): We resume with group 10 on householder's duty of care and so on. Amendment 11, in the name of Edward Mountain, is grouped with amendments 56 and 57.

Edward Mountain: Amendment 11 came about as a result of some of the visits that the Net Zero, Energy and Transport Committee undertook to look at the removal by operators of household waste. It became entirely clear that some people were not acting entirely in accordance with the law and that householders were unclear who was responsible for ensuring that the person they had employed to remove their waste—probably for a small charge—had the correct licence. It also became clear during our visit to Binn Group, a skip company, that one very simple way to do that would be to display the licence on the outside of a van.

When we discussed the idea at stage 2, the minister was reticent because of the additional cost that would result, so I went to a local printer to ascertain how much an A3 vinyl sticker to go on the side of a van would cost. I was told £40. That is not a lot of money. It is not a lot when the licence has to be applied for through SEPA, and it could be easily added to the cost of the licence, so that the sticker would be displayed and the householder would know for sure that the person who came to collect their waste had a licence. They would not have to go any further than that, and anyone seeing waste being transported would know that the person was a proper licensed operator. It sounds so simple: why would anyone not like it? Well, I cannot think of a reason why members would not like it, which is why I will move amendment 11.

18:15

I turn to amendment 56. Initially, when I made a similar proposal at stage 2, the minister was reticent about supporting it. I have tried to come up with a household waste recycling plan that would be the same across all of Scotland, which is what amendment 56 attempts to introduce. The first part would require the Scottish ministers to work with COSLA to

“prepare a household waste recycling plan”,

and then to provide coloured recycling receptacles across Scotland.

I will not bore members with my chart, which I take with me wherever I go in Scotland so that I know which colour bin I am to put which bit of rubbish in, because that varies. The most common bin is a blue bin—[*Interruption.*]

The Deputy Presiding Officer: Mr Mountain, your prop is interfering with your microphone.

Edward Mountain: I have stopped the noise, Presiding Officer. The most common colour bin is a blue bin, where you can put paper and cardboard, except, of course, if you are on the Isle of Lewis, where you have to put mixed recycling into blue bins. If you go to Arran, you have to put dry recycling into those bins.

Then there is the grey bin, which is for paper and cardboard in Fife, whereas Falkirk has burgundy bins for recycling those items. If you go to Edinburgh, red-lidded boxes are for cans. In Aberdeen, because they are so different to Edinburgh, they have to have orange bins. There are green bins for cans in West Lothian, purple bins in North Ayrshire and blue bins in Falkirk, which is complete mockery. The final example that I will give is that brown bins in Moray are for garden waste, but in East Dunbartonshire they are for plastic, glass and cans.

We seem to have worked out a way in Scotland to have 20 different recycling schemes among 32 councils. I hope that, if the Government is not going to agree to my amendment 56, it will prepare a chart so that people, as they move around Scotland, know which bin they are to put their recycling in.

John Mason (Glasgow Shettleston) (SNP): Does Edward Mountain accept that the Finance and Public Administration Committee looked at the financial memorandum on that point and found that the cost of replacing all the bins and making them the same throughout Scotland would be quite horrendous?

Edward Mountain: Mr Mason is entirely right, which is why my amendment states that a plan must be drawn up within one year of royal assent and that the colour of the recycling receptacles are to be standardised, where possible, within a 10-year timeframe. That would mean that, as bins came to the end of their life, they could be recycled to make bins that are the same colours across all of Scotland.

If local authorities cannot manage to do that within 10 years without spending a huge amount of money, I am not sure that we will ever reach the stage where we recycle all our waste. However, my amendment suggests that, if local authorities cannot do it within 10 years, the minister should come to the Parliament and explain why that is.

It is really simple to come up with a standardised policy—

Jackie Dunbar (Aberdeen Donside) (SNP): Will Edward Mountain give way?

Edward Mountain: I will give way, but Jackie Dunbar might need to move her microphone up so that I can hear her.

Jackie Dunbar: I did not intend to speak, but Edward Mountain was speaking about recycling bins needing to be replaced within 10 years. My recycling bin at home is my recycled former black bin, which is still going. We have had it now for at least 15 years, so changing it would defeat the purpose a little bit—and it is not orange.

Edward Mountain: I have some sympathy with the member's point, but I would say that, if we want to be clever, we do not change the colour of the bin but instead change the colour of the lid, so that every lid shows up. That could easily be done if we came up with a plan.

Ben Macpherson: Will the member give way?

Edward Mountain: I see that I have inspired members' enthusiasm for the colours of bins across Scotland. I will give way to Mr Macpherson.

Ben Macpherson: Does Edward Mountain agree that the overarching point that we heard in evidence, particularly at stage 1 of the bill, was that if we can improve the quality of the recycle and bring in investment, that will benefit the circular economy and the reuse of materials? Rather than focusing on the colour of bins or the colour of bin lids, depending on what happens with the amendments, we need collectively to improve understanding in communities across Scotland about what is recyclable and improve the recycle in order to bring in investment and change.

Edward Mountain: I agree with the deputy convener of the Net Zero, Energy and Transport Committee, because he speaks entire sense, but if we do not know which bin we are putting the recycle in, we are hardly likely to be able to improve its quality.

I think that I have made enough of a song and dance about the colour of bins, although it would be eminently sensible to come up with a standard policy across Scotland. I move amendment 11 and will listen to the arguments.

Maurice Golden: Amendment 57 is an updated version of an amendment that I lodged at stage 2, and it seeks to standardise the system of receptacles for collecting waste at household level across Scotland, with exceptions. That could be done through the use of stickers or bin lids, so that consistent behaviour is achieved across the majority of Scotland, which would help to stop the postcode lottery on recycling. It is important that

how that is achieved will be down to waste experts, rather than through the Scottish Parliament deciding on the system.

Gillian Martin: Although I understand Edward Mountain's intention with amendment 11, which would impose a duty on licensed waste carriers to display their waste carrier's licence number on their vehicle, I cannot support it. I would support waste carriers doing that on a voluntary basis and agree that it might be good practice, but the amendment would place an impractical and costly burden on legitimate waste carriers, who would have to add that detail to the livery of the vehicles that they use in their business. That requirement would extend to hired vehicles that they might use for a short period of time.

The duty of care code of practice for managing controlled waste already contains guidance for householders to ensure that any household waste is transferred only to a carrier that is appropriately registered with SEPA. We will continue to ensure that SEPA provides practical and accessible guidance when it is updated to reflect changes that are made through the bill.

Douglas Lumsden: Will the minister take an intervention?

Gillian Martin: Let me finish this point, Mr Lumsden.

Off the back of exchanges that we had at stage 2, I have already reached out to SEPA to ask about that information being made more visible and accessible in its literature and on its website.

Douglas Lumsden: I thank the minister for taking my intervention. Does she agree that the waste carrier rules that we have in place just now are not really working? Most people do not realise that, if they are giving waste to someone, that person has to have a proper licence in place. I would say that that is unknown to most people in the population.

Gillian Martin: That is why I think that the issue is about the accessibility and visibility of the information.

Mr Mountain's position is that he thinks that displaying the relevant information on the vehicles would help. I do not have any major disagreement with the fact that having licence numbers displayed on vans would be a laudable thing, but the problem with that approach is that it is after the fact. The point at which people need to see a registration number is when they are arranging for their waste to be collected. By seeing it at that point, they will know when they are booking a collection that they are using a registered carrier.

I reassure members that, alongside the bill, other important steps are in train to tackle illegal operators. For example, SEPA is continuing the

process of consulting on the reform of the waste carrier system. It held an initial consultation on what conditions and requirements should apply for people to hold a waste carrier's registration and, as part of that, it sought views on the introduction of a requirement for a waste carrier registration number to appear on any advert that is placed in print or online. The proposal received positive initial feedback and it will be taken forward in the next round of consultation.

The display of the registration number at the point at which the householder is seeking to book a collection of waste is the key. That seems to be the right point in the householder's journey of having their waste collected.

Maurice Golden: The Scottish Government used to fund WasteSmart training via Zero Waste Scotland, which really helped people who were involved in the waste process to understand their duty of care with regard to the handling of waste, signing off transfer notes and so on. Is future funding for that training a positive step that the Scottish Government will consider?

Gillian Martin: I am open to any suggestions on how we can achieve an understanding of the obligations that waste carriers have. I think that it is a question of having the right communications so that householders know how to prevent a situation in which they book an illegal waste contractor. People want things to be uplifted and disposed of in a trustworthy manner. We heard at stages 1 and 2, and we have heard again today, how many illegal operators are out there, so I am open to any suggestions on how we can make that comms piece better.

We recognise that awareness among householders of the existing duty of care obligations and how they can check licences is low. That is the fact of the matter. The Scottish Government is committed to working with SEPA and other partners to ensure that that awareness improves, because that is the route to tackling the issue. I am mindful of the points that members have raised about the duty of care. I welcome the opportunity to explore the matter through a constructive debate, but I do not think that mandating that registration numbers must be on the side of vans is the right approach.

Amendments 56 and 57 seek to standardise waste receptacles across all local authorities. I enjoyed hearing Mr Mountain wrestle with his chart. I acknowledge that the debate on the subject has continued throughout the passage of the bill. The committee recommended in its stage 1 report that a uniform kerbside bin collection approach be established across Scotland, and we also discussed the matter at length at stage 2. However, my position remains the same, and I cannot support amendments 56 or 57.

I can see the appeal—of course I can—and the potential benefits of standardising approaches across Scotland, which may aid public understanding of what people can recycle and prevent the wrong items from being put into the wrong bins accidentally. The policy memorandum for the bill states clearly that our overarching aim is to

“make the right choices ... easier ... for householders by supporting more consistent approaches to household recycling”.

However, we also have a firm commitment to using the co-design standards to form a new code of practice in partnership with local government, working with citizens, other stakeholders and, most important, local authorities. It is vital that we take the necessary time to engage effectively on these key issues in order to understand different perspectives and develop a new code that will work for the whole country—a code that is developed with those who have responsibilities for uplifting the household waste that we generate.

As much as I may agree on the intentions behind amendments 56 and 57—I would love to see a situation in which we had standardisation—they would, unfortunately, prejudge the outcome of that vital co-design process, which would not be in keeping with the Verity house agreement.

Douglas Lumsden: We are so far behind on reaching our recycling targets, but it seems that everything that we have suggested this afternoon to try to get the recycling rate up has been rejected by the Government. Can the minister not see our frustration and that of others?

18:30

Gillian Martin: I do not agree at all that every reasonable amendment has been rejected by the Government. I have worked very hard with members across the entire Parliament to make sure that I have been supportive of amendments that get us to where we need to be.

I do not want to prejudge any co-design process. I do not want to renege on any arrangements and agreements that we have with COSLA and our local authority partners that want to lead on this. I am certain that they will make the right decisions, share good practice and co-design a system that works for Scotland.

I reassure members that I expect discussions about the potential for further standardisation to be front and centre in the discussions on the new code. Section 12 already provides that the new code will make provision about the receptacles to be used for household waste collection. If uniform bin colour or design was agreed as part of the co-design of those requirements, that decision would be able to be incorporated in the statutory code of

practice. That would achieve a similar result to amendment 56, but it would be decided by the partners involved in the co-design.

Furthermore, notwithstanding Mr Mountain’s trip to the printer, his amendments are uncosted. Without a more detailed understanding of the potential costs or the feasibility of his amendments, it would not be financially or environmentally responsible to support them.

The Deputy Presiding Officer: I call Edward Mountain to wind up and to press or withdraw amendment 11.

Edward Mountain: I partly agree with what the minister said on amendment 11. It would be good to have the licence number on the advert, whether it be online or in the paper, to make sure that enforcement happens.

However, what we often see going around Scotland are vans loaded to the gunwales with a whole heap of waste. We do not know whether they are going to the right place or the wrong place, but we know that, if they do not have their licence number on the side of the van, there is a fair chance that they are going to the wrong place. Amendment 11 would allow a level of enforcement that we are not capable of at the moment.

It was not that long ago that the system through which our scrap dealers were paid had to change; people had to give their names and addresses for any scrap that they were dealing in. That did not cause a huge amount of problems. I am sorry, but I think that the minister is missing an opportunity to cut down fly-tipping and decrease the cost to people around Scotland who currently have to bear the costs of clearing it up.

I know that the minister wonders whether my research into bins across Scotland has gone too deep, but I agree with what Mr Macpherson said: if we increase the value of the recycle, we will end up getting more operators. Let us not forget that only 43 per cent of our household waste is being effectively recycled. If we could find a way to improve the system in 10 years, there might not be a huge amount tomorrow, but we could work towards it. Instead of allowing the system to further fragment, as we have done in Aberdeen with the fiery-red bin that was introduced a couple of months ago, we could try to come up with a system that will help make our recycling more efficient.

If it is not possible to support my amendment 56, the minister could, of course, support Mr Golden’s amendment 57. I would not dare say that that one is secondary, but mine comes first.

I will press amendment 11.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 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)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (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 60, Abstentions 0.

Amendment 11 disagreed to.

The Deputy Presiding Officer: I call amendments 12 to 20, in the name of Graham Simpson, already debated with amendment 1.

Graham Simpson: I do not wish to move the amendments en bloc; I will not be moving them. [Applause.]

The Deputy Presiding Officer: As members will have guessed from the ripple of applause, Graham Simpson has indicated that he will not be moving amendments 12 to 20.

Amendments 12 to 14 not moved.

Section 11—Household waste requirements

Amendments 15 to 20 not moved.

Amendment 56 moved—[Edward Mountain].

The Deputy Presiding Officer: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Jamie Hepburn: On a point of order, Presiding Officer. I cannot tell whether either my vote or the vote that I cast as proxy for Richard Lochhead has been recorded.

The Deputy Presiding Officer: I can reassure you, Mr Hepburn, that both those votes have been recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Kerr, Liam (North East 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)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Torrance, David (Kirkcaldy) (SNP)

Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 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 28, Against 87, Abstentions 0.

Amendment 56 disagreed to.

Amendment 57 not moved.

Section 12—Code of practice on household waste recycling

The Deputy Presiding Officer: Group 11 is on the code of practice on household waste recycling. Amendment 58, in the name of Maurice Golden, is grouped with amendments 102, 59, 103, 87, 88, 21, 37, 60, 61, 89 and 90.

Maurice Golden: Amendment 58, in conjunction with amendment 59, would give more prominence to reuse and repair, which is important as they are higher up the waste hierarchy.

Amendment 60 would simply ensure that local authorities have sufficient funds and resources to enable them to carry out waste management functions, which would clearly be important if there were to be asks from the Scottish Government in that regard.

Amendment 61 states:

“The code of practice must be prepared and published by March 2026.”

That is because, as members will be aware, after that date, ministerial and Government changes could be afoot and, therefore, any assurances that we have from the current Government will cease to exist. That said, there is more than enough time for the code of practice to be prepared and published by that date. It is a relatively simple target to achieve, and it does not show ambition. Therefore, even with its low regard for timescales, the Scottish Government might just possibly be able to achieve it.

Furthermore, amendment 89 suggests that the code should be reviewed every three years, which I think is valid. As we heard earlier in the debate, considerations around changes might be afoot. Amendment 90 is complementary to that and relates to reviewing the code.

I move amendment 58.

Monica Lennon: Amendments 102 and 103, which are in my name, would help to achieve Scottish Labour’s aims of strengthening the bill in relation to reuse—a point that has already been made a number of times today. We recognise the

important role that individual households and local authorities will play in the success of the bill. Much of that will be achieved through the code of practice, which will be co-designed with local authorities.

Through my interest in reusable nappies—I know that Douglas Lumsden loves to hear about that—and specifically the North Ayrshire scheme, it is apparent that there is a lack of awareness of good schemes where they exist. By requiring the code of practice to promote schemes such as North Ayrshire Council’s, we can tap into the public desire to help the environment. I believe that the public want to do the right things. By requiring existing reusable schemes to be promoted by the code, we will make it easier for people in Scotland to find out about such schemes in their local areas. To be clear, amendment 102 seeks to ensure that the code promotes reusable schemes that are operated by local authorities.

We recognise that Maurice Golden’s amendments 58 and 59 will help to boost the prioritisation of reuse and repair, so we were glad to see them. We were also pleased to see Maurice Golden’s amendment 60, which would require proper resourcing for local authorities to enable them to meet their duties under the bill. Local authorities need to have adequate capacity, in terms of skills and resources, to ensure that we become a more circular nation. It is important that the Scottish Government supports local authorities in every way that it can to properly achieve a more circular economy.

Bob Doris: Section 12, which is on the code of practice on household waste recycling, is aimed at producing greater consistency and co-ordination across local authorities in this area. The bill states that the code of practice “may” address the issues of receptacles used for collection, frequency of collection, items for recycling and composting, management of the contamination of household waste, and communication with the public on collections and recycling.

However, section 12 is largely silent on garden waste and bulk uplift. I believe that there will be a relationship between any future code of practice and local authority strategies on bulk uplift and garden waste. My amendments 87 and 88 would not compel any code of practice on household waste to contain provisions on bulk uplift or garden waste; rather, the amendments would allow those items to be considered for inclusion in any future code of practice.

As I mentioned at stage 2, I am increasingly concerned about the small-scale fly-tipping that happens almost every day in urban areas, particularly in the areas of Glasgow that I represent, Maryhill and Springburn. I know that many colleagues have similar issues. Much of it

can be unintended fly-tipping, where people put out mattresses, couches, fridges and other items in places where, only a few years ago, there was a recognised collection point for bulk uplifts before charges were introduced and systems changed. There is clearly a relationship between local authority charging regimes for bulk uplift and fly-tipping.

There is no statutory duty on local authorities to offer bulk uplift or garden waste provision, and my amendments do not seek to change that in any way. All councils except for one—Fife—charge for bulk uplift. Two councils have an annual fee, and the rest have a variety of charging regimes.

18:45

I could regale members with explanations of those charging regimes, but it would be very Mountanesque of me to take out a flow chart to explain them, as Mr Mountain did earlier, so I will not do that. Some local authorities charge per item and others charge for bundles of items. There is a patchwork of provisions, which I set out in detail at stage 2, if anyone is interested. For example, seven councils have reductions or exemptions for low-income households or for households that are local authority tenants.

If someone lives in a flat, has no garden, has no car or is on a low income, and there are charges to get rid of a carpet, sofa, mattress, fridge or whatever, their options are far more limited than many other people's are. It is not unreasonable to suggest that a future code of practice on household waste might wish to at least consider such circumstances.

There are similar scenarios for garden waste removal. Six local authorities offer no garden waste services whatsoever, seven offer a free service and there is a variety of charging regimes across the rest. Again, there is a patchwork of provision across the country. It may be that, when a code of practice on household waste is developed in partnership with local authorities, it is decided not to include or have regard to bulky or garden waste. However, my amendments would provide a clear opportunity and pathway for local authorities to do so. I was pleased to discuss that in a bit more detail with the minister ahead of stage 3, and I thank her for her constructive discussions on that.

On the basis of what I have put before Parliament, I ask members to consider my two amendments in the group.

Graham Simpson: Mandating consistent household collections through an updated national code of practice is a critical step in creating a consistent approach to recycling collections across Scotland. Any approach should include as wide a

range of materials as possible, including drink cartons, to drive progress towards a truly circular economy. It is vital that drink cartons remain in the metal, plastic and beverage carton collection stream, as set out in the existing code of practice, to ensure that they can be easily sorted for recycling.

When people put things in their recycling bins and send them to be recycled, it is essential that they can trust that those materials will actually be recycled, but that is sometimes not the case, particularly with cartons. That came as a surprise to me. I am sure that all members dutifully put drink cartons in the right bin, but they will be as surprised as I was to discover that quite often they do not get recycled. Without the mandating of sorting, consumers cannot be confident that that will be the case.

It is only through proper sorting that materials can be sent to the most appropriate destination for processing, so without mandatory sorting, there is a risk that, for commercial reasons, a waste management company will choose to treat less valuable materials as contaminant and put them in a different material stream, rather than sorting them so that they can be sent to the most appropriate processing facilities. Amendment 21 fixes that problem.

Although amendment 37 is less prescriptive in that it does not mention cartons, we need to create the conditions where there is a market to recycle materials, and I have discussed that with the minister. Too much is slipping through the net. I said to the minister that the bill ultimately needs to achieve things, one of which is recycling and the other of which is reuse. My amendments achieve the recycling bit, so they are very important. I think that the minister understands the importance of the issue, so I look forward to hearing her views.

Gillian Martin: I very much appreciate the intention behind Maurice Golden's amendments 58 and 59 and Monica Lennon's amendments 102 and 103, but I have said many times that reuse and repair are important tools in achieving a circular economy. The new code of practice will refresh standards in relation to local authorities' statutory waste management obligations that relate to the collection and recycling of household waste. That includes preparation for reuse—in other words, activities where products and parts of those products that have become waste are made suitable for reuse. Local authorities also have obligations to manage waste with regard to the waste hierarchy. However, as I also said at stage 2, the new code would not be able to prescribe mandatory requirements for reuse and repair services, because those do not fall within the statutory waste management functions of local

authorities. For that reason, I cannot support those amendments.

Members should note that the current voluntary code of practice includes guidance on desirable reuse activities and approaches and on the communication that local authorities should consider. I am keen to build on that approach through the planned co-design of the new code of practice and to explore more opportunities to enhance local authority activities that will promote reuse and repair on a voluntary or recommended basis, even if those do not become statutory duties.

Amendments 87 and 88, in the name of Bob Doris, raise the important issue of bulky and garden waste, which was discussed at stage 2. I agree that it is important to ensure that waste and recycling services, include those for the collection of bulky and garden waste, are easy to use and accessible to all. The draft circular economy and waste route map sets out the intention to review household waste collection services—including the uplift of bulky items and garden waste—for which a charge may be made by 2025. The intention is for that to feed into the co-design of the new code of practice.

I have reflected and have discussed that further with the member since stage 2 and I am content that identifying that specifically in the bill would ensure that our existing commitment receives the attention that it deserves, while also not constraining co-design. I am therefore comfortable in accepting amendments 87 and 88.

I turn to amendments 21 and 37, in the name of Graham Simpson. I agree that it is important to ensure that local authority waste management services are comprehensive and result in high-quality recycling. Mr Simpson will probably be disappointed to hear that there are several reasons why I cannot support his amendments, so I will explain those. First, the wording of the amendments is problematic, because local authorities are required to collect waste not “materials”. Secondly, local authority obligations in respect of waste collection are set out in the Environmental Protection Act 1990 and any substantive changes to that cannot be achieved solely by stipulating so in the code of practice.

Importantly, the existing provision imposes obligations in relation to the separate collection of dry, recyclable waste, which is defined to include a list of materials: glass, metals, plastic, paper and card. There are related duty of care obligations with respect to that waste and its management after collection, including the sorting of the waste into separate streams. Those obligations apply beyond local authorities and an amendment to include those, or any specific items or materials, in the code of practice is unnecessary and might also

complicate existing service delivery. The existing provision in the EPA underpins local authority and commercial waste collection, the transport of waste, its sorting and reprocessing and many of the associated obligations. New definitions might interfere with that and might also have implications for producer responsibility obligations in relation to packaging and for the introduction of extended producer responsibility for packaging.

Adding a requirement to sort waste into “dedicated” waste streams is unfortunately ambiguous. It is unclear at what point in the process the separation is expected and whether that would be done by householders, local authorities, private waste businesses or a combination of those parties. It also might not be compatible with collection methods.

Lastly, amendments 21 and 37 are on a “must” basis, which would act to constrain the approach to co-design in any future revisions.

Therefore, although I share the member’s goal of promoting more high-quality recycling and seeing more materials being recycled, I cannot support amendments 21 and 37 as they are written.

I turn to Maurice Golden’s amendment 60. I recognise and understand the resource limits that local authorities face. The Scottish Government is committed to working closely with local authorities and to providing the support that is needed to create a practical and sustainable service. Crucially, the new code will be developed with and agreed by local authorities, which are best placed to indicate whether they are sufficiently funded for those jointly agreed measures. That approach has been agreed with COSLA and can be fed into the ordinary annual budget process. On that basis, I cannot support amendment 60.

Although I understand and share the desire to ensure that a new code of practice is available as soon as possible, the Government cannot support amendment 61. We cannot set, in the text of the bill, a statutory deadline that could potentially be unworkable and could prevent meaningful co-design and consultation on the new code. As the circular economy and waste route map says—and as I stated in committee at stage 2—the publication date for the code of practice is indicative. It is important to ensure that sufficient time is given, should it be necessary, to ensure that all relevant voices are heard in the process, rather than setting an arbitrary deadline. The code will be ready when it has been consulted on and agreed on.

Amendments 89 and 90 would require that the new code of practice is reviewed “every 3 years”. The bill already makes provision for the code to be reviewed at appropriate junctures; setting a fixed

three-yearly cycle in the bill would be inadvisable and impractical, for a number of reasons. It takes time for local authorities to implement service changes and put infrastructure in place, and many existing recycling improvement fund projects that are helping authorities to align with the existing code run over multiple years. The impact of a new code would need to be robustly evaluated after it has been implemented, based on the data, which it will also take time to collect, verify and analyse. That is why I cannot support those amendments.

Douglas Lumsden: Amendment 61, in the name of Maurice Golden, sets a March 2026 deadline for producing the code. If the minister cannot agree to that amendment, can she give any indication of when she would expect the code to be published?

Gillian Martin: As I said, March 2026 is an indicative date for the publication of the code of practice.

The Deputy Presiding Officer: I call Maurice Golden to wind up and say whether he wishes to press or withdraw amendment 58.

Maurice Golden: The amendments in group 11 are positive. They are not transformational in comparison with some of the other amendments that have failed thus far, but I think that they would help to achieve a circular economy.

Overall, however, with regard to the amendments in this group, we are, unfortunately, not going to get the constructive approach that we perhaps achieved on climate change under Roseanna Cunningham's stewardship in the previous session of Parliament. Nevertheless, we are where we are today.

The minister has made clear that March 2026 is an indicative date for the code of practice, but if that is not achieved, and it is not in the bill, who, and which members of this Parliament, will be able to question the minister after that date, and who will be responsible for that? No one.

The Deputy Presiding Officer: The question is, that amendment 58 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)

Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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 54, Against 61, Abstentions 0.

Amendment 58 disagreed to.

Amendment 102 moved—[Monica Lennon].

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.

The vote is closed.

19:00

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. My phone seems to be tired. Am I voting no? I am voting no. It was so long ago, that I could not remember. [*Laughter.*]

The Deputy Presiding Officer: Thank you, Mr Kidd. I will ensure that that vote is recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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 57, Against 59, Abstentions 0.

Amendment 102 disagreed to.

Amendment 59 not moved.

Amendment 103 moved—[Monica Lennon].

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

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 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)
 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 54, Against 62, Abstentions 0.

Amendment 103 disagreed to.

Amendments 87 and 88 moved—[Bob Doris]—and agreed to.

Amendments 21 and 37 not moved.

Amendment 60 moved—[Maurice Golden].

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 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)
 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 51, Against 65, Abstentions 0.

Amendment 60 disagreed to.

Amendment 61 moved—[*Maurice Golden*].

The Deputy Presiding Officer: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Doney, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Thomson, Michelle (Falkirk East) (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 46, Against 69, Abstentions 0.

Amendment 61 disagreed to.

Amendments 89 and 90 not moved.

Section 13—Targets for local authorities relating to household waste recycling

Amendment 22 not moved.

Amendment 62 moved—[Maurice Golden].

The Deputy Presiding Officer: The question is, that amendment 62 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Kevin Stewart (Aberdeen Central) (SNP): On a point of order, Presiding Officer. The digital platform seems to have failed. I would have voted no.

The Deputy Presiding Officer: I can assure you, Mr Stewart, that your vote was recorded.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 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)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 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)
 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 55, Against 62, Abstentions 0.

Amendment 62 disagreed to.

Amendment 104 moved—[Monica Lennon].

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

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 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)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 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)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 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) [Proxy vote cast by Richard Leonard]
 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)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 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)
 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 55, Against 62, Abstentions 0.

Amendment 104 disagreed to.

Amendment 91 moved—[Gillian Martin].

The Deputy Presiding Officer: The question is, that amendment 91 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)
 Balfour, Jeremy (Lothian) (Con)
 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)
 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)
 Eagle, Tim (Highlands and Islands) (Con)
 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)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 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)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 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)
 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)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 97, Against 19, Abstentions 0.

Amendment 91 agreed to.

Amendments 23 and 24 not moved.

Section 14—Littering from a vehicle

The Deputy Presiding Officer: We move to group 12, on littering from vehicles—civil penalties. Amendment 63 is the only amendment in the group.

Edward Mountain: I think that every member of this Parliament has a place in their constituency that has become a rubbish bin because people have chucked their rubbish out of their car window. I am reminded of that every time I drive north on the A9, on the dual carriageway just north of Dalnacardoch in the First Minister's constituency, where rubbish is strewn down the verge. It is dumped by people because they know that they cannot be seen there.

The problem is that those areas where rubbish is dumped are usually inaccessible, which makes it very difficult to catch people and also dangerous to recover that rubbish, often leading to the closure of the road. We have seen the A9 closed on occasions, as I believe the M8 or lanes of the M8 have been closed, to allow the rubbish to be recovered.

These are the people who drive along in their cars and are able to take their rubbish home but cannot be bothered so they throw it out of the window. To me, that is totally unacceptable. It litters some of the most beautiful places in Scotland. My proposal is to increase the fine for what we colloquially would call tossers to £250. It seems to be logical. That fine could be reduced if paid within seven days to £125, which would take it down to the same level that someone is charged if they park in a privately-owned car park for three minutes over their time. Many car parks charge £100 for that offence. In fact, if it was the second time that someone had offended in an low emission zone, they would be charged £120. It is the same level of money.

It is a question of what we believe is the right level to discourage people, and it is my belief that £250 would certainly discourage people. It is difficult to catch them; therefore, we need that money to be available to local councils to ensure that it is enforced. If we do not give them the resources to do that, they will not do anything.

That is my argument: it would be a simple and effective way of stopping the dumb dumpers of rubbish out of car windows.

I move amendment 63.

19:15

Gillian Martin: I understand the intentions behind amendment 63, and we have spoken to Edward Mountain about it in preparation for today. However, I cannot support it.

To begin with, it is important to emphasise that section 14 of the bill does not deal with criminal prosecution for littering from vehicles. It is about providing an alternative to prosecution through a civil penalty charge on the keeper of a vehicle in relation to the offence of littering committed from a vehicle.

Section 87 of the Environmental Protection Act 1990 already provides for the offence of littering, setting the potential fine for the offence at a maximum of £2,500 if someone is convicted by a court. Therefore, for more serious offences of littering, there could be prosecution, which, if it led to conviction, could lead to a much higher fine, as well as a criminal record. The 1990 act also provides for an existing alternative to prosecution through a fixed-penalty notice, which enforcement authorities can use instead of reporting a person for prosecution. The fixed-penalty notice is currently set at £80, and ministers have powers to adjust that up to £500 by way of secondary legislation.

Due to the existing methods of enforcement for littering offences, section 14 of the bill is designed for instances of littering from vehicles. Feedback from local authorities suggests that it is often difficult to ascertain the identity of a person who leaves litter when that littering offence occurs from a vehicle, which creates a gap in current enforcement provisions and weakens the deterrent power of the existing fixed-penalty notice.

The additional civil enforcement power under section 14 is intended to provide further powers for local authorities to tackle littering from vehicles. It will provide flexibility to allow ministers to set the amount that may be imposed by way of a civil penalty charge and to increase that amount in the future through regulations, following an appropriate level of consultation with relevant stakeholders, including local authorities. As it set out in its stage 1 report, the Delegated Powers and Law Reform Committee was content with the use of regulations for that and with the use of the affirmative procedure to ensure that the level of civil penalty can be scrutinised by the Parliament.

In our view, setting the level of a civil penalty charge at £250 in the bill would be disproportionate with respect to the nature of the offence and the existing legislation for the enforcement of littering offences.

However, in considering amendment 63—I have said this to Mr Mountain in our conversations on the matter—I am mindful that the current level of fixed penalty for littering has been set at £80 for 10 years. I am happy to reassure Mr Mountain that we will look to review that as we develop the civil penalty for littering from a vehicle to ensure that they are both set at a proportionate level.

However, for the reasons that I have set out, I cannot support amendment 63.

The Deputy Presiding Officer: I call Edward Mountain to wind up and to press or withdraw amendment 63.

Edward Mountain: Given the lateness of the hour, I have no intention of reiterating my argument. However, I will note that the offence is attached to the owner of the vehicle, which I think is the right place for it to be, and, to me, a fine of £250 for putting road workers' lives at risk seems paltry. Therefore, I will press amendment 63.

The Deputy Presiding Officer: The question is, that amendment 63 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (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)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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) [Proxy vote cast by Richard Leonard]
 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)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 McAllan, Màiri (Clydesdale) (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)
 Thomson, Michelle (Falkirk East) (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 48, Against 68, Abstentions 0.

Amendment 63 disagreed to.

Amendments 25 to 27 not moved.

Section 15—Powers to search and seize vehicles, etc.

Amendments 28 to 30 not moved.

After section 16

The Deputy Presiding Officer: Group 13 is on reusable nappies. Amendment 105, in the name of Monica Lennon, is the only amendment in the group.

Monica Lennon: I see that Douglas Lumsden is very excited that we have reached my amendment 105. At almost half past 7 at night, I am glad to be waking up the Tory front bench, at least.

Group 13 is indeed about reusable nappies. We have been building up to this, not just during today's debates at stage 3 or during stages 1 and 2, but throughout the parliamentary questions that I have asked and the discussions that I have had with various members of the Government and, most important, with people across the country who can see the benefit of what I propose in my amendment.

Why did I lodge amendment 105? Well, Scotland sends 160 million single-use nappies to landfill every year. We know that, on average, each baby or toddler will use around 5,000 disposable nappies. It is an expensive business for families, but also for local authorities, given the landfill costs, and ultimately for our environment. Where better to tackle that than in the Circular Economy (Scotland) Bill?

The inspiration for the proposal came from one of our local authorities—North Ayrshire Council, whose reusable nappy scheme has been operating successfully since 2019. It was introduced by Scottish Labour and continued by an SNP administration. Back in March, I think, the former circular economy minister Lorna Slater and I went on a visit to North Ayrshire. We met the officers who have been involved in operating the scheme and promoting it to local people, and we also met one of the parents who have benefited from the scheme.

As a member of the Net Zero, Energy and Transport Committee, I felt that it was good to get out of Parliament and go on that visit with the then

minister to find out what has been going on in North Ayrshire and what makes the good practice there tick. I thank Lorna Slater for being the first minister to agree to meet me to talk about the subject. That led to the minister commissioning the James Hutton Institute to undertake some research to investigate the barriers to the use of reusable nappies. If they can save families money and help our environment, why is their use not more mainstream? I will perhaps return to that visit in a moment.

Amendment 105 is supported by Scottish Environment LINK, Action to Protect Rural Scotland, Fidra, Friends of the Earth Scotland, Keep Scotland Beautiful and the Marine Conservation Society, which are all organisations that are widely respected by colleagues in the Parliament.

The proposal would help not only with local impact but with global impact. Colleagues, including Sarah Boyack, have talked today about our obligations on environmental justice. We know that there has been a problem with the offshoring of nappy waste, and there have been issues around the supply chain, too. I will not repeat some of the points that were made earlier about human rights and environmental justice, but the facts speak for themselves.

I know that this is the Circular Economy (Scotland) Bill, but one of the things that we have discussed is where we can avoid siloed working and where we can try to do things in a joined-up way. When North Ayrshire Council brought in a reusable nappy scheme in 2019, it was very much about trying to be more circular, but it was also an anti-poverty measure. Today we can see how such schemes, which are available in other council areas, would help families who are struggling with the cost of living.

When it comes to reducing waste-stream contamination, baby waste on nappies causes many issues, and there are practical benefits of reusable nappy schemes. I brought the issue to the Net Zero, Energy and Transport Committee at stage 2, but I withdrew my amendment at that time to take up the offer from the current minister, Gillian Martin, to discuss further opportunities and possibilities.

Mark Ruskell talked earlier about the frustrations that we all have, and one of the frustrations that I have had for a couple of years now is that only a handful of councils are doing something about promoting access to reusable nappies. From my point of view, it is not about telling people that they must use those products; it is about creating more choice and giving people more options. We need to better understand why other councils have not been able to learn from the good practice in North

Ayrshire, particularly as we know that the scheme there operates on a cost-neutral basis.

I will mention something really positive that the Scottish Government is doing. With the baby box, people can opt in to use the voucher on reusable nappies. In recent years, however, uptake has remained static, at around 13 or 14 per cent. I know that Shirley-Anne Somerville, the Cabinet Secretary for Social Justice, is looking into that. The James Hutton Institute will perhaps give us a bit more insight into some of the barriers.

I will be keen to hear from the Minister for Climate Action about the lessons that we can now take from the James Hutton Institute report and about whether that might lead to some action, such as a short-life working group.

To my mind, amendment 105 it is quite straightforward. When I met representatives of North Ayrshire Council, I found that they were very proud—rightly—of what the council has been achieving. It is helping families in a practical way, while diverting waste away from landfill. The council is doing its bit for the environment and is helping families with the cost of living. What that shows, however, is that our councils are so busy trying to do their core work that they do not have time to shout about the great work that they are doing, and they do not then promote it to others.

Ayrshire is not in my parliamentary region, so I do not have any skin in the game there, but there is an example there. Ayrshire Nappy Library, which is led by volunteers, works in a pan-Ayrshire way, but only one part of Ayrshire—North Ayrshire—has the scheme, and the families who come along from East and South Ayrshire currently do not. It is not a matter of prescribing to local councils how they might operate such a scheme, but the aim is to try to make something happen.

I will stop there. I hope that other members will take part, particularly Douglas Lumsden, who showed a bit of interest earlier—if he is still with us. I hope to hear more from the minister, who has been very constructive in her approach, although I know that there is still something holding the Government and perhaps others back from getting stuck into the issue.

I will end where I started. If my proposal is not to feature in the Circular Economy (Scotland) Bill, then where will it?

I move amendment 105.

19:30

Mark Ruskell: I thank Monica Lennon for continuing to press and campaign on this issue. It is clear that we need good reuse schemes operating for lots of types of items in our economy,

and nappies are a good example. I would add bikes, too. There are great initiatives involving bike libraries being set up, through which local authorities are working with social enterprises in a similar way. There are loads of opportunities for councils to work with the third sector to drive forward on reuse. However, I think that the most appropriate way to develop reuse schemes is through the waste route map, and that we should not put individual schemes in the bill.

My amendment 44, which we discussed earlier, requires ministers to consider reuse, refill and take-back schemes as part of the strategy. Personally, I will absolutely hold the minister to account—I know that Monica Lennon will, too—to ensure that nappies are considered as part of that, because there is a strong case for that. However, there is a doubt in my mind, because we have to acknowledge that reusable nappy schemes have been on the go for more than 20 years. I was proud to use them for my children, 18 years ago, through a social enterprise in Stirling, and I know that Monica Lennon has used them for her children this year. Given that we had successful schemes almost 20 years ago, we need to understand why the public uptake has not followed on the back of that.

I think that Monica Lennon secured a win by working with the then minister, Lorna Slater, to get a Government-commissioned report by the James Hutton Institute on the public attitude towards reusable nappies. I hope that that will point to a way ahead to make reuse schemes more accessible, cheaper and more successful. However, I do not think that we can draw in all that learning and put a requirement in the bill to have such schemes.

Monica Lennon: I am grateful to Mark Ruskell for his comments and for his interest in the issue, as a fellow cloth-bum parent—if that is the right terminology these days. I just want to try to get a bit of debate here. The scheme in North Ayrshire has been on the go since 2019 and, in the past, there were other schemes. Every year, when reusable nappy week comes around—it is normally in April—I go on social media and see lots of activity being promoted by local authorities in England and Wales, and I feel quite sad not to see more of that in Scotland. I know that Lorna Slater has heard me say that before. Progress is not being made.

Amendment 105 would require local authorities to bring in schemes by April 2026, which gives a bit of time. I have had a chat with COSLA and there is no objection to learning more from North Ayrshire. However, does Mark Ruskell not share my concern that, if we do not start to provide a bit of national direction and leadership on the issue,

no more schemes will emerge in Scotland, which would be a real shame?

Mark Ruskell: That would be a real shame, but all that good practice is difficult to sum up and lump into the bill. I think that the most appropriate way forward is the way that Ms Lennon has secured by working with the minister, which is to get the James Hutton Institute to do an extensive piece of work on the matter and to look at how to embed the good practice. Whether we are talking about nappies, bikes or a range of other reusable items, there needs to be detailed work through the route map. I am not convinced that a legislative approach is the way to crack the issue at this point, although I think that we will crack it. There is a strong future for such schemes, but I think that that is best achieved through a non-legislative route, and I know that Ms Lennon will hold the Government's feet to the fire over that.

Gillian Martin: As I said at stage 2, this is a good debate to have. I commend Monica Lennon for her campaigning on the issue because, without campaigns and talking about such things, nothing will ever change.

It seems to me that a lot of opportunities exist for parents not to use disposable nappies, yet they are still the number 1 type of nappy that is used. Despite everything that Monica Lennon has said about the schemes that are available in certain local authority areas and the lower cost, and despite the fact that the baby box has vouchers associated with it, there are still many barriers. Ms Slater commissioned research from the James Hutton Institute, which found that there are still many barriers but that it is difficult to ascertain what they are and more data is needed.

I am reluctant to take a top-down, dictatorial approach to the issue. It is unfortunate that other local authorities have not looked at North Ayrshire Council's successes and thought, "That is a great idea." I hope that the co-design process will allow that good practice to be shared. I would like many more local authorities, having listened to the debates in Parliament, to Ms Lennon campaigning on the issue and to other local authorities as part of the co-design process, to want to get behind such initiatives.

Maurice Golden: Almost 20 years ago, the Scottish Government stopped funding for the real nappy campaign to encourage people to use real nappies. Will the minister highlight the reasons behind that decision?

Gillian Martin: I am not going to jump into anyone else's portfolio, but there is a good point about comms and encouragement. In the past, there have been campaigns in favour of breastfeeding over formula. Again, I do not want to

jump into my colleagues' portfolios, but it is about our communication.

We are doing our best to encourage behaviour change with regard to reusable nappies through the baby box, and I know that Ms Lennon has had conversations with Ms Somerville on the matter. The question is whether the circular economy bill is the best place to do this work. The co-design process that the bill will engender will be part of the solution, but we also need to have conversations in other parts of Government and with the local authorities that will work on the co-design process.

This is a good debate to have. I would like a lot more people to use reusable nappies—we all would, so why are there barriers in place? The James Hutton Institute report gives some detail on what those barriers might be. I am against a detailed top-down approach that restricts the ability for decision making at local level by local authorities, and I encourage local authorities to look at the successful schemes that Ms Lennon has identified and that Ms Slater went to visit with her a couple of months ago.

I am happy to consider how we can support and encourage behaviour change in this area. We have included a commitment in our draft route map to facilitate the sharing of best practice on reuse, including reusable nappy schemes, in order to support take-up across Scotland. Further, at stage 2, the committee agreed an amendment that requires our having regard to behavioural change in the development of the circular economy strategy.

I want to mention something Monica Lennon said at stage 2 that has stayed with me, which is that people who make decisions about what to prioritise at local authority level often do so without the lens of a parent or a mother. That is why I encourage Ms Lennon to think about the gendered lens approach. If enough people talk about the importance of using reusable nappies, we might get some change. I do not want to dictate that through this bill—I want it to come from local authorities.

It is with regret that I cannot support the amendment, because its aims are laudable.

Monica Lennon: I am grateful to Mark Ruskell and the minister for their contributions. It is important, following on from stage 2, when we last discussed the matter, that we had a chance to get this discussion on the record and to explore the progress that has been made and what we can learn from the James Hutton Institute report. More work needs to be done, and I hope that we can work on that together.

I was disappointed not to hear from Douglas Lumsden, because I thought that he wanted to

contribute to the debate; he must be overwhelmed by what he has heard.

I hope that, as constituency and regional MSPs, we can go back to our own local authorities, and indeed to our health boards, on the issue. At stage 2, I lodged amendments on what our health boards can do because, when I made a freedom of information request, I found that health boards were spending a lot of money on single-use nappies. We can address that point, alongside the provision of the baby box, through conversations with health visitors, midwives and others to raise awareness and take some of the stigma out of the subject. We can also address the worry that reusable nappies may mean extra laundry and extra work, when in fact people who try reusables enjoy it and really feel the benefit.

It is a shame that, in the past couple of years, we have seen the demise of Tots Bots, which was the reusable nappies firm that supplied the baby box. It has now gone out of business. Again, that links in with our work on a just transition and community wealth building, where we have opportunities to do things differently.

I know that Maurice Golden and others who are involved in the cross-party group on the circular economy try to look at the issues in the widest possible sense, so it is actually of interest to every portfolio. Again, I note that it is a shame when we see companies and other enterprises that have a real passion for the circular economy, and which have interesting products, go down the toilet when they should be thriving. We need to think about the issue in terms of a just transition as well.

I will leave the minister to think about something that, again, does not lie only in her portfolio. Through the Period Products (Free Provision) (Scotland) Act 2021, we have seen what can happen when we create opportunities through legislation. One could argue that the 2021 act took a top-down approach, but it has allowed people, in their communities or in their own schools or colleges, access to reusable period products that they would not have previously had. That has allowed people to try products, and it has maximised choice. It is not dictatorial—it is about giving people access to products where they are, including in their own local authorities.

I will leave that point there. Local authorities are really embracing the 2021 act—they are doing excellent work as a result, and people around the world look to Scotland to learn from that. We could do something along those lines with reusable nappies.

I am pleased to have commitments from Ms Martin today. I hope that the finalised route map will include the commitment that she has given on reuse, that the work will continue, and that it will

perhaps be in the strategy as well. Nevertheless, I wonder whether there could be a short-life working group to look at the James Hutton Institute's findings and take those forward with a bit more oomph.

I am sorry; I thought that Maurice Golden was getting up, but he is just stretching. Yes—I see that he is sitting back down.

Given what we have heard today, I will not press amendment 105, but I look forward to working with the Scottish Government in the future.

Amendment 105, by agreement, withdrawn.

After section 17

The Deputy Presiding Officer (Annabelle Ewing): Group 14 is on waste reprocessing infrastructure. Amendment 64, in the name of Maurice Golden, is grouped with amendment 64A.

Maurice Golden: Amendment 64 is similar to an amendment that I lodged at stage 2, but did not press. I have had a constructive conversation with the minister about it.

The context is that the Scottish Government previously commissioned Dr Colin Church to do a similar review with regard to incineration, and I would like to see that approach being mirrored across all waste infrastructure. The review on incineration was, ultimately, commissioned too late, and it identified overcapacity.

However, I think that there are similar opportunities in other areas; for example, anaerobic digestion linked to feedstock mapping, or a plastic recycling facility—in particular, when we consider that only 2 per cent of plastics that are collected for recycling in Scotland are actually recycled here. There are, perhaps, also opportunities with regard to an electric arc furnace and wind turbine refurbishment.

Government guidance would lead and influence the market, and amendment 64 would help to positively encourage both private investment and, potentially, public investment in the area. In my view, it is, ultimately, for the Scottish Government to intervene in the market in that manner. If we follow a “Let the market rip” approach, there will be unintended consequences, as we have seen with incineration.

I move amendment 64.

19:45

Mark Ruskell: In principle, I support Maurice Golden's amendment 64. I recognise, as I am sure he does, that the review of Scotland's incineration capacity, which was commissioned by my colleague Lorna Slater, has been enormously helpful. Prior to that, the Government had no

understanding of what level of incineration was needed in Scotland, which effectively resulted in a free-for-all in the planning system, with lots of companies proposing speculative developments and each of them claiming that their capacity was needed to meet Scotland's needs.

We have that information now, and Lorna Slater, the then minister, set an important precedent, which I know has inspired Maurice Golden's amendment 64. We need that level of analysis for all waste infrastructure, in the round. What infrastructure do we need in Scotland? Where are the best locations? What capacity do we have at the moment? Where is it located, and in which regions and which sectors? Where can we foster innovation to deliver meaningful change? Those are the kinds of questions that need to be thoroughly investigated, and that is why I support the bulk of Mr Golden's amendment.

However, I do not want some of the specifics and detail in Mr Golden's amendment 64 being used as a basis for its being rejected. I lodged amendment 64A because I do not think that it is necessary to have detail about a broader waste strategy in the waste infrastructure plan. That can be dealt with elsewhere, in the route map and in other policy areas.

I urge members to support amendment 64A, so that Parliament can unite behind a meaningful investigation of Scotland's waste infrastructure that builds on the good work on incineration that this Government has already started.

Gillian Martin: At stage 2, I noted my support for the proactive ambition that is set out in the amendments to increase the visibility of existing and planned waste reprocessing infrastructure. I met Mr Golden after stage 2 and agreed to commission a report of that type. Work is already under way on many of the detailed requirements that are proposed in his amendment 64, including on waste data tracking, recycling improvements and acting on the findings of the recent incineration review.

Mr Golden mentioned offshore wind turbine reprocessing. As part of the onshore wind sector deal, there is an agreement to have a blade remanufacturing site or plant.

I remain of the view that placing the requirements in the bill is not the right approach, particularly the requirement for the report to contain a strategy, targets and reporting. That would be onerous to prepare within the time period that is set out in amendment 64.

I very much recognise the benefits that such a report might bring in providing a clear and transparent platform for future investment, supporting the just transition and driving forward Scotland's circular economy. For those reasons, I

am happy to undertake a waste reprocessing infrastructure report within one year of royal assent, provided that amendment 64 is amended by Mark Ruskell's amendment 64A, for the reasons that he set out for removing unduly onerous requirements about a strategy, targets and further reporting.

If amendment 64 is not amended as is set out in amendment 64A, I cannot support it. If it is, I can.

The Deputy Presiding Officer: I call Maurice Golden to wind up and to press or seek to withdraw amendment 64.

Maurice Golden: I am happy to press amendment 64.

Amendment 64A moved—[Mark Ruskell].

The Deputy Presiding Officer: The question is, that amendment 64A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

Foysoyl Choudhury (Lothian) (Lab): On a point of order, Presiding Officer. My app did not refresh. Has my vote been recorded?

The Deputy Presiding Officer: Your vote has been recorded, Mr Choudhury.

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): On a point of order, Presiding Officer. My app did not work. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Dey. Your vote will be 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)
 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, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (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) [Proxy vote cast by Jamie Hepburn]
 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)
 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)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysoyl (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 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)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East 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)
 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)
 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) [Proxy vote cast by Richard Leonard]
 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)

The Deputy Presiding Officer: The result of the division is: For 64, Against 50, Abstentions 0.

Amendment 64A agreed to.

The Deputy Presiding Officer: I call Maurice Golden to press or seek to withdraw amendment 64, as amended.

Maurice Golden: I press amendment 64, as amended.

Amendment 64, as amended, agreed to.

After section 17A

The Deputy Presiding Officer: Group 15 is on deposit and return schemes: power to direct scheme administrator. Amendment 92, in the name of the minister, is the only amendment in the group.

Gillian Martin: Amendment 92 seeks to amend section 85 of the Climate Change (Scotland) Act 2009 in relation to deposit and return schemes. I could not have lodged this amendment at stage 2 because we needed first to conclude our discussions with the UK Government and other devolved Administrations about the interoperability of schemes across the UK. I wrote to the Net Zero, Energy and Transport Committee ahead of this meeting to let its members know that this was the vehicle that I would be taking.

Amendment 92 seeks to remove the direction-making powers that are given to Scottish ministers in section 85(4) of the 2009 act and to replace them with a new provision that instead provides a power for the Scottish ministers to include the same kind of direction-making powers in an order that designates a new body, or an existing one, as the scheme administrator of any deposit and return scheme.

As it stands, section 85(4) means that there is a direction-making power in the 2009 act, which creates a substantial risk that a scheme administrator that is designated under section 85 might be classified by the Office for National Statistics as a “public body”, because such a direction-making power represents potential ministerial control over such a scheme administrator.

Amendment 92 would remove that direction-making power from the 2009 act, while ensuring that ministers can still be given the power, under a section 85 designation order, to give direction to such a scheme administrator. That therefore still aligns with the original intention of the provisions in the 2009 act and means that ministers can decide in future whether it is appropriate for any such scheme administrator to be subject to ministerial direction-making powers. That decision would be informed by whether the policy intention was for the body to be classified as being in the public or private sector.

Amendment 92 is important to the future development of our DRS for drinks containers, which we are continuing to work on with the UK Government and other UK Administrations. It will allow the Scottish ministers to consider the use of section 85 of the 2009 act to designate a body as a scheme administrator for Scotland. The amendment aligns with the intent of the Government and business to have our DRS for drinks containers operated by a private sector body and mitigates the risk of the public sector classification of any body operating that DRS if ministers choose to designate it under the existing powers in section 85 of the 2009 act.

Scotland remains the only part of the UK that has passed regulations for a deposit return scheme for drinks containers. I am confident that our DRS could have operated along with other UK schemes, but we are now at the point where we are working with other UK Governments on an interoperable scheme. I hope to have that work concluded when a new UK Government is in place.

I move amendment 92.

The Deputy Presiding Officer: Thank you, minister. No other members have sought to speak, so I ask the minister whether she wishes to add anything further by way of wind-up.

Gillian Martin: No.

Amendment 92 agreed to.

The Deputy Presiding Officer: That ends consideration of the amendments.

Motion without Notice

19:55

The Deputy Presiding Officer (Annabelle Ewing): I am minded to accept a motion without notice that, under rule 11.2.4 of standing orders, decision time be brought forward to now. I invite the Minister for Parliamentary Business, Jamie Hepburn, to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 7.55 pm.—[*Jamie Hepburn*]

Motion agreed to.

Decision Time

19:55

The Deputy Presiding Officer (Annabelle Ewing): In fact, there are no decisions to be put as a result of today's business. That concludes decision time.

Meeting closed at 19:55.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
www.parliament.scot/officialreport

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447
Fax: 0131 348 5423

The deadline for corrections to this edition is:

Tuesday 23 July 2024

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba