

MEETING OF THE PARLIAMENT

Wednesday 23 June 1999
(*Afternoon*)

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Scottish Parliament

Wednesday 23 June 1999

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:31*]

The Presiding Officer (Sir David Steel): Before we move to the first item of business this afternoon I would like to repeat a request from the chair: that any member who wishes to speak on any item of business press the request-to-speak button at the start of that debate, regardless of whether they have put their names on party lists that have been submitted in advance. That will ensure that both the occupant of the chair and the broadcasting staff are fully aware of all requests to speak.

Shona Robison (North-East Scotland) (SNP): May I make a point of order?

The Presiding Officer: Yes, of course.

Shona Robison: Thank you. Last week I attempted to submit an emergency question on the case of the Chhokar family. You said that it was not an emergency question, Mr Presiding Officer.

The Presiding Officer: I am sorry, but we cannot have debates on emergency questions.

Shona Robison: If I can finish my question my point will become clear. You then suggested that I submit the question as a written question requiring an urgent response. That was fine, but my point of order is to seek clarification on when that urgent response should be given. As yet there has been no response and the chamber office has been attempting to get one. I raise this matter because I could not find anything in the standing orders and I would like some clarification about the time scale for an urgent response.

The Presiding Officer: I understand your point and will look into it as soon as I leave the chair in about an hour.

Shona Robison: Thank you.

The Presiding Officer: There is another point of order.

Alex Neil (Central Scotland) (SNP): My point of order is also about written questions. The guidance on answering parliamentary questions states that ministers should reply within two weeks. That is fair enough but, obviously, from time to time ministers will not have a reply ready within two weeks. In those circumstances, and so that we know that ministers are held accountable, could ministers state why they cannot give a reply

within the two weeks and indicate when they expect to be able to give a reply—instead of giving the sort of reply that I received from Mr Wallace, which said that he would reply as soon as that was possible?

The Presiding Officer: That is quite a reasonable point, but it is a point for the Executive that I think will have been noted. I do not like those open responses to questions as a general practice. I am not criticising ministers; I am simply saying that a fuller explanation is required by members if ministers are not able to give a response. There is another point of order.

Tommy Sheridan (Glasgow) (SSP): This is just a small point of order, Mr Presiding Officer, and it is not, perhaps, as serious as the others. Given the low attendance of Labour members, is there an important meeting that we should be aware of?

The Presiding Officer: That really is not a point of order.

Freedom of Information

The Presiding Officer (Sir David Steel): The first item of business this afternoon is a statement by the Deputy First Minister on freedom of information. He will take questions at the end of the statement and there should, therefore, be no interventions. This item of business will last for half an hour.

14:34

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): With permission, Sir David, I wish to outline to members how the Executive intends to take forward the partnership commitment to the early introduction of an effective freedom of information regime.

This is a subject that I and many other members of this Parliament feel very strongly about. On my election as a member of the UK Parliament for Orkney and Shetland in 1983, I was asked what private member's bill I would like to promote if I were lucky in the ballot. I said—16 years ago—that I would like to introduce a freedom of information bill, but I never had any luck in the ballot.

Fortunately, with the establishment of the Scottish Parliament, an effective Scottish freedom of information regime no longer depends on luck. Scotland has the opportunity to adopt a distinctive approach to openness and to create a freedom of information regime that is appropriate to a modern and open Government as we approach the 21st century. We are committed to creating open government in Scotland.

The partnership agreement says that the Scottish Executive intends to put in place an effective freedom of information regime. Let me make absolutely clear what we mean by that. We mean a Scottish freedom of information bill that is introduced in this Parliament, scrutinised by this Parliament, and enacted at the hand of this Parliament.

The bill will enshrine in primary legislation the people's right to have access to information. It is important that people recognise that we are serious about this commitment. By introducing primary legislation to this Parliament we will leave no one in any doubt.

We attach great importance to an open and inclusive approach to policy development and we shall consult widely as we develop our policy on freedom of information. We welcome members' views and I expect that a committee of the Parliament will take a close interest in the development of policy in this area. We are committed to open and wide consultation but we

also need to ensure that the process is driven forward. I propose to strike that balance by initiating consultation in the autumn. Based on the results of that consultation, we will introduce primary legislation as soon as possible.

The Executive has moved swiftly on the commitment to freedom of information in the partnership agreement—today's commitment to legislation demonstrates that—but we need to ensure that effective arrangements are in place from 1 July. I therefore announce today that, for the first time ever, Scotland will be covered by a specifically Scottish non-statutory code of practice on access to Scottish Executive information. It will ensure that arrangements for access to information are in place from 1 July. Without that non-statutory code as an interim measure, Scotland would be worse off than the rest of the UK, and I will not allow that to happen. Copies of the code are being made available to members today and can be collected from the chamber reference point.

Our commitment to an effective, statutory, freedom of information regime is not made lightly. We recognise that freedom of information is a complex area of public policy that has taxed successive UK Governments. Members will be aware of some of the criticisms that greeted the publication last month of the draft UK freedom of information bill for consultation.

In developing our approach to freedom of information, we need to strike a careful balance between the public's right to know and public authorities' reasonable expectation of confidentiality for sensitive information. We also need to ensure that the necessary exchange of information with Westminster and with the devolved administrations in Northern Ireland and Wales can operate effectively. That arrangement is necessary to support the continued supply of information from Whitehall to the Scottish Executive.

In formulating our way forward, we will take account of the draft UK bill and take stock of the comments and criticisms of it that arise during parliamentary scrutiny at Westminster.

Effective freedom of information and openness is as much about culture as it is about legislation. We are therefore committed to fostering and maintaining an appropriate culture of openness throughout this Administration.

The code of practice will preserve existing rights of access and afford the public and public bodies a degree of continuity. The code contains a strong presumption of openness. It makes clear that information should be disclosed unless the harm that is likely to arise from disclosure would outweigh the public interest in making the

information available.

The code is intended to support policy making and the democratic process by providing access to the information that is provided to ministers and to the facts and analyses which form the basis for the consideration of proposed policy.

From the outset, the code will be effectively policed by the Scottish parliamentary commissioner for administration. The Scottish commissioner will submit reports to Parliament, as will the Executive, on the operation of the code. Members will refer to the Scottish commissioner complaints from the public that a Scottish public authority has failed to operate adequately the provisions of the code.

I intend that the code and the role of the Scottish commissioner will be well publicised. The code will be made available widely in printed form and on the internet. I understand that the commissioner will distribute a leaflet that will set out his role and the ways in which a member of the public may submit a complaint to him through a member of the Parliament.

I have written today to the bodies covered by the code, including the Scottish Prison Service, the Student Awards Agency for Scotland, Scottish Homes and the Scottish Environment Protection Agency, to reinforce the presumption of openness and to encourage them to continue to foster a culture of openness in their dealings with the public. I shall take a close interest in the operation of the code.

The Executive is committed to running an open Administration, to consulting widely as we develop freedom of information policy for Scotland, to a non-statutory code from day one, and—most important—to an effective freedom of information act.

This is an effective and ambitious package of measures that will lead to increased openness in the governing of Scotland. At the heart of the legislation we bring to the Parliament will be a presumption of openness. What has to be, and is increasingly being, recognised is that better scrutiny leads to better government. By making information more available we empower people—we do not weaken government.

I look forward to working with members of this Parliament and others as the Executive puts into place Scotland's first ever freedom of information act.

The Presiding Officer: The Deputy First Minister will now take questions on his statement. Members who wish to ask questions should press their request buttons.

Roseanna Cunningham (Perth) (SNP): Thank you, Mr Presiding Officer. I listened with interest to

what the minister said, but I have some concerns, not least of which are those that relate to the unnecessary delay. Can he be more open about his time scale for the introduction of legislation? I fear that we are missing a great opportunity.

Can the minister elaborate on the precise strength of the code of conduct, because it does not appear to usher in any change at all? He said that the code will

“preserve existing rights of access”.

That phraseology suggests that the code will make no real change, which will be a matter of great concern. Will the minister clarify that aspect of the code? It appears not to contain any legal rights or responsibilities—unless I have missed something fundamental.

Will the minister expand on the time scale involved and explain why he feels it necessary effectively to wait until Westminster's deliberations are over? That is a rather unfortunate precedent to set. Will he clarify precisely what strength the code of conduct will have when it comes to implementation? What remedies will people have if the code is breached? I fear that the minister's statement is sending out a signal that not much will change.

Mr Wallace: I am grateful to Ms Cunningham for her remarks. On timing, she would be one of the first to criticise the Executive if we said that we are going full steam ahead to legislate without consultation. It has been widely expected of this Parliament that we will consult widely. The UK draft bill will be part of that process, but by no means the sole part. Ms Cunningham is a member of the Justice and Home Affairs Committee, which I hope—with individual members and other people who are interested in the issue—will take an active interest in examining the consultation paper that will be published in the autumn.

As I said in my statement, it is a question of striking a balance between ensuring that there is proper and effective consultation and ensuring that we make steady progress. I am not committing myself to a particular time scale, but the fact that we have made a statement today, that a consultation paper will be published after the summer recess, that we are inviting consultation and that we will try to maintain progress and drive this forward, is a sign of good intent and a willingness to consult properly. If there is any issue that requires openness and consultation, surely it is freedom of information.

On the strength of the code of conduct, Ms Cunningham is right to say that I said in my statement that this is a continuity of the existing code for rights of access to information. We are not making any secret of that. The code has been redrafted to take account of the fact that we will be

different after 1 July. Without it, there would be a gap, and Scotland would be less well served than the rest of the United Kingdom in terms of access to public information. I do not think that anyone here wants that.

It is important that, rather than undertaking the almost impossible task of drafting from scratch in a short time, we maintain what is in place and look forward to a statutory regime. That is what is different—we are making a commitment to a statutory freedom of information regime. That takes things forward. Sometimes I fear that the current access code is one of the country's best-kept secrets. Perhaps today's statement and the attendant publicity will mean that people are better informed of what legislation already exists to enable them to get access to information.

David McLetchie (Lothians) (Con): I thank the minister for his courtesy in making an advance copy of his statement available to us, which facilitates comment on it. I would be grateful for his response to three points.

First, why do we need a separate freedom of information act in Scotland, as distinct from a single UK measure based on a common set of principles? A single UK measure would mean that whatever agency or Government department our citizens are dealing with, whether in relation to a reserved or a devolved matter, they have access to information on the basis of a single statutory and legislative code. I fear that different regimes north and south of the border will make it difficult to resolve the access provisions that apply to information in matters where there is an interface between the UK Government and Scottish Office departments. Will we work on the principle that access is governed by the most liberal or the most restrictive regime?

Secondly, I am grateful for the minister's response to Ms Cunningham's question, confirming that the code to which he refers is not a novel feature, but simply replicates what was put in place by the previous UK Government.

Thirdly, will Mr Wallace and his colleagues have discussions with the Convention of Scottish Local Authorities with a view to introducing a similar code for local government? That should happen in advance of the primary legislation to which he referred, which we will discuss in Parliament. Such a code should build on the existing local government access to information regime that was established in 1985.

Is the minister aware that there are concerns about access to information in local government—particularly in relation to bodies funded by local government—where the information that has been made available to the public has not been all that is desired? There have been a number of

instances of disastrous funding arrangements with partnership initiatives here in Lothian that freer and more accessible information would have avoided.

Mr Wallace: A separate freedom of information regime is part of the devolution settlement. It was first foreshadowed by the white paper and was implemented by one of the orders that we considered only a matter of weeks ago. It was considered appropriate—I believe that it is appropriate—that as a Parliament we devise our own regime to deal with the range of our devolved responsibilities.

Only one regime will apply to a particular public body. There might have been some problem if cross-border bodies had tried to operate under two different regimes, but the Westminster regime will apply to them. Requests from the public will be dealt with under whichever regime is applicable.

Mr McLetchie pointed out that local government already operates under a statutory access to information regime and that there is dissatisfaction about its effectiveness. I am sure that it could be examined as part of the consultation process. The health service has different arrangements. Examining the effectiveness of other current statutory regimes and codes would be a very helpful part of the consultation exercise.

Mr John McAllion (Dundee East) (Lab): The minister will be aware of the growing concern across Scotland that the Crown Office is failing to use the full force of the law in cases where death is caused by dangerous driving. For example, some of my constituents have been denied access to police reports into fatal accidents—even when members of their family have been killed. Can he guarantee that such police files, along with all other official files and reports on accidents and accident inquiries, will be available under the freedom of information legislation?

Mr Wallace: I want to take the opportunity to clarify one point: the code of practice that we are discussing does not apply to the police, because the police are not subject to the jurisdiction of the parliamentary commissioner for administration. It is fair to say that it might be very worthwhile to consult on the inclusion of the police in a freedom of information regime. That is the situation in other countries that operate statutory regimes. There was a strong recommendation in the Macpherson report on the Stephen Lawrence case that the police should be covered by a statutory regime. That will be an important part of the consultation.

Euan Robson (Roxburgh and Berwickshire) (LD): On behalf of Liberal Democrat members, I welcome the minister's statement. It is particularly important that he has made clear that the code will be introduced because, if it is not, there will be no

such facility after 1 July. Does he hope to use the concepts of prejudice and harm that are mentioned in the code—emphasising the tighter test of harm—in the draft legislation?

Mr Wallace: That will be a key part of the consultation. Mr Robson will note that the harm test features fairly prominently in the code. It is also important to note that whether the test of harm or of prejudice is used, the overriding test is one of the public interest. Members will see that part II of the code, which deals with reasons for confidentiality, states that

“the presumption remains that information should be disclosed unless the harm likely to arise from disclosure would outweigh the public interest in making the information available.”

Openness is the presumption and the ultimate test is that of public interest.

Dennis Canavan (Falkirk West): Is the minister aware that the Westminster draft bill on freedom of information has not received a warm response from people who, over many years, have campaigned for such a bill? It is hoped that the Scottish Parliament can do much better than Westminster.

Security and defence are reserved matters, but there are many incidents in Scotland that arise from defence and security operations. Does the minister envisage that the freedom of information bill that will be passed by this Parliament—hopefully—will be able to shed any light on matters such as the tragic crash of the Chinook helicopter on the Mull of Kintyre or the operations of the killer Trident submarines in Scottish territorial waters?

Mr Wallace: I am sorry to disappoint Mr Canavan, but there is a clear division between the freedom of information bill regime that will be passed by this Parliament, which will apply to matters that are the responsibility of the Scottish Parliament, and the matters that are reserved. As he knows, defence is not a responsibility of the Parliament, so it will continue to operate under freedom of information legislation passed by the Westminster Parliament.

Michael Matheson (Central Scotland) (SNP): The minister mentioned consultation. I am sure he is aware that there was extensive consultation on the Westminster bill. Were any organisations in Scotland that have a keen interest in the subject not included in that consultation exercise? The danger of such an open-ended consultation process is that it might delay the introduction of a bill in the Scottish Parliament.

Mr Wallace: I assure Mr Matheson that there will not be open-ended consultation. We want to make progress and drive the legislation through. However, I am sure that he and other members

expect us to have a proper period of consultation, during which many of the bodies to which he referred can make a contribution. It is only right that they should have that opportunity to contribute to a distinctively Scottish freedom of information act.

Phil Gallie (South of Scotland) (Con): Does not the minister's statement suggest that this bill will be much more watered down than that which he envisaged some 16 years ago? Are the practicalities of government now registering with him? He referred to the code's ensuring that Scotland was no worse off than the rest of the UK. Is not this a Westminster-led bill?

Mr Wallace: I think I am correct in saying that when I advocated a freedom of information bill in 1983 it was a criminal offence to tell anyone where the Post Office Tower in London was, and it was a criminal offence for the head gardener at the Royal Botanic Gardens in Inverleith to tell anyone in which order he watered the plants. We have come a considerable way since then in changing the culture in government.

I assure Mr Gallie that this will be a Scottish bill. It will be for this Parliament to pass it, to move amendments to it, and to consider it. It clearly makes sense to consider the freedom of information legislation that is now in draft form at Westminster, the comments that have been made on it and the parliamentary scrutiny that it has undergone. However, it will be for this Parliament and its committees to devise the arrangements that we believe are suitable for Scottish circumstances.

Robert Brown (Glasgow) (LD): I welcome the minister's speedy statement and would like to ask two questions. First, are the hospital boards and hospital trusts in Scotland among those to whom he has written? Secondly, will the freedom of information regime include not just information, but specific documents that can be recovered from the various public authorities that have been referred to?

Mr Wallace: No, it does not include the health boards or health trusts, which are covered by a separate code and, in some cases, by separate arrangements for access to medical records. I am aware that several members have already raised the question of access to information in the health service. As I said in my reply to Mr McLetchie, it would be quite proper to examine the effectiveness of the codes and the freedom of information regime that applies in that service.

My answer to Mr Brown's second question is that the supply of specific documents is not required, although there will undoubtedly be occasions on which specific documents are supplied. However, the regime requires the supply

of information rather than the provision of specific documents.

Mrs Margaret Ewing (Moray) (SNP): In the interests of freedom of information and of the public whom we serve, will members of this Parliament be given the same rights of parliamentary privilege as members at Westminster when they want to raise individual cases here?

Mr Wallace: That might be a question to which you, Sir David, are better able to supply an answer. I understand that that is the case, but I would not want to commit myself firmly without taking advice.

John Young (West of Scotland) (Con): My first question to the Deputy First Minister concerns the code of conduct as a significant advance in public access to information. Will it apply equally to information on BSE and genetically modified foods, or are those areas the preserve of the UK Parliament?

My second question is this: if a dispute were to arise between the UK and Scottish Parliaments over what information should be released, will some form of arbiter or group be appointed to adjudicate? I accept that it is unlikely that such a difference will arise, but it is not impossible.

I would also like to know whether the Deputy First Minister believes that what he is proposing is in some ways inferior to what Mr Jack Straw, the Home Secretary, is proposing. Does he, as a lawyer, think that if there are differences, people may come from south of the border to the Scottish courts, and vice versa?

My last point has been raised many times over the years. I fought the election on 6 May for the constituency in which Rudolf Hess landed 58 years ago. Some local historians still feel that there are papers concerning the flight of Rudolf Hess that are being retained into the 21st century. Will access to that information be dealt with by the Scottish Parliament or will the UK Government again remain supreme?

Mr Wallace: I will take those questions in reverse order.

Many cases are covered by existing statute. The Rudolf Hess case almost certainly falls under a reserved power. If it is any consolation to John Young, I can tell him that I have had cause in the past week to write to the Secretary of State for Defence about the sinking off Orkney in 1916 of HMS Hampshire, about which there is still some concern among relatives of those who lost their lives.

On the interface between Westminster and the Scottish Parliament, information on issues that are dealt with by the Scottish Parliament as devolved

matters will be governed by the freedom of information regime that we agree here. Information that belongs—if I may use that word—to the Westminster Government will be governed by the rules that apply to the UK.

It does not take long to work out that if there were a perception that one could come to Scotland to get information that was the property—as it were—of the Westminster Government and it could not be obtained in England, the supply of information might dry up. Common sense has to be applied in such circumstances.

John Young *rose*—

The Presiding Officer: I am sorry, Mr Young, we are out of time.

I have taken the Deputy First Minister's hint in response to Margaret Ewing's question about parliamentary privilege and will circulate a detailed note in the business bulletin on the extent of privilege in this chamber, as it is slightly different from that at Westminster.

Education Bill (Consultation)

The Presiding Officer (Sir David Steel): I remind all members who have not inserted their cards in the microphone unit in front of them that they do not exist until they have done so.

We now move on to a statement by the Minister for Children and Education. The procedure will be the same as before: a statement followed by questions.

I am ready to call Mr Galbraith, but I gather that he is waiting for the furniture remover. While we wait, it might be useful for members to know that lecterns that are more removable than the one that is shared at present will be made available.

Please put your card in the slot, minister. [*Laughter.*] A credit card will not do.

15:04

The Minister for Children and Education (Mr Sam Galbraith): I would like to make a statement on the procedures that will be adopted to ensure that there is full public consultation on our proposals in the forthcoming education improvement bill. I intend to launch the consultation during the first week of July.

I should make it clear first that I will not be giving full details of our proposals at this stage; those will come later. I am making this statement for two reasons: first, the consultation document setting out our proposals can be launched only shortly after the Parliament rises for the summer recess and I felt that, out of courtesy, I should give Parliament the details of the consultation process that will follow. Secondly, I want to make clear the nature of the general process, as this consultation will be the first to launch a bill to be put before this Parliament. I do not expect that we will follow exactly the same procedure for every bill put forward by this Administration, but the approach that we take for the education bill will serve as a general template.

Before that, however, let me say briefly why we intend to legislate on education. The Scottish Executive is committed to an agenda of continuous improvement that will progressively raise standards in education. It will build on the groundwork laid by the United Kingdom Government since the 1997 election, with the aim of delivering a world-class system with world-class standards.

This Parliament should not make the mistake of thinking that legislation on its own can deliver higher standards, nor should we suggest that continuous improvement will start only once we have legislated. In recent weeks, I have met many teachers, parents, pupils and others involved in

the school system. Their commitment to excellence stands out and they tell me that it is an exciting time to be in education.

We have already achieved a great deal through the significant additional resources that are now being made available to schools. Those resources are targeted on activities that make a difference to children's and teachers' experience and which directly support improvement. Pre-school provision for all three and four-year-olds, 5,000 additional classroom assistants, smaller class sizes, and early intervention to support better literacy and numeracy in the primary school, add up to a package that gives children a much better start at school.

The excellence fund is reaching all parts of the school system in other ways: for example, by supporting alternatives to exclusion. New community schools, training and staff development and the delivery of modern information technology to all our schools will make a major difference. We are delivering better education in better schools.

We also want to support and develop our teachers, strengthening their skills and professionalism. I want to pay tribute to their commitment. [MEMBERS: "Hear, hear."] I recognise very well the pressures on teachers and their feeling that they are undervalued. However, we all know that a world-class education system will not happen without them and that their expertise is already delivering huge improvements. We want those improvements to be continuous and to extend throughout the school system in Scotland through the sharing of best practice, using it to raise standards. Her Majesty's inspectors' reports show how that is already happening; how school after school is delivering a high and rising quality of education for its pupils.

Our aim in legislating is to consolidate and build on the momentum that is already under way. It is to provide a framework through which Government, local authorities, teachers, parents and children can work in partnership to secure improvement and to achieve and celebrate excellence. That requires an education service that is guided by shared priorities and is responsive to local circumstances and to the needs of children. We need to meet the challenge to help those who still need to achieve the standards of the very best. I believe that we can do that with a few simple measures that will strengthen the culture of improvement and make clear the responsibility of all those in the education system for taking them forward.

That means that those who support, fund and direct schools must also be encouraged to continue developing the culture of excellence. We often speak of the partnership of schools, local authorities and Government as a strength of

Scottish education. I believe in that partnership and that each of the partners must pull its weight. That means that we ourselves, the Scottish Ministers and the local authorities should be provided with a clear statement of our responsibilities for delivering improvement.

The measures that we will bring forward will create a new partnership between central and local government, and between authorities and schools, to raise standards and to target and celebrate excellence. None of us—schools, parents, authorities or this Parliament—should be prepared to accept second best for our children when we see what the best can achieve. This bill is about achieving the best. It will be a framework for partnership. Our approach to the preparation of the bill is designed to reflect that. The first principle adopted by the cross-party consultative steering group was that power should be shared between the Parliament, the Executive and the people of Scotland. We have the chance to make that a reality in our approach to this legislation. The people of Scotland will, therefore, have an unprecedented opportunity to express their views on our proposals before the bill is finally presented to this Parliament.

Education interests and the general public have already had a substantial opportunity to comment on the basis of the proposals that were set out in the UK Government's white paper "Targeting Excellence", which was published in January. The detailed plans for legislation will take into account the many comments that were made on the white paper.

The next step is to set out the details of the proposals for legislation in a consultative document to be published early in July. That will set out and explain the draft provisions and the policy behind them. I can assure this Parliament that the document will be made widely available. We are all stakeholders in the education system and our approach to consultation will be designed to ensure that our proposals are considered by as many people as possible. The document, therefore, will be sent to local authorities, schools, school boards and a wide range of organisations with an interest in children and schools. A summary of the main elements will also be published and made available on request. The consultation document will be made available on the internet. That will allow many more people to have access to it, to comment and to see what others have said about the bill.

I am particularly concerned that the consultation should go beyond the normal range of interests, and that many parents and pupils are involved. Pupils who have access to the internet through the national grid for learning will have an excellent opportunity to get involved in the debates, and we

shall be ready to take their views into account. I consider that young people's views about schools should be listened to. The consultation will also give them an early opportunity to learn about the processes and procedures of the new Parliament. The consultation will continue until the end of October to give plenty of people plenty of time to comment after the schools are back. Peter Peacock and I want to meet as many people as possible to hear their views, and we will want to take part in a series of meetings throughout Scotland.

I hope that the outcome of the process will be a bill that the widest spectrum of people agree reflects the best way forward for Scottish education. It will take account of the knowledge and experience of those who are directly involved as providers and consumers of school education. Parliament can then be confident that our proposals are soundly based and will make a real difference to the education of our children.

At the end of October, the bill will be revised as necessary to take into account the consultations and to make any technical changes needed to refine the drafting. Once that has happened it will be passed to the Parliament, which will, as a first step, put it to the Education, Culture and Sport Committee. The committee will comment on the approach taken in the bill, and in particular on how good the consultation has been. It will report to Parliament on whether the bill should be approved in principle. If the report is favourable, the bill will go through three stages: a debate and vote on the key principles, detailed consideration in committee, and a debate and final vote on the bill with the amendments accepted by the education committee.

We will not deliver a world-class education system overnight, and we must always remember that it is schools, teachers, pupils and their parents working together who will achieve the highest standards. I believe, however, that establishing a clear framework of duties and responsibilities will allow us to focus more closely on the action needed to achieve such a system. Our bill, developed with the help and participation of our partners in the education system and the Scottish people, is an opportunity to do that. It will also set a new standard in consultation that I hope this Parliament will welcome. I commend it to the Parliament.

Nicola Sturgeon (Glasgow) (SNP): I have three questions for the minister. It was my understanding, and I think the understanding of most people in Scotland, that today he would outline details of an innovative consultation process. I am struggling to detect the innovation in the minister's statement. If it is, as the First Minister suggested last week, an example of early

thinking on pre-legislative consultation, I suggest that the Government should go away and do some more thinking, this time of the creative variety.

What is the minister proposing by way of consultation that is new? We all recognise that the committee structure will be a significant improvement in the pre-legislative process, but I am sure that he will agree that consultation at an even earlier stage is essential in education. What he suggests in his statement reflects what already happens—green or white papers are circulated to interested parties, and comments are invited and more often than not ignored. That is the type of consultation that the CSG condemned in its report, when it said:

“Consultation, in the form of inviting comments on specific legislative proposals, for example, would not meet our aspirations for a participative policy development process.”

That is exactly the type of consultation that the minister has just proposed.

My second question refers to the content of the proposals; I understand that the minister cannot go into detail today. As publication is only a few days away, it is fair to ask for some early indications. As the minister and his deputy travel round Scotland to take part in their series of meetings, they will detect a fair degree of unease at the contents of the recent white paper, “Targeting Excellence”. Will the minister give us a guarantee that his proposals will represent a significant departure from that white paper, which was rejected by people representing a range of interests in education?

Thirdly, is the minister yet able to expand on the proposals in the partnership agreement to establish an education forum? Today would seem an ideal opportunity for him to have brought forward detailed proposals for the early establishment of such a forum, so that it could facilitate the type of consultation and participation that the CSG envisaged.

The minister’s statement was a missed opportunity, but I hope that his answers to my questions will go some way towards reassuring me on those concerns.

Mr Galbraith: I am grateful to Nicola Sturgeon for her response if slightly disappointed by its rather ungenerous nature and tone, which does not augur well for consultation. I hope that her criticism will improve in tone in the future and that it will be better than the usual soundbite of “missed opportunity”. I would have hoped that we could move on to more constructive criticism.

Nicola Sturgeon asks me what is new in the consultation. We are proposing not only the use of new technology but a draft bill along with an explanation of it for further consultation and

consideration. If she appreciates that what used to happen was that a bill was thrown at members on second reading and then off it went, she may find that significant. I should have thought that that was to be welcomed rather than slightly sneered at.

Nicola Sturgeon also asked about content. We have taken the responses to the white paper into consideration. I cannot say anything more about the forum at this stage, as we are still considering it.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the minister for making the text of his statement available early enough for us to give consideration to it. I welcome a period of consultation on the forthcoming bill, but I am naturally quite disappointed that we cannot have the bill prior to the recess. If the document that is to be released in early July is consultative, I am not sure why we cannot see it before the recess.

The minister said that the consultation would be the first to launch a bill. Does that mean that it will be the first bill or that there will be other bills that will not have any consultation? I doubt that it is the latter and think that it is likely to be the former. If that is the case, we are not likely see an amended draft and a bill until November at the earliest. Does that mean that—this being the first bill—we will see no bills in this Parliament until November or possibly even next year? It would be useful if the minister gave more detail of the likely timetable for consultation and indicated when the chamber and the committees will have an opportunity to discuss the bill.

Will the minister tell us why he did not use the word employer in his statement when he was talking about partnership? It is important that the education that we give our children is world class and is tailored to ensure that they can not only go into academia but obtain employment and contribute to society as a whole.

Will the minister clarify the aspects of the bill on which he has had consultation? He says that that might not be possible. A simple example is that when community schools—an idea that was first taken up by the Conservatives in the mid-1970s—were relaunched last year, many agencies such as social work and health were involved and brought into the schools. Does he intend to involve the police in community schools, as they were left out? Community schools are used to bring those agencies together for the benefit of the community, so it is important that the police, who have much to contribute on drug education, should be involved. I should be grateful if the minister responded to some of those comments.

Mr Galbraith: I am grateful for the constructive nature of Mr Monteith’s comments. The consultation document will contain the draft bill. I

am sorry that we cannot produce it earlier, but that is simply because of the time factor involved in delivering on these matters. I want it to come out as soon as possible, but as that will happen after the Parliament rises, I thought that it would be discourteous of me not to speak to the Parliament before the recess.

It is not the case that bills will be presented without consultation. I am not yet sure about the train in which the bills will come. The reason for the delay is that we want consultation. We are going into a holiday period and do not want to rush. I want to ensure that everyone has the opportunity to comment.

Mr Monteith asked me about employers and the police. As always, we consider that employers have an essential role. We are often criticised within the Labour party for adopting that stance. The police are already involved in education in many ways, and that will continue.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Will the minister clarify the role of the Education, Culture and Sport Committee in relation to the draft bill? Will the committee be able to hear witnesses and give a view at the draft stage, as I expected, or will its role begin only once the bill is fully published?

Mr Galbraith: As Malcolm Chisholm knows, the committees are their own masters. They will get a copy of the draft consultation document and it is for them to pursue the matter as they wish. I am sure that they will want to contribute responses.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I welcome the minister's statements. I echo his response to Mr Monteith that we do not want to rush the process. In the past, legislation has been introduced too quickly, and on an issue as important as our children's education, we must take a careful approach.

In the past, glossy documentation has been thrown at school boards. I have been a member of a school board for some years and have seen that happen. Teachers have said to me, "Do not rush this; do not make change for its own sake. Let us see our way through this issue." They think that things are happening too fast. I would like to know the minister's thoughts on publications being produced which school boards can understand and have the time to read and respond to.

The Westminster Government's innovation in introducing the scheme whereby two community schools were to be put into each local authority area was warmly welcomed across the political spectrum. In Highland, where Mr Peacock and myself were formerly councillors, we fairly rubbed our hands with glee when we saw that.

I want to make a plea for community schools, as

it strikes me that the minister is absolutely right on that point and that it is the way forward. What plans might he have, which he could reveal to us today, to build on the scheme of two schools per authority and to take it further? To help him with his answer, it does not necessarily cost money, as cash can be accessed from a variety of sources to establish such institutions. I would welcome the minister's thoughts on the matter.

Mr Galbraith: I like those who ask me questions and help me with the answers. I hope that it is a precedent, as it would be great if it were followed.

Mr Stone: I am kind like that.

Mr Galbraith: I could not agree more with Mr Stone on the issue of community schools. Only yesterday, I was at the community school in the Raploch, and I was much impressed by the teachers' commitment and by the high standards. In all the schools that I have visited, that has been my experience—commitment and high standards of education. I commend them.

Our plan is to keep rolling new community schools forward. I do not see any limit to them. The first batch is out and there are two further batches to come. As we roll them out, our commitment is to two in each education authority. I also have a vision that such schools can be in any area, as long as there is a concept of pulling together.

I agree with Mr Stone that we should not have change for the sake of change. That is the worst reason for change. Change should be introduced only when it is necessary to achieve the objectives that have to be delivered, and for that reason alone. In this case, our objective is continuous improvement, and we want to achieve that. However, I can assure members that this is a time for a bit of stability, and for us to settle down, put plans in place and consider what we have done. That is not to say that we do not have to have continuous alterations and improvements, but major, continuous overhauls are in the interests of no one.

Fiona McLeod (West of Scotland) (SNP): I wish to ask the minister two questions, one of which is being asked again. Why cannot the document be published before the end of July? As he knows, schools in Scotland are now well into the final countdown period to the summer holidays for both pupils and teachers, and, by delaying the publication of the document for two weeks, he is effectively taking six weeks from the consultation period.

On the consultation process, the minister said in his statement:

"The people of Scotland will, therefore, have an unprecedented opportunity to express their views".

He went on to say that young people's views were very important to him. However, the list of organisations to which information will be disseminated consists of the same organisations and the same dissemination routes that were used for the white paper, "Targeting Excellence". There is no mention of pupil councils, nor of the many youth forums that have been established around the country; perhaps most glaringly, there is no mention of the Scottish Youth Parliament that is to meet for the first time on 30 June. It is very important for young people to be consulted in their own forum, not through adult forums. I hope that the minister will ensure that that happens.

Education is a major priority for Scottish people. To reiterate Nicola Sturgeon's comments, this statement offers no vision of a truly open, accessible and participative consultation process for our first major piece of legislation.

Mr Galbraith: I can kill two birds with one stone when I talk to Fiona, as not only is she an MSP, but she is one of my constituents, so she is. Therefore, I will take her questions as if they were from both.

The publication of the document is a physical, practical exercise in writing, consulting, putting the words down and getting the document printed. Time constraints are involved, and there is nothing more to it than that.

I take to heart Fiona's point about consulting youth, and I am determined to do that. I will take on board her comments about youth forums, which is a good suggestion. I hope that, when the document is sent to schools, it will also be sent to the pupil councils. As far as the Scottish Youth Parliament is concerned, I will be attending the meeting on 30 June as an MSP in order to discuss the document. I am grateful to her, and I will take all her points on board.

Tommy Sheridan (Glasgow) (SSP): Does the minister agree that the pupil-teacher ratio in the state sector is one of the major concerns in Scotland? Will the consultative document include the visionary setting of targets, to move state schools closer to the pupil-teacher ratios of private schools?

I recently read a report which said that Eton College—the most exclusive of British private schools—had a pupil-teacher ratio of 8:1. That can be compared to Drumchapel High School in the First Minister's constituency, where the pupil-teacher ratio is 30:1. When class sizes are in the high 20s or even in the 30s, the issue of teaching is sometimes surpassed by that of management and control. Will the minister give us information about lowering secondary school class sizes to a maximum of 20 pupils per class by the end of the first Parliament?

Mr Galbraith: I am grateful to Tommy for his comments, but he will know that setting targets for class sizes does not require legislation such as this bill. That is dealt with through executive action, but I agree with what he says about class sizes.

The bill is about continuous improvement and about continually raising the standards of school education. I will apply the same principle in the education service as I applied in the health service: to drive up the standards in the state sector to make it so good that everyone will want to be a part of it.

The Presiding Officer: I will take one last question if it is very brief.

Bill Aitken (Glasgow) (Con): I recognise both the minister's commitment to world-class education and the amount of resources made available by his predecessor at Westminster. I trust that he recognises that, year in, year out, the Conservative Government consistently made better provision for education. Does he agree that the major problem facing Scottish education has been the failure of local authorities to deliver over a lengthy period? Which sanctions, methods of persuasion or encouragement will he introduce to ensure that local government gives us the performance that our children deserve?

Mr Galbraith: Mr Aitken will not be surprised to learn that I do not agree with all that he says. Can we please put a stop to such language as sanctions, bludgeons and attacks, and to driving wedges between us and education authorities?

Bill Aitken: I said "persuasion".

Mr Galbraith: I have seen Mr Aitken's kind of persuasion. I greatly deprecate attempts to drive wedges between Government and teachers and Government and local authorities. This is a partnership in which we all have to work together. Having been round many schools in a short time, I have been impressed by the high standards of education, the buzz in schools and the quality and the commitment of teachers. It is time for Mr Aitken and other parties to recognise that instead of attacking us all the time.

The Deputy Presiding Officer (Mr George Reid): That concludes the questions and answers on the statement on consultation on the education bill.

Devolved Legislation

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on two motions on devolved legislation to be considered by the UK Parliament. The debate will be divided into two sections. The first section will be on motion S1M-60, in the name of Susan Deacon, on the Food Standards Bill. At 4.30 pm, we will move on to debate motion S1M-61, in the name of Angus Mackay, on the Financial Services and Markets Bill, the electronic communications bill and the limited liability partnerships bill.

As always, I ask members to keep their comments brief to allow as many members as possible to speak. Will members who wish to speak in the debate on the Food Standards Bill please press their request-to-speak buttons as soon as possible? I call Susan Deacon to speak on and to move motion S1M-60 on the Food Standards Bill.

15:34

The Minister for Health and Community Care (Susan Deacon): I am very pleased that one of my early outings in this chamber is on the issue of food safety. It is a very important issue with a particular resonance in Scotland, and it is right for this Parliament to discuss it at an early stage.

The motion seeks this Parliament's approval for the creation of a UK food standards agency, within which are embodied specific provisions for Scotland. The draft bill currently before the Westminster Parliament is the product of extensive consultation and pre-legislative scrutiny. This is our opportunity to endorse its provisions.

I want to outline some of the main elements of the proposed food standards agency. I also want to set out some of the guiding principles on food safety that the Executive will follow—now and in the future. I state from the outset that the Executive recognises the public's legitimate concerns about food safety. We are determined to play our part to ensure that those concerns are addressed effectively and responsibly.

We want to put arrangements in place that have the best chance of success—the best chance of reducing food poisoning outbreaks, the best chance of improving hygiene standards and the best chance of re-establishing consumer confidence—and I firmly believe that the proposals before us today give us the opportunity to make a start on that.

The proposed agency represents a significant and bold step towards rebuilding consumer confidence in the safety of our food. People are

concerned about food safety for good reason—nowhere is that more true than here in Scotland. In the 1980s and 1990s, a catalogue of failure produced the BSE crisis and the appalling tragedy of the Lanarkshire E coli outbreak. It is our responsibility in the Scottish Parliament to do all that we can to reduce the chances of such events occurring again. Public confidence has badly faltered. It is not enough to issue reassuring statements to a sceptical public; we have to act and be seen to act to improve food standards. We have to show the public that their interests are genuinely at the heart of food safety decision making. We also have to help educate and inform the public on what they can do to ensure that their food is safe to eat.

Creating a new food standards agency is a bold and innovative step to depoliticise food, to further sensible discussion of related matters and to move away from the highly charged and emotive arena of tabloid headlines, of which we have seen so many in recent weeks and months. The Scottish Executive wants a reasonable, responsible, informed and open approach to food safety issues in Scotland. We want Scotland's future food safety policy to be based on the best available expertise and to be anchored in sound scientific advice—the best available. We also want to ensure that that policy is transparent and clearly explained, not in scientific jargon but in terms that are easily understandable to the person in the street.

That is our aim in supporting the creation of the new food standards agency. We want it to make its assessment from the standpoint of the best available science; contain people who are skilled in risk management and risk communication; have an open, transparent approach; and be headed by a board that is selected through open recruitment, subject to Nolan committee rules, drawing together experience, knowledge and skills in what is a complex and important area. We also want it to have increased powers to undertake monitoring and surveillance and an enhanced enforcement capability.

It will, of course, still be for us as politicians and policy makers to decide how to act, but we will be doing that from an informed position, with access to expert advice and in a spirit of openness. The agency will publish the advice that it gives to ministers—advice that we can choose to accept or reject. We will then be expected to explain publicly why we have reached our decision. That is as it should be. We are doing all this because the public expect—rightly—that those responsible for maintaining food safety put the protection of public health first. The prize to be won is primarily for consumers: the promise of greater assurance over food safety.

That is right, but there is also a prize to be won

for food producers, processors and manufacturers. Scotland produces high-quality food products and exports to countries throughout the world. If our food industries are to build, retain or regain markets, they must operate from a position where consumers have confidence in the safety of their food and where we have sound food safety policy.

For more than a decade, there have been food scares. All too often we have seen well-intentioned interventions, from experts and others, result in contradictory advice, perplexity and confusion. We must break through that. That is why we need a body that can speak authoritatively and give expert advice to the public, to industry, to consumers, to enforcers and to us as policy makers. Such a body will be a crucial component in driving up food standards.

Responsible, informed debate and keeping consumer interests at heart are our guiding principles for the development of food safety and standards policy. As the Scottish Executive, that is what we aim to achieve. We must consider how best to deliver change and what mechanisms will work best to further the interests of the people of Scotland.

Food is a devolved area. The proposed UK agency provides flexible arrangements for specific action to be taken in Scotland should the circumstances require it. The proposals provide the benefits of flexibility and room for manoeuvre in Scotland, coupled with the consistency and clarity brought by UK-wide arrangements. Food problems do not recognise borders. Food emergencies can quickly spill over from Jedburgh to Carlisle, and in the other direction.

An important European dimension should be borne in mind. Food law is voluminous, complex and much of it is EU-derived. One of the key issues for us is to ensure that legal requirements are translated clearly and consistently to provide the basis for efficient and effective enforcement by, for example, local authorities and the Meat Hygiene Service. Again, the consistency of approach that can be provided by a UK-wide body underpins that principle.

A large task lies ahead. We now have a significant opportunity to make an impact on this problem and to make a difference in Scotland. This bill gives us the right arrangements for Scotland: a separate Scottish arm for the agency and a new independent Scottish food advisory committee to advise on food safety issues in Scotland. The agency will be accountable to the Scottish Parliament in the same way as it is accountable to Westminster. Through a range of joint decision-making powers and arrangements, that will ensure that Scotland's voice is properly heard.

The proposed arrangements offer Scotland the best of both worlds: access to UK-wide resources, particularly science, and the flexibility to deliver Scottish requirements when the need arises. In short, they offer us a strong Scottish voice, yet the ability to be different when we decide.

This is our chance, as a Scottish Parliament, to send out a clear message that we are serious about food safety. It is our opportunity to address this issue effectively and responsibly for the benefit of the Scottish people. I recommend the proposals and ask members to support the motion.

I move,

That the Parliament endorses the principle of a UK Food Standards Agency as set out in the Food Standards Bill and agrees that the Bill should be considered by the UK Parliament.

15:44

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): SNP members welcome the creation of a food standards agency in Scotland. Others will talk about the effect on consumers, but I want briefly to mention the effect on the food industry.

The food industry is vital, especially for many rural parts of Scotland. It has many areas of excellence; it is an industry of which we should rightly be proud. As Susan Deacon said, it is essential that we increase consumer confidence and remove the suspicion—not necessarily always justified—that the agriculture department is in the pockets of the producers.

The food industry in Scotland thrives because of its high reputation and high standards. Production—agriculture and horticulture—is not the only important area. There are also many downstream jobs—in processing, packaging and retailing. An independent agency should maintain high standards and help to reinforce public confidence.

I welcome the Government's change of heart on the proposed levy that was to be placed on food outlets. That would have hit small butchers and other outlets in many parts of Scotland hard.

I want to spend some time on the constitutional aspect of this measure. As Susan has said, food standards are a matter that has been devolved to this Parliament. Many matters are devolved to this Parliament by default. In other words, they are not mentioned specifically in the Scotland Act 1998, which lists a great number of matters that are not devolved—that is what schedule 5, on reserved matters, is all about. Food standards, and one or two other matters, are specifically and deliberately devolved to this Parliament, because they are

exemptions from the general provision that product safety should be reserved. The precise terms of the derogation, if I may use that term, are that it covers

“food, agricultural and horticultural produce, fish, fish products, seeds, animal feeding stuffs, fertilisers and pesticides”—

the whole input to the food chain.

Those are all matters for the Scottish Parliament—the Parliament that we will open next week with great celebration and royal and prime ministerial visits. However, before we even assume our powers in nine days’ time, Westminster is embarking on legislation on an area that is totally devolved. In fact, it has already embarked on the legislation—the second reading debate on the Food Standards Bill took place at Westminster on Monday. I must say that far more people are here today than were present in the chamber at Westminster for that debate.

This is not some spin-off from a piece of reserved legislation that happens to touch peripherally on a Scottish devolved matter. It is substantive and deliberative legislation—something for which, in nine days, we will be responsible. Why has the Government decided that it wants to keep some of the devolved powers down at Westminster? Does Westminster not want to let go? Does it want to ram home the idea that, ultimately, it remains in charge?

The argument will be made—it has already been made—that there is some administrative convenience in having the same legislation and the same agency across the UK. Frankly, that argument could be applied across practically the whole range of devolved powers. If it is believed that a single policy, a single agency and a single set of regulations are the best way in which to proceed, why devolve anything? The time to decide whether food standards should be a devolved matter was when the Scotland Act 1998 was being considered by the House of Commons. That was when the decision was taken that the matter should be devolved to this Parliament. The essence of devolution, surely, is that we may wish to do things differently from how they are done in other parts of the country, either substantially or on points of detail.

When the Scotland Bill was in committee on the floor of the House of Commons and what was then clause 27—about Westminster retaining sovereignty—was being debated, the secretary of state, as he then was, said:

“There is a possibility, in theory, of the United Kingdom Parliament legislating across those areas,”—

by which he meant devolved areas—

“but it is not one which we anticipate or expect.”—[*Official*

Report, House of Commons, 28 January 1998; Vol 305, c 402-3.]

Donald Dewar has moved on a bit in the past 18 months, because on 16 June he said in this chamber:

“There will be exceptional and limited circumstances in which it is sensible and proper that the Westminster Parliament legislates in devolved areas.”—[*Official Report*, 16 June 1999; Vol 1, c 403.]

We have moved on from a possibility in theory to exceptional and limited circumstances—a total difference over 18 months. Despite the fact that these powers have been specifically devolved, apparently food standards are such an exceptional issue that Westminster has to legislate on them. I do not think that they are exceptional enough to justify that; they are certainly not limited, either.

If Westminster is going to legislate on this issue for us, one would hope that there would be some consultation. The motion that we are debating today says:

“That the Parliament . . . agrees that the Bill should be considered by the UK Parliament.”

The United Kingdom Parliament has slightly jumped the gun, as it has started to consider the bill—it gave it its second reading on Monday. Is the motion worth the paper on which it is written? Theoretically we have the ability to vote against it, but what will happen if we do?

Alex Johnstone (North-East Scotland) (Con): Will Mr Morgan give way?

The Deputy Presiding Officer: We are waiting for the microphone to come on.

Alasdair Morgan: All good things are worth waiting for.

Alex Johnstone: Those of us who are more concerned about food safety than about constitutional issues would like to know in which areas Mr Morgan believes food standards should differ in Scotland from those in the rest of the United Kingdom?

Alasdair Morgan: I will come to that later.

What happens if we decide that we do not agree that the bill should be considered by the United Kingdom Parliament? Will Monday’s *Hansard* be torn up? Will the second reading debate be expunged from the record in some Orwellian fashion, reminiscent of “Nineteen Eighty-Four”? We know that that is not the case. Westminster will carry on and legislate anyway. Let us look at some of the detail.

The Deputy Presiding Officer: Briefly, please.

Alasdair Morgan: The motion says that we should endorse the principle of the food standards agency. What about all the clauses and schedules

in the bill? The bill is substantial and I suspect that not every member has considered it in detail. What happens if we do not agree with all or some of the bill's provisions? What about the future? It is clear from ministerial statements that the food standards agency is not the end of the story. This provides a precedent. What happens if the two Parliaments have Administrations of different political hues, as some members in the chamber might wish were the case? We can pass resolutions until we are blue or red in the face, but if the principle that Westminster can legislate in devolved areas is established, the game will be, frankly, a bogey.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Do not clauses 32 and 33 of the Food Standards Bill make it perfectly clear that we can opt out at any point in the future, if we so wish? Mr Morgan's points are therefore not at all well founded.

Alasdair Morgan: A similar point came up before and I said that it is always easier to get things on to the statute book than to get them off, especially given the mechanisms for bringing a bill before this Parliament, which lie with the Administration. Westminster should take a self-denying ordinance not to legislate on devolved matters.

My objections are not only constitutional. If we had our own food standards agency, not only could we locate its headquarters in the north-east or even in Galloway—I will leave that obvious suggestion aside, although some members may be interested in it—but we could envisage higher or different standards. That would enhance our reputation for high-quality produce, which I mentioned earlier and on which Scotland rightly prides itself.

Moreover, although one would not realise it from reading the bill, the Meat Hygiene Service will be part of the food standards agency—that fact is alluded to only in the explanatory notes. Many of our abattoirs are in danger of going out of business because of Meat Hygiene Service charges. Suppose the Scottish Parliament wanted to abolish such charges. I do not think that, under the present arrangements, it could.

The Scotland Act 1998 gave us a job to do. Let us start doing it 100 per cent by recognising that devolution is our responsibility.

15:54

Mary Scanlon (Highlands and Islands) (Con): I believe that the bill is in the interests of us all, regardless of our different political hues. I find little to criticise in it and the minister has already addressed many of the issues that I want to raise. None the less, I would like to emphasise some of

them.

I believe that a food standards agency would be in all our interests, and not only for our health. It would allow us to use our resources and it would lead to more jobs and to greater economic growth in Scotland. Anything that we can do to increase consumer confidence in goods produced in Scotland will be enormously beneficial.

We welcome the idea of an effective and independent food standards agency that is properly set up and fairly funded. We believe that such an agency would improve food safety and raise public confidence in the British food industry while monitoring standards of food hygiene and addressing public health concerns.

Like Mr Morgan, we also welcome the Government's U-turn over the £90 corner shop tax—which, notably, happened less than 24 hours after David McLetchie made his comments in this chamber. I look forward to future speedy responses from the Government to our constructive comments.

There is some lack of clarity as to how genuinely independent the new food standards agency would be. For example, could it lift the beef-on-the-bone ban? If ministers routinely overrule the agency's recommendations, it is difficult to see how the agency could win full public confidence.

There is also concern that the proposed agency would add to the many burdens that are already imposed on small and medium-size British food producers, because our standards would be higher than those required of imported food. That leads to the crucial question whether we can have the same confidence when we buy imported food in our shops and supermarkets as we have when we buy British food. We must address that in setting up the agency. Will the regulations apply equally to food that is produced in other European Union countries to guarantee British consumers consistent standards and protection?

I have raised this point in the chamber before: the bill makes no provision for the environmental impact of the way in which foods are grown. There is widespread public concern over GM foods and crops; the food standards agency could probably help to allay those concerns if it were given the power to investigate. We believe that not giving the agency that power is a serious deficiency in the bill.

We are constantly faced with conflicting information and contradictory academic research on environmental and public health concerns. That does not apply only to GM food. A headline in *The Scotsman* today reads: "Consumers 'being sold poisoned vegetables'". I am pleased that the minister is addressing that. It is time, in her words, that we lived by sound scientific advice and not by

the scaremongering headlines that we see week by week.

Risk assessment and decisions must be open to public and parliamentary scrutiny. For example, what is the risk assessment of GM food compared with that of beef on the bone? I believe that the public need to know. We need to reassure them over their concerns. If the agency had the power to investigate GM foods, the public could have greater confidence.

The food standards agency should not be used to penalise Scottish producers unfairly. The over-regulation of food producers, which is not matched by the regulation of EU and other overseas producers, leads to an overall competitive disadvantage for producers in this country—for our farmers and for our food industries. In addressing the food standards agency, ministers should deal with the divergence of standards and the public health concerns arising from that.

The Deputy Presiding Officer: I would be grateful if members kept their remarks to around three or four minutes.

15:59

Dr Richard Simpson (Ochil) (Lab): I want to say how much I welcome this bill and the fact that, in this instance, legislation is covering the whole of the United Kingdom. It is interesting that members of the SNP, in opposition, want to delay the protection of the Scottish community by seeking separate legislation. We already have a full legislative programme and a full consultation programme on other bills. To delay this bill would be very foolish.

Susan made the point, very strongly, that bacteria do not respect boundaries. People also move around and it is important that we have legislation that covers the whole of these islands rather than separate legislation.

Mrs Scanlon's point was good: in the long term, we require European legislation. However, until we can get our European partners to consider the problems as seriously as we do, that will be difficult. We should not wait for European legislation, but go ahead with the present legislation, which is good not only because it fulfils one of the UK Labour Government's pledges but because it sets out clearly the devolved role and powers of this Parliament.

Mr Chisholm has already referred to the fact that the bill does not preclude this Parliament from enacting its own legislation in future if we feel it necessary. However, we should not enact separate legislation simply out of the beliefs that are held by the SNP. Where legislation should cover the whole of the UK, it is appropriate that it

does so. The unity of one act, in this case, seems beneficial.

I will refer to one example in the bill. Clause 8(2)(b) deals with the powers of the agency to commission specific research. If that is done on a UK-wide basis, costs will be kept down and the Scottish institutions—which punch well above their weight in terms of research—will be able to compete to undertake the research, which would be beneficial. Roughly 12 per cent of total research takes place in Scotland, whereas one would suppose it to be 9 per cent on a per capita basis. If research were separated out, there would be no real benefit.

The bill gives us specific powers. For example, we will have our own Scottish director. Indeed, I hope that our ministers will lobby for the agency to be based in Scotland; nothing in the bill precludes that. We also have a number of other powers to scrutinise the agency's work. We have to have agreement on the published objectives of the agency; again, this Parliament will be consulted. Clause 22 of the bill specifically requires the agency to promote links with the Scottish Administration. Beyond that, there are even some powers that must be retained by the Scottish Ministers and that the UK secretary of state is expressly forbidden from exercising. Again, that is entirely appropriate.

If we had different legislation now, and later sought more stringent rules, we could affect our food industry, which—as the SNP spokesman said—is very important to us. I see no need for different legislation. Is Mr Morgan suggesting that we should have less stringent rules? If we did, we would not adequately be protecting the Scottish public.

I submit that the motion is the right one for this Parliament at this time.

16:03

Robert Brown (Glasgow) (LD): On behalf of the Liberal Democrats, I welcome the minister's statement and the style in which she made it.

The bill is a most important one, which has been long awaited and long in gestation. It is unfortunate that Alasdair Morgan contributed a carping diatribe about whether the bill should have been introduced as Scottish legislation, instead of giving us the benefit of his extensive constituency and other experience in the field. People are interested in the end result, not in where the bill came from or how it came about. Other speakers have dealt, properly, with the limitations that Alasdair Morgan suggested.

I will deal, in passing, with the charge that Mrs Scanlon mentioned. That charge caused huge

offence among the 42,000 small businesses in this country. The flat-rate levy was a flat-headed idea and it will not be missed; it was self-evidently unfair that a small village shop should be charged the same rate as a large, wealthy supermarket such as Tesco or Safeway. Although it was hardly necessary to have an expensive consultation exercise to arrive at that conclusion, at least the Labour Government at Westminster has listened and done the right thing in the end. I hope to see the Government pursue that exercise and model on the issue of tuition fees.

The Scottish Liberal Democrats can justly claim to have led the way on that issue. We had a commitment in the partnership agreement to find a fairer funding system for the food standards agency in Scotland. We now have that and we must get on with establishing the agency, aiding public health, aiding the struggling agricultural sector and increasing public confidence in our quality domestic produce. The implementation of the bill cannot come a moment too soon.

A number of speakers have dwelt on the issue of the position of the Scottish food industry. I think that the presence of higher standards—which have admittedly arisen out of troubles that we have had in the past—is a major opportunity for British and Scottish food. In that respect we should be able to pull ahead of the field because of the high standards that the food standards agency will go some way towards producing.

16:05

Lewis Macdonald (Aberdeen Central) (Lab):

First, I would like to take issue with Mr Morgan's problems about the essence of devolution. It seems to me that the essence of devolution in this respect is that we are having this debate today and that we are making the decision about whether to go ahead. I feel very strongly that we are right to go ahead with a single United Kingdom food standards agency, and to encourage the UK Parliament to proceed with this bill and bring it forward with all possible speed so that the agency is in place by the beginning of next year.

I am only just old enough to remember the last typhoid epidemic in this country 30 years ago, during which Aberdeen was placed in a kind of collective quarantine because of a single consignment of infected imported corned beef. Other nightmares are more recent and have been referred to. Human-variant Creutzfeldt-Jakob disease is perhaps the most stunning failure of all in food standards. There has been an outbreak of E coli most recently in the north-east in Mr Salmond's constituency, but most disastrous was the outbreak of E coli in central Scotland a couple of years ago.

Mr Morgan asked if there are exceptional circumstances. Yes, there are and they include E coli and those other failures of Scottish food standards that should inspire our debate today. The problem is not just Scottish. It is vital that British consumers should have confidence in the food that they buy whether it is British-produced, imported, or from north or south of the border. I think it is appropriate that the standards should be the same.

This is not simply a UK bill in the old-fashioned sense. It is a bill that reflects the reality of devolution. As little as a year ago, it could not have been written in the terms in which it has been written. Not only will two of the board members of the food standards agency be appointed by ministers of this Parliament, and not only will there be a separate director for Scotland heading an executive wing of the agency, but there will be an independent Scottish food advisory committee in order to reflect the range of expertise and interests in food safety.

I hope that ministers will carry the cause of devolution further forward by locating the Scottish wing of the agency not in Edinburgh, but in Aberdeen, which boasts the highest concentration in Europe of expertise in life sciences, environmental sciences and food sciences. There are more than 3,000 people working in those fields.

We must first get the show on the road. The food standards bill belongs to the age of devolution in one respect above all others, and that has been referred to by a couple of my colleagues already. It recognises that the Scottish Parliament can, whenever it chooses, amend, repeal or adjust any aspect of the bill once it is enacted. We get the best of both worlds: quick, decisive action and the power to do otherwise in the future should we wish that.

I would draw the minister's attention to a point in clause 42(3) of the bill. That extends the agency's right of inspection and enforcement to territorial waters and the continental shelf. That will have a particular impact on food premises on oil and gas rigs in the British sector of the North sea. There have been some questions in this Parliament about jurisdictional matters in the North sea and I would be very grateful if the minister could answer those.

My constituent Professor Hugh Pennington is one of the experts in food safety whom I mentioned. I think that his report on E coli has set the tone for this bill. He has consistently urged ministers for the past two years to get a move on and not to delay, but to get the bill passed into law as soon as possible. I think that we should support the motion and do that.

16:09

George Lyon (Argyll and Bute) (LD): I welcome the minister's announcement of the setting up of a food standards agency in Scotland. It will be one of the most significant new bodies to be established in many years and it will contribute to the prosperity of our food industry. In the past 10 to 15 years, the food industry has undergone one food scare after another, resulting in great crises of confidence in the products that Scotland produces. BSE is a classic example of such a scare, but there have been others.

Every time a food scare erupted on the front pages, a politician would try to calm and reassure the public. Who could forget Douglas Hogg? Who could forget John Gummer feeding that beefburger to his children? On every occasion, politicians failed to reassure the public about the safety of the product; many times, they made the situation worse. Why? Because the public does not believe what politicians say about food safety any more.

That is the situation that we face and that is why the setting up of a food standards agency is essential.

Phil Gallie (South of Scotland) (Con): Will George Lyon agree that the statements that were made by Douglas Hogg and other ministers were based on the medical evidence that was available to them?

George Lyon: I do not doubt their statements. I was suggesting that, although the statements were based on science, the public was not reassured by them.

The key issue in the setting up of the agency must be to ensure that the public has confidence in the agency. The agency must be seen to be independent, particularly of the political process, the food lobby and the consumer lobby. It must clearly be seen to be an independent agency whose sole concern is food safety and which judges all the issues that concern food safety on the best scientific advice that is available.

If the agency achieves those objectives, it will be the greatest boost that the food industry will get in the coming years. We must all hope that it frees the food industry from the food scare crises that bedevil our industry year after year. I support the motion wholeheartedly.

16:12

Johann Lamont (Glasgow Pollok) (Lab): For one who has never been described as a consensus politician, it is an interesting experience to welcome the consensus that is developing today. We are all on a learning curve and consensus represents my own learning curve, considering my political background.

I welcome the establishment of the food standards agency and I want to emphasise the important role that it will have in protecting our families. It is interesting that, because of the food scares, issues of food safety have become universal. Before the scares, questions of health and food were often seen as the province of those with the income and time to move beyond the normal run of food outlets. As the issues have come into the popular domain, we have a responsibility to ensure that they remain there. We all have a role to play in ensuring that we eat safely and healthily.

I welcome the decision not to fund the agency by an across-the-board levy on retail outlets. That would have had a significant impact on small outlets as they would have had to make a hugely disproportionate contribution. The debate around the issue has revealed the way in which the big retail companies have concentrated their businesses in a small number of premises, very often to the detriment of local communities.

It has been claimed that David McLetchie should get credit for that change. As I am usually reluctant to give the Tories credit for anything, I would like to make another claim and declare an interest. I am supported by the Co-operative party, which is the political wing of the Co-operative movement. The retail wing of the movement is absolutely committed to supporting and sustaining local communities and does that by supporting small shops and establishing outlets, often in remote areas and poor areas. That strategy would have meant that the Co-operative movement would have been heavily penalised by a decision to fund the agency by an across-the-board levy. The role of the Co-operative movement in ensuring that there is not an across-the-board levy should be recognised, as should the fact that the Government was willing to make that change.

On the broader question of food safety, I think we should recognise the drive towards uniformity in our shopping habits. That uniformity often excludes the poor, the elderly and those who do not own a car and makes those people more likely to suffer from poor standards of food safety. We should recognise the particular importance of supporting community and co-operative initiatives that relate to food and food safety. Those initiatives are able to address the issues and sustain new developments at a local level, something which will improve the health and safety of all communities in Scotland.

We should all welcome the importance of the food standards agency and look forward to the agency doing effective work on behalf of the people of Scotland.

The Deputy Presiding Officer: We move to the wind-up speeches from the Conservatives and the

Scottish National party. They will both have four or five minutes.

16:15

Alex Johnstone (North-East Scotland) (Con):

The early days of the Parliament resulted in accusations that the Conservatives and the SNP were working together with an indecent willingness. It is no surprise, then, that we have finally come to an issue on which we are going to throw ourselves in with the Administration—or the Labour party—view.

We welcome the terms in which the bill has been introduced. I acknowledge the contribution made by Mr Sam Galbraith in the early stages of this discussion. He took his roadshow around Scotland in the months leading up to the election, and on two occasions I involved myself in discussion with him. I was impressed by his understanding of how important it was that this issue was introduced at a UK-wide level rather than solely at a Scottish level.

My primary concern is that we ensure that the bill does not damage Scotland's farming and food-producing industry. The Royal Highland Show, Scotland's showcase for the farming and food-producing industry, will open at Ingliston this week. We must remember that Scottish quality products have a reputation worldwide.

Scotland's farmers have nothing to fear from the introduction of a food standards agency, but we must ensure that they are not penalised by the introduction of the agency. As farmers and food producers, we operate in a European single market. It is essential, therefore, that we pursue a single standard wherever possible. We want food standards to be as high as possible; we must have common standards and must accept that if we are to impose higher standards in Scotland, we will naturally disadvantage Scotland's farmers. Worse still, we will take away their greatest marketing tool.

Scotland's farmers have high standards and Scotland's food production industry has a worldwide reputation. It is that higher voluntary standard that gives us the marketing edge. We cannot afford legislation that imposes higher standards in Scotland or allow that to affect our farmers. Similarly, we cannot afford to have food imported into the United Kingdom that is produced to a lower standard than that which is produced here. We see examples of that every day. Scotland's pig producers are on the verge of bankruptcy as a result of legislation that disproportionately affected UK and Scottish producers and allowed cheaper foreign product, produced to a lower standard, to compete directly with the domestic product.

If we choose to go along the road of a separate, higher, Scottish minimum standard, we will see that same situation develop in relation to every commodity produced by the Scottish food industry.

Alasdair Morgan: Is Mr Johnstone saying that whatever standard is decided at Westminster is the correct one, and that any difference to our standard—whether it is in the detail, higher or lower—is therefore wrong? That is the logic of what he is saying.

Alex Johnstone: I hope that Mr Morgan will accept that the logic of what I am saying is that we need a common standard within a common market. We need a level playing field. Scotland's farmers have already experienced the disadvantage of having a higher standard imposed on them, and we cannot afford to allow the Scottish food production industry to be penalised by similar efforts being introduced in other areas of food production.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Given the new-found spirit of co-operation between the Conservative group and the Administration, can I assume—not that I wish to predict the result of the vote—that the motion will be passed? As an early shot, to get an oar in for the north-east of Scotland, I wonder whether Alex has seen my motion on establishing a Scottish branch of the food standards agency in the north-east, and whether he would give his support to that.

Alex Johnstone: I will discuss the matter with Mr Rumbles at a future date, and I will consider supporting his proposals.

A single UK standard is best for Scotland's food producers and for its farming industry. Ideally, that standard must be Europe-wide, in order to prevent unfair competition within the European single market.

16:21

Kay Ullrich (West of Scotland) (SNP): If new Labour wants a UK-wide food standards agency, the great mystery is why it bothered to make that a devolved matter in the first place. Perhaps the mystery is not so great. Perhaps this is a sign of more to come. Perhaps what we are witnessing is evidence that what new Labour gives, it can take away; or could it be confirmation of Enoch Powell's statement that power devolved is power retained?

This is exactly the type of legislation that should be scrutinised by the Scottish Parliament. If we are to address Scotland's dreadful health record, and the undoubted link between poverty and ill health, then we must address the inequality of access to fresh, nutritious, safe food. If people are poor, and

particularly if they live in a peripheral housing scheme or a rural area, they are probably paying more for food that is less fresh, and have less choice, than their better-off, car-owning neighbours.

Let me put it this way. If someone owns a car, they can nip into Tesco's and buy a loss-leader loaf for 7p. Try getting a loaf for that price in a corner shop or a village store. Those outlets cannot compete with supermarkets in terms of price or the range of goods available, but people cannot get tick at supermarkets and that is an important factor when they are living, quite literally, from hand to mouth.

The main aim of a mother living on benefit is to ensure that her children are not hungry. That means buying the most filling foods at the lowest possible cost—lots of chips, pre-packaged beef-burgers and pulped fish-fingers. Those foods are all high in additives and low in nutritional value, but they serve the immediate purpose—the children do not go to bed crying from hunger.

I have spoken about nutritional inequality on many public platforms. I can lay money on the certainty that someone will be sure to say, "Why don't they just make a good pot of soup? It's very nourishing and it doesn't cost much money." I can see smiles from colleagues all around the chamber who have obviously heard that too. I call those people the "Let them eat soup" brigade.

The ingredients for soup—fresh vegetables and a good stock—are not readily available and are certainly not cheap in corner shops and village stores. The art of soup making is learned at granny's knee, and has been lost through the dispersal of families or the sheer grind of poverty.

Ben Wallace (North-East Scotland) (Con): Point of order.

Kay Ullrich: He is going to give us his granny's recipe.

Ben Wallace: I simply want to raise a point of order. I wonder if Mrs Ullrich would get to the point. We are debating the food standards agency, not cooking with mother.

Kay Ullrich: I was trying not to say so, but it is usually from the Conservative party that we get the "Let them eat soup" question. I do not know whether he learned to make soup at his granny's knee, but it is a lost art form.

Dr Elaine Murray (Dumfries) (Lab): I agree with virtually everything that has been said, but I do not see its relevance to the food standards agency.

Kay Ullrich: I am pointing out that the greatest problem that the Parliament must address is that of the poverty that afflicts one in three children in

our nation. This is an ideal opportunity to point out how difficult it is for people living in poverty to get access to low-cost, fresh, nutritious food.

The Deputy Presiding Officer (Ms Patricia Ferguson): Could you begin to wind up, Mrs Ullrich.

Kay Ullrich: The parliament can do much to improve not only nutritional inequality, but inequalities across the range of policy issues that impinge on the health and well-being of our people. In effect, we must ensure that all policy is poverty-proofed, at a pre-legislative stage. The food standards bill presents this Parliament with an ideal opportunity to do just that. We should not give away that power.

The Deputy Presiding Officer: I call Susan Deacon to wind up the debate.

16:26

Susan Deacon: I found the debate both intriguing and enlightening. I will certainly take on board Mrs Ullrich's guidance on soup making; those close to me will know that I definitely need to take that on board. Perhaps I can assist Mrs Ullrich by drawing out one particularly relevant point in her speech, which is the important role of the agency in giving advice on nutrition. It is important that consumers get good advice about what to eat in order for them to be informed consumers.

I am pleased that consensus has broken out across the chamber in this debate. In the spirit of the new politics, about which we talk so much, I am keen to build on that consensus. Having said that, I cannot resist saying a few words about the approach of the members of the SNP to today's debate. Unfortunately, the approach that the SNP has adopted in relation to this issue is all too typical of the one that it adopts on many issues and it is unacceptable.

In his opening remarks, Alasdair Morgan said that he wanted to concentrate on the constitutional aspects of the debate. Now that we have a devolved Scottish Parliament, I want to make a genuine appeal to SNP members to stop reducing every issue to sterile, narrow constitutional points, and to start getting on and engaging with the real issues before us.

I am delighted that the Parliament is able to take the decision to endorse the establishment of a food standards agency. It would have been nonsense if we had postponed consideration of the issue or if we had asked Westminster to postpone the establishment of the agency or consideration of the bill, simply so that we could adhere to some ideological purity about discussing the matter in the Scottish Parliament at a later

date.

Alasdair Morgan: Will the minister explain why making up our own mind means that we will have to postpone anything? As far as I can tell, the clauses that relate specifically to Scotland—and any other general clauses that affect Scotland—are already written. On 2 July we are going on holiday for two months. What about giving up our holiday and passing the bill ourselves?

Susan Deacon: Mr Morgan has just answered his own question. Perhaps I can remind him of some of his earlier comments, with which I am now very familiar because he made the same points in Westminster earlier this week. I am pleased to see that he is recycling his speeches effectively. He said that it was only a matter of days before the power was transferred to this Parliament and, therefore, the bill should have been put off until after that. How do we put it off until after that? If we had put off the issue until after the summer, we could not have got on with the job of establishing a food standards agency. The debate is not just about the establishment of any food standards agency; it is about the model on which this one is based.

Mr Morgan also asked for consultation. Perhaps he has missed the point that there was an extensive consultation process in Scotland and elsewhere in the UK that led up to the publication of the bill. The principle of the establishment of a UK food standards agency is one that has been endorsed both north and south of the border.

However, let me not fall into the trap of concentrating on constitutional issues. In the few minutes that I have left, I want to pick up some of the other points that have been raised. First, on the point about the levy, much as I would like to say that it was David McLetchie's intervention in the issue that caused a change of heart on the part of the Government, I suspect that it was the widespread view that was expressed across the country. I am pleased that in this case we have seen a listening Government in action.

A couple of members raised the question of the location of the Scottish arm of the agency. As Lewis Macdonald said, the establishment of the agency will be a matter for consideration in the future, after we have endorsed the principle of the bill.

Many detailed points were raised about charges relating to the meat hygiene service and the issue of labelling, and reference was made to genetically modified foods. We do not have time to enter into the details of those issues today, but I make two points. First, the complexity of the legislative position that governs those issues is an illustration of why it is important to have an agency that can assist us in the process of interpreting legislation

and pursuing action in Scotland. All those issues are bound up by EU law, although this Parliament also has powers to act on them.

Secondly, now that this Parliament is in place we have a real opportunity to discuss all those issues sensibly. I am struck by the fact that members from all parties have said, during this debate, that they agree with the principle of having measured and reasoned consideration of food safety matters, and by the fact that they have also stated the importance of accepting medical and scientific advice on such issues. I hope that the same approach will be taken when we discuss specific food safety issues, such as genetically modified foods and beef on the bone. The Executive is determined to take scientific and medical advice on board when considering such matters.

Finally, mention was made of Sam Galbraith's contribution to the development of the bill that we are now discussing and the consultation process surrounding the creation of the agency. I, too, pay tribute to his role in that process. I am very pleased that we now have the chance to establish the agency. It is the right thing to do for Scotland, and we will have a strong voice in its establishment. It will provide an opportunity for us to rebuild consumer confidence in food and to give good advice to people about food safety matters. I hope that we can use the powers and processes of this Parliament effectively in dealing with this issue, and I hope that all members will support this motion.

I move,

That the Parliament endorses the principle of a UK Food Standards Agency as set out in the Food Standards Bill and agrees that the Bill should be considered by the UK Parliament.

The Deputy Presiding Officer: The next section of the debate will be on motion S1M-61, which covers the Financial Services and Markets Bill, the electronic communications bill and the limited liability partnerships bill. Members who want to speak in this debate should press their request buttons as soon as possible. I call Angus Mackay to speak to and to move motion S1M-61.

16:33

The Deputy Minister for Justice (Angus Mackay): I have a slightly lengthy speech to make. I shall be as brisk as possible, to ensure that all members who want to participate will have time to do so. I am speaking to this motion, which has been lodged by the First Minister, as the three bills that it concerns fall within the field of civil law.

As the First Minister said in his statement to the Parliament on 9 June, both the Scottish Executive and the UK Government expect that, by

convention, the UK Parliament will not normally legislate on devolved matters without the consent of the Scottish Parliament. Bills will often come before the UK Parliament which extend to Scotland and relate to reserved matters, but it will be exceptional for those bills to relate also to devolved matters. However, a bill that essentially concerns reserved matters may impinge on devolved matters of Scots law. To secure a level playing field throughout the UK, it may be necessary for the provisions to include changes to Scots law. Scots law is, however, generally a devolved matter.

This motion relates to three bills, each of which has some impact on Scots private law. None of the bills in itself changes the law in devolved areas, but there is some impact. In the interests of maximum openness and transparency, we have agreed that this Parliament should be informed of those matters and that its consent should be obtained.

The first bill is the Financial Services and Markets Bill, which was introduced at Westminster on 17 June. It does not make any provision that would have been within the competence of this Parliament but it has an impact on bankruptcy law, which is devolved.

The purpose of the bill is to set up a single regulator for financial services and markets. The regulator will be a continuation of the existing Financial Services Authority, which will be given additional powers. The FSA already regulates banking and investment business but the bill will bring all financial services, such as insurance, under its control.

Mr John Swinney (North Tayside) (SNP): The minister said that the purpose of the motion is to obtain the consent of this Parliament to allow Westminster to proceed on this issue. The Law Society of Scotland is concerned about some of the components of the Financial Services and Markets Bill; it is concerned that the bill does not create a single regulatory body for solicitors who provide financial services, but, in effect, produces double regulation as both the Law Society of Scotland and the Financial Services Authority will be involved. Will the Executive support the representations of the Law Society of Scotland and other organisations in Scotland on this important matter to the Treasury, which has signally failed to listen to those representations?

Angus Mackay: I know that Mr Swinney has concerns about this matter and that the Law Society of Scotland has made representations to both the FSA and the Treasury. I intended to cover that point in my speech or in winding up, but I will say at this point that our legal officers will examine the details as we do not want there to be double regulation. It may well be that the legislation that

will go through Westminster will remove the need for double regulation. We will return to that point if it will be helpful.

Among the sanctions available to the FSA will be the power to petition for the bankruptcy of a sole trader. That sanction will be available where a sole trader appears to be unable to pay a regulated activity debt—a debt relating to the provision of financial services—or to have no prospect of being able to pay such a debt. A typical sole trader is an independent financial adviser. Often someone who advertises services as an independent financial adviser trades as an individual rather than a company, and is therefore open to being sequestrated as an individual for business debts.

The bill enables the FSA to ask the court to sequestrate the estate of an insolvent sole trader to minimise the loss that might otherwise be sustained by consumers doing business with them. In Scots law, bankruptcy is normally a creditor-driven process. Usually, the creditor petitions for the bankruptcy of an individual, but that can also be done by the debtor, or by a trustee under a trust deed. The bill will create a precedent in Scots bankruptcy law, as the FSA will not be a creditor, but will act on behalf of individuals who might sustain loss through the continued activities of a sole trader. The Scottish Parliament could not pass legislation to give the FSA that power, as regulation of financial services is a reserved matter.

I hope that we can agree that it is important that the protection offered by the FSA to investors in England, Wales and Northern Ireland should be available to the same extent in Scotland, and that it is appropriate for the bill to make this provision.

The UK Government plans to introduce an electronic communications bill before the recess. This important bill will create a framework for the increased use of electronic commerce throughout the UK. Electronic commerce involves marketing goods and services by electronic means. It can involve the buying and selling of goods and services, as well as money transfers, advertising, and transactions with the Government.

The bill will provide powers to create an approvals regime for bodies that offer electronic signature and confidentiality services that enable people to check who has signed an electronic message and that the message has not been tampered with, but has been kept confidential.

The bill will not contain any devolved provisions, but it will provide that existing legislation may be modified by statutory instrument for the purposes of authorising, facilitating or encouraging the use of electronic commerce or electronic storage. That could, for example, involve changes to the

Requirements of Writing (Scotland) Act 1995, which provides for documents to be executed with manual signatures.

The electronic communications bill would not have been within the competence of this Parliament. It would of course be possible for this Parliament by primary legislation to amend the Requirements of Writing (Scotland) Act 1995 to provide for documents with an electronic signature to be valid. However, the bill will make it possible for a Scottish minister to introduce by secondary legislation a complete package of rules on reserved matters, with the consent of a UK minister. That will be done in this Parliament, but it will not be possible if the UK Parliament does not provide for it in the electronic communications bill. I hope, therefore, that the Parliament will agree that it is appropriate to give consent to that part of the bill.

The limited liability partnerships bill, which has not yet been introduced, will create a new form of business association—a limited liability partnership—which would be a body corporate in which the liability of the partners would be limited to the extent of their stake in the business. It would not be within the legislative competence of this Parliament to introduce such a bill, as it deals with a reserved matter: the regulation of business associations.

The bill will not contain any provision on devolved matters other than a power to make regulations on the process of winding up a limited liability partnership, because the law on the process of winding up business associations in Scotland is devolved. It would, therefore, be for a Scottish minister to make any regulations needed for the process of winding up limited liability partnerships in Scotland. The law concerning Scottish partnerships, such as, typically, firms of solicitors, will not be affected by the bill.

The bill will provide useful additional flexibility for Scottish business and I hope that members will have no difficulty consenting to the provision to make regulations on the process of winding up.

I would now like to say a few words about the more general matter of the UK Parliament legislating in devolved areas. The usual rule will be that legislation in devolved areas will be enacted by this Parliament. From time to time, however, it may make sense for a UK act to include provisions about such matters. The bills that we are considering today provide examples of circumstances in which that may be appropriate. As I said earlier, our expectation is that, by convention, the UK Parliament will not usually legislate on devolved matters without the consent of this Parliament. It is important, therefore, that this Parliament should be kept informed of such proposals.

As the First Minister said in his statement, where the Scottish Executive and the United Kingdom Government agree that a policy affecting devolved areas should be given effect by an act of the UK Parliament, it would be for the Scottish Ministers to put the proposal to the Scottish Parliament. Our intention in any such case is to produce a memorandum to provide this Parliament with the information that enables it to take a decision on the proposal. We would also lodge a motion seeking the Parliament's approval.

Whether time should be found for a debate on such a motion will be a matter for the Parliamentary Bureau, but I do not expect that it will be necessary to debate the detail of every bill as we are doing today. With bills such as these, whose effect on devolved matters would be minor, we expect that a Parliament debate will be thought unnecessary. If the bureau thought it necessary, perhaps the appropriate committee could be asked to make a recommendation. However, when the effect on devolved matters would be more significant, the Executive will certainly consider sympathetically the case for a debate.

Thereafter, it will be necessary to keep this Parliament informed of the development of any such legislation. Our intention is that that should be done by means of supplementary memorandums should there be any change to the legislation during its passage that materially affects the extent to which it impacts in devolved areas.

I hope that the Parliament will agree that this represents a sensible approach.

I move,

That the Parliament agrees that the Financial Services and Markets Bill, the Electronic Communications Bill and the Limited Liability Partnerships Bill should be considered by the UK Parliament.

16:43

Alasdair Morgan: I shall be brief, Madam Deputy Presiding Officer, as I had a fair kick at the ball last time.

The bills that we are discussing are important for Scotland—particularly those in relation to financial services, which is an area in which Scotland has some pre-eminent institutions. They are also important in the fast-growing field of electronic commerce. Scotland has a lot to gain from the development of that industry, in which the rural and more far-flung areas of the country can begin to compete on a level playing field with other areas that are nearer centres of population.

As the minister said, these bills are different from the bill to establish a food standards agency in so far as they deal largely with reserved areas

although they touch peripherally on devolved areas. Those devolved areas, however, are important for Scots law. One of the reasons for devolution is that, quite frankly, the Westminster Parliament often did not have either the time or the expertise to get right the incidental changes that are often made to Scots law as a result of legislation.

We have an example of that in relation to the electronic commerce bill. I am unclear about the name of that bill. I think the minister referred to electronic commerce—which was my understanding of the title—but I see that the motion refers to electronic communications. Perhaps they are the same thing.

The House of Commons Trade and Industry Select Committee's seventh report this session examined the Department of Trade and Industry's consultation document on the electronic commerce bill and said that the

"consultation document does not reflect the differences between the English and Scottish legal systems in its discussion of changes to the ways in which courts deal with electronic signatures."

In fact, the DTI had simply ignored the fact that Scotland deals with those matters differently. The select committee said:

"We consider it a potentially serious omission that DTI has not indicated how its proposals for electronic signatures would affect Scottish law".

That example illustrates my point of concern about UK legislation that affects Scottish matters.

The minister alluded to two bills that have not yet been published, so in effect we are discussing something that we have not seen. Even the Financial Services and Markets Bill—more than 200 pages of it—was published only last week. I suspect that not all members have read all of it. It is stretching credibility to expect us simply to say, "Yes, it is okay for the UK Parliament to go ahead with this bill, which does not yet exist, but which will touch on some devolved matters." That is not satisfactory. At the very least, we should have the bill in front of us when we are considering a motion such as this.

I welcome the introduction—after the event—of a procedure to deal with the incidental changes that are often made to Scots law as a result of UK legislation, but the procedure must deal with legislation both before it goes to second reading and after it comes from its final stage in the Parliament down the road, because a lot can happen to a bill from its first publication to its entry in the statute book.

SNP members still have considerable concern about this method of working. I accept the minister's assurance that we will be given the opportunity to scrutinise bills, but I would hate it to

be for the Executive to decide whether this Parliament has the chance to scrutinise legislation that affects Scots law.

16:47

Miss Annabel Goldie (West of Scotland) (Con): It is a little difficult to bring any sense of passion to this debate, with topics such as the Financial Services and Markets Bill, the electronic communications bill and the limited liability partnerships bill. It would be an exaggeration to say that the people of Scotland talk of little else.

Mr Mackay will probably be relieved to hear that Conservative members are broadly in agreement with what he proposed, but I have been asked to flag up one or two specific concerns relating to the Financial Services and Markets Bill. Mr Swinney has already alluded to the concerns that I hold and to which I was alerted by the Law Society of Scotland. If I speak with conviction, it is that of the zealot of poacher turned gamekeeper. From a previous existence as a solicitor dealing with investment work, I know that no body could have been more rigorous, robust or harassing than the Law Society in its regulation of solicitor members.

That brings me to the more serious point that the bill apparently does not seek amendment to the Solicitors (Scotland) Act 1980, which is the primary legislation governing Scottish solicitors and regulates what solicitors handling investment business must do or should not do. There is grave concern that a dangerous duplication will arise: not only an unwelcome one for solicitor members in Scotland who may find themselves subject to two lots of administrative charges—which at first estimate will be hefty—but one which could cause confusion for consumers. That is distinctly undesirable.

There is a perception—and it may be worth investigating—that the Law Society of Scotland and its member solicitors would be content to remain with the existing adequate framework. In Scotland we have the unique virtue of an independent legal system and we have in place a satisfactory framework for the regulation of solicitors who handle investment business. Allowing a duplication to arise is an unnecessary complication and an unwelcome expense.

I hope that the minister will look carefully to see whether any steps can be taken to preserve the integrity of what already exists in Scotland and is in every respect admirable, to avoid bringing in any unnecessary confusion.

I also draw the minister's attention to some of the definitions in the proposed bill, specifically to the distinction between an investment and investment business. In the interests of clarity and legal certainty that should be defined in the

primary legislation; it should not be left to the statutory instrument. Due regard should be given to that important point.

I referred in my general remarks on the possible confusion to the cost of regulation. The Law Society of Scotland has ascertained from the FSA that the likely cost to Scottish solicitor practitioners will be a minimum of £1,000 for authorisation. That contrasts sharply with the existing charge of £135 imposed by the Law Society. I gather that the FSA has accepted that it will be neither as efficient nor as economical as the Law Society in regulating the investment business of Scottish solicitors. The minister may wish to give significant attention to that.

On a matter of corporate governance, the Hampel committee on corporate governance confirmed the recommendation of the Cadbury committee that in principle the roles of chairman and chief executive officer should, for obvious and understandable reasons, be kept separate in every public company. It is logical that that principle should be extended to comparable positions in the FSA. That is in no sense meant to denigrate or diminish the stature of Mr Howard Davies, who has a fine reputation; it is meant to point out that a distinction should be drawn between those two very separate roles. The Conservatives welcome Mr Mackay's proposal, but we hope that regard will be given to the very real concerns of the legal system of Scotland and its practitioners.

16:52

Mr Kenneth Macintosh (Eastwood) (Lab): I welcome the minister's explanation of why these measures would clarify Scottish law and benefit Scottish business. In the interests of brevity, I will confine myself to welcoming this opportunity for the Scottish Parliament to show how we see ourselves as part of the devolution process.

Many times in the past we have seen that Parliaments have a tendency to accumulate power to themselves. A fear that this Parliament would do that, adding another layer of government, has been widely expressed. It was feared that we would waste time and energy in conflict with Westminster rather than work to the benefit of our communities.

If we are to make devolution work for Scotland, we should ensure that we have a creative tension with Westminster. That means being part of a two-way process, give and take. I welcome this chance to show that when it is in the best interests of our country we can give our consent to Westminster considering appropriate legislation. In the 1980s in particular, we saw the dangers and pitfalls of excessive deregulation. We do not want to replace

that with excessive over-regulation.

The business community in particular has told us how much it wants to avoid unnecessary layers of bureaucracy and duplication of procedures in Holyrood and Westminster—a point that Annabel Goldie made very well. The business community would appreciate—as we all would—clarity in decision-making. Most of all, it would appreciate a level playing field so that it can compete in the internal market that is the United Kingdom.

The proposed legislation will help to maintain a level playing field. Our agreeing the motion will also show that the Scottish Parliament appreciates that it does not have a monopoly on power and that sometimes there are other bodies, whether at UK or local authority level, who can take decisions that are in the best interests of the Scottish people. I commend the motion.

16:54

Angus Mackay: Some concerns have been raised twice and I have addressed them already. I understand that the FSA is in the process of issuing—if it has not already done so—a consultation paper that may address some of the concerns raised by the Law Society. There are 72 Scottish MPs at Westminster who are perfectly capable of raising those concerns during the passage of the bill if they relate to legislation on a reserved matter. I hope that that answer covers most of the concerns that have been raised.

Mr Morgan raised a couple of points, which I do not think were substantive criticisms of the motion. I think that he is largely happy to accept that the bills do not impact excessively heavily on devolved matters.

I will address the issue of legislation that is altered substantially between the time we first consider it and when it is dealt with at Westminster. I spoke earlier about the need to be able to examine any substantial changes that emerge by bringing them back to the Parliament.

Mr Swinney: It is difficult to judge how legislation has changed materially from when it is agreed to in principle by this Parliament when it has not been published. Will Mr Mackay explain how the blank cheque is filled in by this process?

Angus Mackay: What is important is that, when it considers bills, the Parliament is clear about the scope and nature of their impact on devolved matters. As long as that is clear and the Executive and the Parliament have the opportunity to make it clear, the Parliament should be able to come to a rational conclusion about whether it accepts bills being passed at Westminster.

I do not feel that there are any real grounds for concern about the bills in the motion. The Scotland

Act 1998 has given this Parliament the power to legislate on a wide range of areas. These bills do not encroach on the powers devolved to this Parliament, except for a very marginal impact on Scottish private law. The motion is uncontroversial and I trust that no one will wish to oppose it.

Business Motion

The Deputy Presiding Officer (Ms Patricia Ferguson): We now move on to two items of Parliamentary Bureau business, both of which will be taken without debate. The first is motion S1M-62, in the name of Tom McCabe.

The second motion is S1M-63, also in the name of Tom McCabe, on the days on which the office of the clerk will be open.

16:57

The Minister for Parliament (Mr Tom McCabe): This statutory instrument was made under section 93 of the Scotland Act 1998 and it was laid before this Parliament on 10 June. Its purpose is to allow ministers of the Crown to enter into agency agreements with the Scottish Ministers to allow for particular functions of one to be exercised by the other and vice versa.

I move,

That the Parliament considers the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999.

Mr McCabe: I also refer to motion S1M-63, on the days when the office of the clerk will be open. The days are outlined in today's business bulletin.

David McLetchie (Lothians) (Con): Will Mr McCabe explain why in this motion we in this Parliament are apparently being allowed to skive off on 30 November, when everybody else in Scotland will be at work? Will he confirm that it does not signify support on the part of the Executive for the misguided campaign to make 30 November a national holiday? In Scotland we may need to rationalise our timetable of local and national holidays, but the last thing that people in Scotland need is a holiday in the middle of the week on a dreich day in November.

Mr McCabe: The debate at the Parliamentary Bureau did not mention the words skiving off. It is recognised that it is not a holiday. There was a feeling within the bureau that it would be good to mark that particular day. However, the office of the clerk is open; members are not on holiday and are still able to carry out a variety of their functions.

I move,

That the Parliament agrees that—

(a) the Office of the Clerk should be open on each of the following days:

5 July to 9 July; 12 July to 16 July; 19 July to 23 July; 26 July to 30 July; 2 August to 6 August; 9 August to 13 August; 16 August to 20 August; 23 August to 27 August; 30 August to 3 September; 6 September to 10 September; 13 September to 12.30 pm on 17 September; 21 September to 24 September; 27 September to 1 October; 4 October to 8 October; 11 October to 15 October; 18 October to 22 October; 25 October to 29 October; 1

November to 5 November; 8 November to 12 November; 15 November to 19 November; 22 November to 26 November; 29 November; 1 December to 3 December; 6 December to 10 December; 13 December to 17 December; 20 December to 24 December; 29 December and 30 December 1999; 5 January to 7 January 2000;

(b) the autumn recess should begin on 11 October and end on 24 October and the Christmas recess should begin on 20 December 1999 and should end on 9 January 2000 and

(c) there will be no meeting of the Parliament or of any committee on 30 November 1999.

Decision Time

16:59

The Presiding Officer (Sir David Steel): We now move to decision time. There are four questions to be put as a result of today's business.

The question is, that motion S1M-60, in the name of Susan Deacon, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division. Members should vote yes to agree with the motion, no to disagree with the motion and abstain to record an abstention.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Mackay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)

McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Steel, Sir David (Lothians) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division

is as follows: For 81, Against 30, Abstentions 1.

Motion agreed to.

That the Parliament endorses the principle of a UK Food Standards Agency as set out in the Food Standards Bill and agrees that the Bill should be considered by the UK Parliament.

The Presiding Officer: The second question is, that motion S1M-61, in the name of Angus Mackay, be agreed to. Are we all agreed?

Members: No.

The Presiding Officer: There will be a division. Members should vote now. [*Interruption.*] Sorry, members should vote now.

The result of the division is as follows: For 70, Against 25, Abstentions 1.

The third question is, that motion S1M-62, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

That the Parliament considers the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999 (No. 1512).

The Presiding Officer: The fourth question is, that motion S1M-63, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

That the Parliament agrees that—

(a) the Office of the Clerk should be open on each of the following days:

5 July to 9 July; 12 July to 16 July; 19 July to 23 July; 26 July to 30 July; 2 August to 6 August; 9 August to 13 August; 16 August to 20 August; 23 August to 27 August; 30 August to 3 September; 6 September to 10 September; 13 September to 12.30 pm on 17 September; 21 September to 24 September; 27 September to 1 October; 4 October to 8 October; 11 October to 15 October; 18 October to 22 October; 25 October to 29 October; 1 November to 5 November; 8 November to 12 November; 15 November to 19 November; 22 November to 26 November; 29 November; 1 December to 3 December; 6 December to 10 December; 13 December to 17 December; 20 December to 24 December; 29 December and 30 December 1999; 5 January to 7 January 2000;

(b) the autumn recess should begin on 11 October and end on 24 October and the Christmas recess should begin on 20 December 1999 and should end on 9 January 2000 and

(c) there will be no meeting of the Parliament or of any committee on 30 November 1999.

Fiona Hyslop (Lothians) (SNP): I wish to raise a point of order about the motion in the name of Angus Mackay. There might have been some difficulty with the voting system. Would it be possible to put the question again?

The Presiding Officer: The result of the vote was: For 70, Against 25, Abstentions 1. I do not think that—

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Further to Fiona Hyslop's point of order, I know of at least two members who abstained during that division.

The Presiding Officer: I think I can explain the problem, which was partly my fault as I moved very quickly to the vote. If members press a button before the red light comes on—which indicates that they should vote—their vote is not recorded.

There seems to be some doubt at the clerk's table about that result, so I will take the vote again. I think that the noes and the abstentions were transposed, and I am seeking advice. It is possible that that is what happened.

For the avoidance of doubt, I will put the question again, that motion S1M-61, in the name of Angus Mackay, be agreed to. The voting will start now.

Ms Margaret Curran (Glasgow Baillieston) (Lab): On a point of order. I am not clear about what is happening. We cannot hear from here.

The Presiding Officer: I am sorry. There was a little exchange on this side of the chamber. There is some doubt about the result of the vote on motion S1M-61 in the name of Angus Mackay, although I now understand that it was the correct result. However, the result has been challenged and there is some doubt. We will take the vote again.

The question is, that motion S1M-61, in the name of Angus Mackay, be agreed to. Members should vote yes to agree to the motion, no to disagree with the motion or abstain to record an abstention.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Ms Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Mr Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Mackay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Ms Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Steel, Sir David (Lothians) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result is very different: For 82, Against 0, Abstentions 31.

Motion agreed to.

That the Parliament agrees that the Financial Services and Markets Bill, the Electronic Communications Bill and the Limited Liability Partnerships Bill should be considered by the UK Parliament.

Peripheral Route, Aberdeen

The Presiding Officer (Sir David Steel): We now come to members' business. Will members who are leaving do so quietly in the interests of the member who has lodged the motion? The debate on motion S1M-47, in the name of Brian Adam, on the peripheral route around Aberdeen will last for 30 minutes and members who wish to speak should press their buttons now. I call Brian Adam to open the debate.

Motion debated,

That the Parliament calls upon the Scottish Ministers to investigate all available means to expedite the building of a peripheral route around Aberdeen.

17:06

Brian Adam (North-East Scotland) (SNP): The local Aberdeen *Evening Express* kindly referred to me recently as a real north of Scotland MSP. I certainly hope that the paper does not consider some of my colleagues to be unreal MSPs, because I greatly value the cross-party support for the motion.

Most unusually for a proposed roads development, there is widespread support throughout the north-east for the principle of the western peripheral route. The scheme involves economic, safety, environmental and congestion considerations, which reflect national as well as local perspectives. Representations have been made to me about the impact of Government proposals on the review of the trunk road network and on regional transport partnerships and about the key part that those proposals will play in an integrated transport strategy for the north-east.

Other members will undoubtedly wish to highlight particular concerns about the scheme, but I want to leave the Minister for Transport and the Environment in no doubt about the depth of feeling about and support for the western peripheral route.

According to the local newspaper, the proposal first saw light of day 50 years ago. Since then, the outer ring road around Aberdeen has become an inner ring road with substantial housing and other developments to the west of Anderson Drive. The city of Aberdeen and its hinterland have been the engine room of much more than just a regional economy over the past 30 years but, for most of that time, the area has been labouring under the handicap of an inadequate roads infrastructure. There is now a significant undersupply of accessible land in the city for business and commercial development.

Aberdeen City Council's document, "A Transportation Strategy for Aberdeen", says:

"Heavy vehicles . . . use inappropriate roads through or around the City, causing social and environmental problems within Aberdeen and penalising the City's economy."

The document goes on to say that all trunk roads south of Aberdeen are of at least dual-carriageway standard and that no traffic lights exist between Aberdeen and the channel tunnel. However, Anderson Drive—which is hailed as Aberdeen's main trunk road and which, in one of the Conservative Government's last acts, was given trunk road status—has 17 sets of traffic lights. I have to confess that I bear some responsibility—in my previous existence as a councillor—for three sets of those lights.

The traffic lights are necessary for pedestrian safety, but the Scottish Office document, "Sustainable Transport for Aberdeen", states that road safety is still a major concern on the A90 at North Anderson Drive and on some routes through the city. Furthermore, the same document says that North Anderson Drive, North Deeside Road, Riverside Drive, Great Northern Road and King Street have major problems with noise and that those areas suffer greatly from carbon dioxide and nitrogen dioxide pollution.

The Aberdeen city plan estimates that congestion in the city costs the local economy about £100 million a year. I want to point out to the minister that the cost of the current scheme for the western peripheral route has been estimated at only £85 million.

It will be no surprise to the minister that, given the lack of an integrated transport system in Aberdeen, I am not a supporter of the toll tax or even of road pricing. To be constructive, I refer her to the Government's idea of a Scottish transport bond, as described in "Pathfinders to the Parliament"—I believe that Andrew Wilson referred one of her colleagues to it earlier. The transport bond proposal is not that different from the SNP's Scottish public service trusts scheme, which would be a suitable vehicle for piloting it.

The Aberdeen chamber of commerce and the city's traders association have stated that

"a western peripheral route would be beneficial in taking unnecessary traffic out of the city centre"

and would help to

"promote a new corridor of investment and development"

around the city. That relates to the current lack of suitable development land.

I have had representations from people from a wide variety of public and private interests who support this motion. Some 90 per cent of the 50 million tonnes of freight that is carried to, from or within Grampian is transported by road. That is equivalent to 1.8 million 38-tonne-lorry journeys

per annum. Many of those lorries pass through Aberdeen despite the city being neither their point of embarkation nor their destination. That applies to only 15 per cent of the total number, but significantly affects the roads.

Fish lorries from Fraserburgh heading for the continent have to pass through Aberdeen; cattle trucks from Thainstone mart near Inverurie heading south have to pass through Aberdeen; travel from Portlethen to Peterhead or from Mintlaw to Manchester involves trips through the city. Why? Because Aberdeen is the only place of its size with no bypass—there is no western peripheral route. Why has Aberdeen been denied a decent bypass over many years when just about every other comparable city in Europe has one? We have perhaps been a bit slow in pressing our case, but that has not been so in recent times. The minister is undoubtedly aware of the depth of feeling and I hope that this debate will reinforce that.

After extensive public consultation, the former Grampian Regional Council decided that the route should run from the Charlestown interchange on the A90 south of Aberdeen to the A96 at Craibstone and on to the A90 north of Parkhill.

Other members will put their points to the minister, but my principal case is that the present infrastructure is totally inadequate to serve the needs of a strategic national economic resource—that is how the minister should approach the issue. The construction of a western peripheral route round Aberdeen is not just a local solution to a local problem, but a national solution to a national problem, requiring a major financial input from the Scottish Government. I trust that the minister will be able to give a positive response.

The Deputy Presiding Officer (Mr George Reid): Nine members have indicated a wish to speak. Not all will be called, but more will be called if interventions are kept brief.

17:13

Elaine Thomson (Aberdeen North) (Lab): I thank Brian, my north-east colleague, for initiating this debate. I am glad that we from the north-east have been able to come together on the issue. Brian raised many relevant points about the western peripheral route round Aberdeen.

The route has been long in the planning and the need for it becomes more urgent daily. Aberdeen is Scotland's third city and the oil capital of Europe. Oil-related economic activity in Aberdeen has contributed billions of pounds to UK finances and will continue to do so for some time. As Brian mentioned, there are the traditional industries in the north-east: fishing, agriculture and, in my constituency of Aberdeen North, paper making.

Those industries mostly move their goods by road and will continue to do so. The oil and gas industry is in the middle of one of its cyclical downturns, but the price of oil is rising and economic activity is likely to rise next year, which will be accompanied by an increasing volume of traffic.

There are environmental problems. Increasing air pollution in Aberdeen city centre affects the health of citizens and the quality of life there is generally reduced because of the heavy volume of traffic. Part of the solution is to encourage people to use buses, walk and cycle or to be more selective about their journeys by car. The other part of the solution is to move the heavy goods traffic out of the city centre altogether, allowing people to go round the city, not through it.

The western periphery route has been on the drawing board for a total of almost 50 years. It is included in the 1997 Grampian structure plan and in the Aberdeen city transportation strategy. It is fully supported by Aberdeen City Council and the other partners in the north-east economic development partnership, such as Grampian Enterprise and Aberdeenshire Council.

The planned route goes round the city, from the A90 in the south to the A90 in the north. It is a key part of the local transport strategy for Aberdeen and its surrounds. Other parts of the transport strategy—the bus lanes and the park-and-ride scheme—will work best only with the western periphery route; for example, the park-and-ride schemes are designed to intersect with the western periphery route.

My constituents in the Bridge of Don and all those living beside North Anderson Drive and Auchmill are daily suffering the ill effects of living beside heavy traffic or the frustrations that result from congestion when they are driving from one part of the city to another. They live beside or have to travel on roads that are not suitable for use as trunk roads, but which have a high volume of traffic thundering down them every day because they are the only roads available.

The roads are not motorways and they are not well separated from housing. Anderson Drive is a dual carriageway on to which houses open and which children cross regularly. Brian mentioned the 17 sets of traffic lights. Those are for the pedestrian crossings along Anderson Drive and are completely inefficient on a trunk route, but necessary because of the proximity of housing and people. That is not to mention some pollution-sick roses down the middle of the carriageway beside Haughigan roundabout. Members may wonder why I am talking about roses, but we Aberdonians are proud of our city and the quality of life there, despite the fact that that quality is increasingly suffering because of the heavy traffic and other transport problems.

Many of the city's small country roads are currently used as a peripheral route, but they are totally unsuitable for such use. That has an impact on all local residents. The expansion of the oil and gas industry has led to considerable population growth in Aberdeenshire. Whole new areas of housing have been built, such as at the Bridge of Don, which now forms nearly half of Aberdeen North. That has been accompanied by a huge expansion in economic activity. The current transport infrastructure, particularly the roads, just cannot cope.

The Deputy Presiding Officer: Wind up, please.

Elaine Thomson: I will.

Given the geography of Aberdeen and its hinterland, transport by road will always be necessary, as there will always be areas where public transport is not an easy option. I am delighted that public transport will be given the support that it needs in the forthcoming transport bill, but it must be considered together with roads. I believe that roads, where necessary—and I would say that the western periphery route is necessary—and the other measures in the bill will meet the transport needs of Aberdeen in the next century.

17:18

Ben Wallace (North-East Scotland) (Con): I live in Alford, not far from one of the proposed routes, and on many occasions I drive through Aberdeen on what has now become a rat-run down the Netherly route.

Road safety is one of the problems that would be best solved by a peripheral route. Last year, there were 56 road deaths in Grampian alone, which is a terrifying amount. The lack of a peripheral route contributes towards those accidents.

The funding proposals over the past few years have encouraged the wrong solution. I have been to a number of meetings, including those of the Greenwedge in Netherly, at which people have expressed concern about how the council has sought funding because central Government will not provide it. Then planning gain comes into play; for example, Stewart Milne Developments has offered a £12 million planning gain for building a new town. Those things do not work for the benefit of Aberdeenshire and slow up the whole process.

I am in favour of the peripheral route. Central funding is needed to expedite the building of the road, as the motion proposes, so that Aberdeenshire can have the services that it deserves. I support the motion.

17:19

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I support the motion. Many good points have been raised, but I would like to add one other major issue. I see this as one element of a larger issue: the process of establishing an integrated transport system in and around Aberdeen. I do not want to add to the special pleading for money from central Government—Brian has already mentioned that this project could cost in the region of £80 million—but the issue of an integrated rail transport system from Inverurie to Stonehaven is extremely important and needs to be addressed at the same time as the western peripheral route.

One of the criticisms that might be made of the western peripheral route is that it could generate more traffic, as is the case with many new bypasses and roads. I suggest that a bypass around Aberdeen should have very few interchanges. We have heard the points that have been made about through traffic, from north to south and from south to north. If we restrict the number of interchanges, that will deal with the criticism that the road would only increase traffic. That is an important point.

I will keep my contribution short so that other members can take part in the debate.

17:21

Irene McGugan (North-East Scotland) (SNP): I, too, wish to support the creation of the western peripheral route, which will contribute to and be important for the economic future of Aberdeen. I echo the calls for the project to proceed with the full financial support of the Scottish Executive and without delay.

However, I want to reflect some of the concern that is felt by residents of communities to the west of Aberdeen, who favour serious reconsideration of the proposed route. As recently as 1994, there were still around 15 options under review, and the current route was confirmed by Grampian Regional Council only shortly before reorganisation in 1996. This has never been a single-option project.

A strong argument against the proposed route, which was expressed by respondents to a household survey that was carried out in the area, is that the western peripheral route should go round the city and not through it. Aberdeen has an eccentric shape and extends out through Culter, and many people feel that the western peripheral route should skirt the western margin of Culter.

The current option was selected in preference to that because it was claimed that routes further out would do little to relieve traffic congestion in the

city. However, Grampian Enterprise, in 1997, and the Scottish Office, in 1998, accepted that the western peripheral route would not substantially alleviate commuter car congestion, so it may be that that argument for the route's location is no longer valid. As has been mentioned, the North Deeside Road, which serves this area, is already heavily congested at peak hours, and the superimposition of a north-south flow on the west-east flow at specific intersections will, it is feared, result in even worse congestion.

As has been mentioned, Aberdeen chamber of commerce and the city traders association have acknowledged that the western peripheral route will help to promote a new corridor of investment and development. Although it is accepted that land is needed for residential, industrial and commercial development, residents feel that the western peripheral route is putting the green belt at risk. The city should be proud of the way in which, over the decades, green belt policy has achieved what it set out to do, especially the aim of preserving areas of unspoilt countryside as close to the city as possible and for the benefit of the whole population of Aberdeen.

Among the natural assets that would be badly affected are the Newton Dee and Camphill Rudolf Steiner schools. People on those campuses would suffer greatly from the noise and disruption. Moreover, to run a dual carriageway through land that includes one of the longest-established organic farms in the north-east is not acceptable. In the 1994 environmental impact assessment it was concluded that

“the deleterious effects of the Western option on the Camphill Estates are severe and may be sufficient to make that route unacceptable.”

While fully endorsing what has been said about the benefits to Aberdeen and Aberdeenshire of the western peripheral route, I suggest that the location of the route may warrant some reconsideration.

The Deputy Presiding Officer: I apologise to members who have not been called. The remedy is to keep interventions brief. I call Sarah Boyack to wind up the debate.

17:25

The Minister for Transport and the Environment (Sarah Boyack): I thank Brian Adam for raising this issue and thank all members for the level and quality of the contributions that they have made to the debate.

I hope to travel to Aberdeen on 6 July. The comments made today will be useful when I visit the city and look at its transport problems. As members have said, this proposal has been around for a long time and has widespread

implications, some of which members have picked up on today. The proposal has potential benefits for the economy and for congestion, by relieving traffic through the city, but an 18 km road through a green belt location also has potential costs and will potentially have an impact on local communities, as Irene McGugan mentioned.

The route would cost a very large sum, as Brian Adam correctly identified. Early estimates suggest that the cost would be in the region of £85 million, which is far in excess of the sums that would be possible for such schemes with conventional funding. I will come back to that point later, because I think that it is a key issue.

I want to address also the wider context of this proposal, because it cannot be examined in isolation from the overall transport strategy for Aberdeen and Aberdeenshire.

I am delighted to put on record the extent to which Aberdeen City Council has promoted innovative and radical transport strategies. We have already heard about the sustainable transport strategy implemented in Aberdeen last year. It was funded in partnership, which is extremely important, as it set the context for an overall transport strategy.

Improvements are taking place. Key examples are the park-and-ride site at Bridge of Don, the bus priority measures along the A944 from the previous transport challenge fund, this year's public transport fund approval for bus priority measures, park-and-ride sites on other important corridors into the city, and other proposals being developed by the council for bus priority measures in other parts of the city.

Progress has also been made on rail issues. Aberdeen City Council and Aberdeenshire Council have worked effectively with ScotRail to develop rail services in and around the Aberdeen area. There is also the possibility of a feasibility study into a half-hourly service between Stonehaven, Aberdeen and Inverurie. Those are important developments.

Key service improvements have been introduced by ScotRail in the past two years. There are seven additional services through Stonehaven and five additional services through Dyce.

Mr David Davidson (North-East Scotland) (Con): Will the minister give way?

Sarah Boyack: No, thank you. My speech is too long for the time available.

Two additional services from Edinburgh now also stop in Inverurie. Improvements are coming into place. ScotRail has also made proposals to redevelop the former Guild Street rail freight depot. That is important, because it will provide

the opportunity for a major transport interchange, fully integrating rail, bus and coach services, a taxi halt and a car park, all connected by covered walkways.

Things are happening in Aberdeen that are important in the context of this debate. We look forward, through the local transport strategy and the bids that will be submitted in the next round of the public transport fund, to further ideas for developing the strategy in Aberdeen.

Richard Lochhead (North-East Scotland) (SNP): Will the minister use the opportunity of her visit to Aberdeen to drive through the city and to encounter at first hand the difficulties experienced by people living in the north-east of Scotland?

Sarah Boyack: It is my intention to travel through the city and to see the different transport problems that are being experienced.

As well as the local transport strategy, there is a new joint structure plan for the area covered by the Aberdeen and Aberdeenshire authorities. The combination of those two documents presents the councils in the area with the opportunity for a full discussion with the communities about the opportunities that are available.

We need fully developed transport and land use strategies. All the speakers today have mentioned that. We need to ensure that we have an integrated approach, which will require a lot of effort from the councils.

I want to flag up two key issues that I expect Aberdeen City Council and Aberdeenshire Council to address: the importance of the western peripheral route relative to sustainable transport measures in the city centre, such as walking, cycling, increased bus priority and improved bus frequencies; and the extent to which bus priority and other measures in the city centre are dependent on early progress of the bypass. I understand that the Oscar Faber study drew at best a modest link between the two.

The land use implications of the bypass and the possible knock-on effect on transport demand also need to be addressed, especially the effect of any future greenfield developments on car-based demand, as speakers today have mentioned.

Finally, we need to consider how best to integrate the proposed western peripheral route into a comprehensive transport strategy for the city and its hinterland.

Mr Davidson: I deeply regret the fact that the minister has not highlighted the problems of people who live to the north and north-west of Aberdeen. Vital industry is at risk because of a lack of transport infrastructure, and I am disappointed that the minister has not addressed that. Before she sits down, I hope that the minister

may be able to comment on her plans to allow the north-east corner, even as far along as the Moray coast, to integrate more with the south.

Sarah Boyack: The key point that I am trying to get across concerns the relationship between Aberdeen and Aberdeenshire, the city and its hinterland. We must have a transport strategy that meets the objectives of those different areas.

Mrs Margaret Ewing (Moray) (SNP) *rose—*

Sarah Boyack: No, I will not give way, because I want to get on to funding, which is a key issue that several members have talked about. To avoid any doubt, I have to make it clear that the western peripheral road is not under consideration in the trunk roads review, nor has any Government made any commitment to incorporate such a road into the trunk road network.

Members might ask why the Scottish Executive cannot, nevertheless, trunk this route and fund its construction. That question deserves a straight answer and I want to be as open as possible. The severe pressures on the trunk road budget mean that trunking would be an empty gesture—in the foreseeable future there is no realistic prospect of funding the western peripheral road from the trunk road programme.

Many members have approached me over the past few weeks about road schemes in their localities. There is nothing wrong with their doing that: it is their job to represent the views of their constituents and local businesses. However, if I were to accede to every request, I could spend the trunk road budget several times over. Even if persuaded of the case for doing so, the Government could not build all those roads while meeting its priorities in education, health and housing. Somebody has to be disappointed. I therefore urge those from the north-east to consider alternative means of progressing this scheme, along the lines that I am about to suggest.

Members will be aware that last week the Government announced its intention to introduce a transport bill in the next session. Among other things, the bill will permit local authorities to introduce charges for the use of existing local roads in a designated area, and will give them powers to levy workplace parking charges. We intend to consult widely on those issues, and to publish details of our charging proposals very shortly. I note Mr Adam's suggestions, and I encourage him to make them again during the consultation process.

Any proposal by a local authority to introduce charging would require the consent of the Scottish Executive. In considering such a proposal, ministers will be mindful both of the extent to which the authority has won the support of its local

communities for its integrated transport policy, and of the thoroughness with which the authority has established plans for spending money on all modes of transport.

The new western peripheral road could be promoted using existing powers in the New Roads and Street Works Act 1991 for tolling new roads. Those powers are being used by the promoters of the Birmingham northern relief road, although that particular project has attracted a fair degree of controversy on other grounds and may not be the best of models. However, the 1991 act is worth considering.

Inevitably, it will take time for people in Aberdeenshire and Aberdeen to develop and refine their thinking on strategy, including plans for the western peripheral. That will have been time well spent if the end result is a more integrated and sustainable set of proposals that address the transport problems of the north-east in the round.

Officials met the councils last year and stand ready to do so again. I intend to be fully involved in the development of strategies and in the consultation on charging. I look forward to the development of today's debate, and to informed and balanced debate about how we might meet the needs of road users and public transport passengers alike. However, members must be under no illusions: there is no piggy bank sitting at Victoria Quay waiting to be raided. If the western peripheral is to have a place at the heart of Aberdeen's integrated transport strategy, it will require innovative funding sources and brave decisions by Aberdeen and Aberdeenshire councils working in partnership with their local communities. There is no ducking that hard reality. To say otherwise would be to raise unrealistic hopes in the minds of members and their constituents.

Meeting closed at 17:34.

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