

# **MEETING OF THE PARLIAMENT**

Thursday 18 January 2001

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## Scottish Parliament

Thursday 18 January 2001

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

### Fisheries

**The Presiding Officer (Sir David Steel):** Good morning. Our first item of business today is a debate on motion S1M-1548, in the name of Jamie McGrigor, on fisheries, and two amendments to that motion.

09:30

**Mr Jamie McGrigor (Highlands and Islands) (Con):** This morning, Scotland's fishing industry stands on the brink of a crisis unlike anything that it has seen in living memory and possibly ever. This is a grave week for Scotland—a week when the future of hundreds of our fishermen, and thousands of others who work in the industry, is bleak indeed. Today's debate may seem to be about fish, but it is actually about the plight of people who are reliant on the fishing industry. Fishermen, fish processors and their families are the ones who will suffer.

I highlight the fact that the present situation could spell disaster for people in fishing communities the length and breadth of Scotland, from Fraserburgh to Mallaig. A bleak future awaits them, with devastation for their communities—a bleak future that can be lessened only if the Scottish Executive, for once, will stand up and fight for Scottish fishermen.

Why has this situation been allowed to develop? Why should Scotland not have the clout that it deserves as the biggest player in the North sea? It is because the fishermen are not properly supported by Labour in London and—worse—are not supported by Liberals and new Labour on the Mound.

In December, MEPs from different countries were putting forward their ideas for a cod recovery plan. Everyone in fishing circles has known for at least a year that the cod stock was in a parlous state and that a cod recovery plan would almost certainly be necessary. So where was the Scottish Executive's plan? Why did the Executive not lead with a well thought out plan, which could have been submitted by the United Kingdom? By taking the lead, the Executive would have pre-empted any plan such as the current one from Franz Fischler, which will be disastrous for Scottish interests. The Executive should be leading the way and fighting Scotland's corner. The fact that it

has done nothing except dawdle and procrastinate makes a mockery of devolution.

This should have been the Executive's moment to shine, showing that the Scottish Parliament really represented the interests of Scottish people. However, yet again it has let down the Parliament and the people of Scotland. No wonder there is disillusionment with our political process.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Why, during 18 years of Tory Government and more than 20 years of my lonely sojourn on the European Parliament Fisheries Committee, did Tory MEPs vote with Spain on crucial matters that were against the Scottish interest? Why did they fail to take action against Spain's flagrant rule breaking—from politically motivated poaching to the use of double holds and the marketing of illegal fish, while keeping its inspectors carefully in Madrid?

**Mr McGrigor:** I defer to Winnie Ewing's knowledge of what happened in the past. I will say only that, today, we are talking about the present.

Why should Scotland bear all the pain when the Scottish fleet's record on conservation is the best in Europe? It is scandalous that our representatives in the Scottish Executive did not say or do anything in advance. That would have put us on the front foot instead of having to defend. The best method of defence is toujours l'attaque, but this bunch's motto is toujours les platitudes. Policies of attrition have a history of not working in Europe.

It is especially galling that Scotland's fishing fleet, the only one in Europe to have adopted conservation measures—such as square-mesh panels aimed at protecting the 1999 class of fish—should pay the biggest penalty for the failure of other Governments to persuade their fishing fleets to do the same. Has the Scottish Executive thought of making that point?

**Iain Smith (North-East Fife) (LD):** Will the member give way?

**Mr McGrigor:** No, I am sorry.

As usual, the Executive showed blinding arrogance in not consulting Scottish fishermen and their representatives—the people at the sharp end, who are capable of giving well-informed advice. As a result, we are faced with mass devastation of the Scottish fishing fleet and the communities that it sustains.

The worst element of Franz Fischler's plan is the proposed use of the 140mm mesh size in vast areas of the North sea. That would be catastrophic for fishermen who depend on haddock and other species that would not be caught in such a net. The only fish that would be caught is the cod. The plan would end up targeting the very species that

it is meant to protect. We need a cod recovery plan that has a chance of working quickly.

A far better plan than the one proposed would be, first, to close all the key cod spawning areas throughout the North sea between February and April. That would maximise egg production. Secondly, juvenile fish must be protected. That could be done by making the square-mesh panel and accompanying twine size reductions mandatory in all national fleets operating bottom trawls. In addition, the current Norwegian practice known as "moving on" should be adopted, whereby vessels finding areas with heavy concentrations of juvenile fish stop fishing, move on and alert other boats to avoid the area. Thirdly, the food chain for cod and other species must be protected. That would mean a drastic cut in industrial fishing, which currently takes 1.2 million tonnes, greatly exceeding the catch required for human consumption.

At a time when conservation is so important, it seems ridiculous that the only bottom trawl fishery not to have quota cuts was the industrial fishing sector, which has the worst by-catch of juveniles of species such as haddock and cod. That fishery uses a 20mm mesh and indiscriminately catches everything in its path. The main industrial fishers are the Danes, who use gill nets and who fish 24 hours a day, catching adult fish off the Danish coast and the shelf edge. It is ludicrous that industrial fishing does not contribute more towards conservation. That is one of the first issues that must be addressed. It is absolutely essential that every country makes sacrifices and plays its part in conservation.

Other speakers today will mention decommissioning, which is obviously a vital part of any cod recovery plan. The core of the Scottish fleet and dependent fishing communities must be protected.

As we speak, the unelected bureaucrats in the European Commission are threatening to reduce our fishing fleet to a shadow of its former self. Worse, I have just received news from one of our MEPs, Struan Stevenson—who continually fights for Scottish fishing interests—that, in a debate yesterday on the future of the common fisheries policy, the southern European states united to vote against the continuation of six-mile and 12-mile limits when derogation ends in 2002. They also voted to allow equal access to the North sea, the west coast and—even worse—the conservation areas of the Shetland and Irish boxes. I put it to the Scottish minister that such a situation cannot be allowed.

We have talked about the North sea, but we must not forget the west coast fishery, part of which already comes under the Irish sea cod recovery programme. What plan does the

Executive have for that area? How will it deal with pressure on the west coast if vessels divert to that area? Has it done anything to bring back the full prawn quota? Where is the solution to the scallop problem that the minister said she would give to the chairman of the Clyde Fishermen's Association before Christmas? It is now mid-January and nothing has happened.

Any future plan must cover the conservation of other stocks, which will be important to fishermen in the future, especially if they cannot fish for cod. I refer to the deep water species that are exploited by other fleets. Some of those species take 10 years to reach spawning maturity, but reach catchable size long before that. Obviously, if the fishery is to be sustainable, conservation measures must be implemented soon, so that those species do not go the same way as the cod.

My message is simple. By not proposing its own plan, the Scottish Executive has left the Scottish fishery in jeopardy. It got us into this mess and now it will have to get us out of it. Thousands of people will suffer if this plan goes ahead. The Executive must think of the people who will suffer, and make constructive arguments to help them.

Any solution to the problems that face the Scottish fishing industry relies on the Scottish Executive taking the lead for once and leading the United Kingdom in European Union talks at a ministerial level. A big battle looms for the Scottish fishing industry and I ask our minister for once to stand up and fight for Scotland.

I move,

That the Parliament notes the failure of the Scottish Executive to take the lead in producing an appropriate cod recovery plan for presentation as a United Kingdom submission to the European Commission; believes that this failure has led to European proposals for the North Sea which would seriously disadvantage the Scottish fishing fleet; notes that the plan, unless altered, will cause tremendous economic damage to Scotland's fishing communities, and calls for an alternative plan, devised in co-operation with the Scottish fishing industry, to be promoted immediately, which will lead to the revival of fish stocks and ensure a long-term future for Scotland's fishing industry.

09:40

**The Deputy Minister for Rural Development (Rhona Brankin):** I am delighted to have the opportunity to take part in this debate. Before I begin my speech, I will make a couple of comments about Mr McGrigor's rather hysterical outburst. His claim that we are not working with the Scottish fishermen is arrant nonsense. Let me read to him the comments of Hamish Morrison, the chief executive of the Scottish Fishermen's Federation, who said:

"We have a fight on our hands but there is cause for optimism . . . I think it is very important that the country

which is the biggest player in the cod fishery has, amongst its own, a common view. That must be tremendously influential."

At every stage of the game, we have worked closely with Scottish fishermen. Members of the Scottish Fishermen's Federation are out in Brussels now and we intend to continue to work closely with them.

Let me tell members about the state of play with the cod recovery plan. The real plan is being worked up today, as we speak, in Brussels. The Executive and the industry have agreed a joint line for those negotiations. What was discussed last December is history and is not relevant—things have moved on.

**Richard Lochhead (North-East Scotland) (SNP):** The minister says that the meetings in December are irrelevant. Can she tell us when she found out about the discussion that took place on 19 December and what involvement the industry had in that discussion?

**Rhona Brankin:** Let me say once and for all that what came out of the discussions on 19 December was not a proposal that had been agreed for anything or by anybody, but simply a proposal to kick off discussions. It had no particular status, as we have said repeatedly. Things have moved on. If Mr Lochhead wants to play that game, that is fine, but I have better things to do.

Let me spell out exactly our line for the negotiations. We are arguing against sweeping, across-the-board measures, including the implementation of 140mm square-mesh panels across one broad area of the North sea. We have never supported that proposal.

**Mr McGrigor:** Will the minister give way?

**Rhona Brankin:** I am sorry, but I would like to get on with my speech.

Such a measure would unfairly penalise our white fish fishermen, who would find it hard to catch haddock and almost impossible to catch any whiting. What would make that proposal even more unacceptable is that the Scottish industry is leading the field in technical conservation measures. The industry should be rewarded for that, not punished. We want to introduce further technical conservation measures to protect juvenile fish, but we will do that as part of a longer-term strategy.

We are arguing for targeted measures, seasonal closures to protect spawning fish and the protection of Scotland's fragile rural communities. In the medium term, we are arguing for the implementation of technical conservation measures to protect juvenile fish. The rest of Europe must come into line with our forward-

looking policies. In particular, the rest of Europe should adopt 90mm square-mesh panels.

It is interesting to note that what my officials are pushing for in Brussels is remarkably close to the line taken by the Scottish Fishermen's Federation. That is no coincidence. While we have been working up our negotiating line over the past four months, we have been talking to the fishermen. We are still talking to the industry, which is why the joint line has evolved this week and will continue to develop today. The industry is uniquely involved in the Commission negotiations. I repeat: industry representatives are with my officials in the thick of the Commission negotiations. We are working together for a common purpose.

We cannot afford to be short-termist; we must balance long-term sustainability with short-term needs. There will be two cod recovery plans. This week, we are debating a short-term emergency Commission regulation, which will last only six months. We will focus on limited area closures during the spawning season and we are seeking to move away from the 140mm big-mesh proposal. In August, we will agree a longer-term plan in a council regulation for the next five years. The industry and the Executive agree that proposals to extend technical measures—notably the extension of the square-mesh panel regulations—and the issue of industrial fisheries are better dealt with as part of the longer-term plan.

**Mrs Margaret Ewing (Moray) (SNP):** The minister has mentioned two cod recovery plans—one that will last for six months and one that is a longer-term strategy. What will she do in the immediate future to address displacement effects resulting from the six-month plan?

**Rhona Brankin:** Until we have the cod recovery plan in place, there is little point in my speculating about that. As I have said, when we have the cod recovery plan in place, we will consider its potential impacts. There is no question about that.

In August, we will agree a longer-term plan. We have agreed with the industry proposals to extend the technical measures.

**Mr McGrigor:** Will the minister give way?

**Rhona Brankin:** I am sorry, but I must get on with my speech.

Of course, some sections of the Parliament have been spinning like tops—they seem to be trying to drive a wedge between the Executive and the industry. That is playing politics with the Scottish fishing industry. Given that some members of the Scottish Parliament will be involved in an election in the next few months, that is perhaps hardly surprising. However, it is the last thing that we need at the moment. I remind the Parliament that

the Executive has already fought off a Commission decision to impose a punitive days-at-sea regime as part of the cod recovery plan. We were also successful in arguing that cuts in total allowable catches for associated species, such as haddock and nephrops, should not be as great as the Commission intended.

I want to put the record straight on the latest so-called Commission proposals for a cod recovery plan. As has been said, those first came to light at an EU member states co-ordination meeting on 19 December. In fact, they do not amount to formal proposals; they were a starting point for discussions. In brief, the Commission suggested that a restricted access area should be set up, which would run from the Danish coast, through Norwegian water, across the North sea and over Shetland to the north-west of Scotland. It was suggested that only 140mm mesh nets would be allowed in that area and that the carrying of other nets would not be permitted. Under that model, fishermen would have to make a choice—fish in that area or outside it, but not both. On top of that was the rule that, once the cod quota had been exhausted, it would no longer be permissible to fish in that area for anything.

There has been a rather silly suggestion—it has been repeated today—that the Executive accepted those proposals. I say again: we did no such thing. Any such suggestion is absolute nonsense. I am pleased to see that industry leaders have gone on record to confirm that they fully accept the Executive's position. The Commission made certain suggestions and the Executive and the Ministry of Agriculture, Fisheries and Food—as our partners in the UK team—said that we reserved our position and were unwilling to make counter-proposals until we had the opportunity to consult the industry. That was the right course of action.

There are still some important points of detail to be sorted out, but we are working closely with the industry to achieve the best possible outcome, in terms of the benefit to cod stocks and to minimise impacts. We will strive to get the best deal available for the industry, consistent with our shared conservation objectives.

We are also making progress on the Scottish fishing industry initiative, which I announced in my December statement. That initiative will build on the work that is already well under way to develop a strategic framework for the industry. We are working with Scottish Enterprise, Highlands and Islands Enterprise and others to undertake a comprehensive economic assessment of the whole fishing sector and its affiliated industries. We intend to launch the initiative formally in the near future. We will draw together data and views from all stakeholders on the future structure of our

fishing industry.

Yesterday, the SNP issued a press release claiming that it had “dramatic new figures”. Those figures are neither dramatic nor new. To be dramatic, the figures would have to tell us something useful, which they do not. To be new, they would have to relate to more recent information than from 1997. The Organisation for Economic Co-operation and Development figures for financial transfers to the marine sector show that the UK spends the same as France and more than any other EU member state, apart from Spain, which has a bigger fleet.

Scottish Executive spending on fisheries is at record levels. More than £30 million will be spent on the financial instrument for fisheries guidance over the next three years. In addition to that, we also spend in the region of £30 million per annum on research, management and enforcement in the fishing industry.

The Executive is not basing its choices on hastily put together nonsense, but on a planned approach. I remind members of the Scottish fishing industry initiative, which will look carefully at the Scottish fishing industry as a whole, in economic and social terms, and which is aimed at refocusing the industry and identifying the scope for its possible restructuring. We see a long-term future for the Scottish industry. We will be working rapidly to develop an understanding of our current circumstances and a realistic way forward for our industry. I am confident that the initiative will pave the way for changes that will ensure a healthy long-term future for our fishermen and, in turn, many rural coastal communities. That is what I want, that is what we all want and that is what we have to do for the fishing communities of Scotland.

I do not agree with the Conservative motion or the SNP amendment. The Executive has offered an amended motion.

I move amendment S1M-1548.2, to leave out from “the failure” to end and insert:

“that the Scottish Executive, as part of the UK delegation, is currently involved in negotiations on a cod recovery plan with the European Commission, is aiming to secure the best possible deal for Scottish fishermen whilst ensuring a sustainable fishing industry, and is fully involving the industry in these discussions.”

09:51

**Richard Lochhead (North-East Scotland) (SNP):** As Jamie McGrigor indicated in his opening remarks, this is an important debate. Indeed, the fact that we are having another fisheries debate so soon after the debate in December, and so early in the new year, highlights just how crucial this period is for Scotland's fishing communities.



It was completely outrageous that within days of the quota deal in December, which short-changed Scotland, European Union officials and civil servants from Scotland and the rest of the UK agreed behind closed doors in Brussels to a plan that would be utterly devastating for Scotland's fishing industry, delivering a second enormous blow to Scotland's fishing communities in as many weeks.

**Rhona Brankin:** At no time did we agree to the plan that was put forward on 19 December. Richard Lochhead should get his facts straight.

**Richard Lochhead:** I refer the minister to the minutes of that meeting, which perhaps she has not read. Her colleague, the Minister for Rural Development, can refer to this matter when he sums up. The minutes say:

"Member States could accept conditions indicated in (i)."

Paragraph (i)(b) refers to

"using towed gear of a high mesh size (140 mm)".

That is in black and white in the official minutes of the meeting.

The proposed plan would not have safeguarded Scotland's fishing communities or fishing stocks. It would have had an enormously disproportionate impact on Scotland's fishing communities while other nations went virtually unscathed. The Shetland and north-east of Scotland fleets in particular would have been hit hard. It was appalling, but perhaps not surprising, that the UK-led civil service team gave consent to that anti-Scottish plan. As a result, the industry has had to go into overdrive, as it is doing this week in Brussels, to change those plans, and it has been on the back foot since the talks began.

No other independent member state of the EU would have given consent to a plan that would be so devastating to its industry. If the officials in the Commission had listened to the industry, they would have learned that the proposal for 140mm square mesh was counterproductive and would lead to nothing more than a directed cod fishery. It would achieve none of the objectives and it would restrict our fleet's access to other important white fish stocks.

All our fishermen and all members of Parliament accept the need for tough measures, but those measures must be effective and must keep our industry viable. That means targeting spawning grounds and seasonal closures, which are being discussed this week in Brussels. We have to close the key spawning grounds for cod in the 10 to 12-week period to April. The grounds will have to be closed as soon as possible. That will maximise egg production and reduce mortality. Various maps show the spawning grounds, but we have to work with the industry to identify where the

spawning grounds are so that what we do is effective. We have to close spawning grounds no matter where they are, be they in Scottish waters, Norwegian waters, English waters or wherever. We also have to close them at the right times.

We must close the spawning grounds to all fishing vessels, including the industrial fishery. A credible conservation policy cannot live alongside the industrial fishery. We cannot allow the valuable food supply that is so important to the regeneration of white fish stocks to be hoovered up by the industrial fishery. December's decision at the quota talks to transfer thousands of tonnes of whiting to the Danish fishery at the expense of Scotland was an enormous blow, but it rubs salt into the wound to think that our officials agreed to a plan on 19 December that again gave an exemption to the Danish industrial fishery, which runs against the interests of conservation.

**The Minister for Rural Development (Ross Finnie):** Will the member give way?

**Richard Lochhead:** No, I will not.

We have to increase the chances of survival for juvenile fish, which means spreading the use of the 90mm square-mesh panel. However, our fishermen cannot be the lone champions of conservation. Westminster has not even found 10 minutes to implement its side of the bargain. Only one part of the UK is showing a commitment to conservation. Our fishermen feel that their reward for adopting these innovative conservation methods is to have a threat hanging over their livelihoods. All fleets must adopt the square-mesh panel and other measures. Scotland cannot bear the pain alone; it cannot be solely responsible for the regeneration of Europe's fish stocks.

All fishermen and, importantly, all environmentalists agree with the measures that have been outlined. The challenge in the short term must be to avoid the displacement of the pressure from the cod spawning grounds to other fisheries, which could have a bad knock-on impact on the prawn fishery in particular in many of our smaller fishing communities on the west coast and elsewhere. Yes, technical measures to avoid that displacement must be implemented as soon as possible, but we also have to consider suggestions such as the funding of temporary tie-ups, which would compensate those skippers who choose to remain in port, to reduce the fishing effort in the short term.

In the longer term, we need to fund a decommissioning scheme. There is no way around that. If we have to reduce fishing effort in the longer term, we must introduce a decommissioning scheme that will allow some fishermen to leave the industry with dignity.

Today, we need the Government to deliver a

vote of confidence in the industry. That means new investment. We have to deliver a vote of confidence to maintain crews in the industry, so that they do not look elsewhere for employment. We have to keep the banks on board; if they get nervous, many of our skippers will face bankruptcy. We have to announce new investment for the processing industry, which is responsible for 5,000 jobs in Grampian alone. We have to announce new investment to develop new technical measures and to fund decommissioning.

In its hour of need, the industry requires an injection of support from the Government. Other countries give their fleets generous support. In Scotland, the position is absolutely pathetic. At the moment, the Government's fisheries budget accounts for 0.035 per cent of the total budget. Fisheries account for less than 1 per cent of Ross Finnie's rural development budget. Of the £5 billion that came to Scotland as part of the comprehensive spending review for the next three years, fisheries benefited from an extra £11 million, half of which, as it turned out, was from Europe.

The new Labour Government is prepared to write a blank cheque to protect the jobs of car workers in Sunderland or Longbridge: BMW was offered £127 million to protect jobs at Longbridge and, as we speak, there is an offer on the table to give £40 million to protect jobs at the Nissan plant in Sunderland. However, fishermen who are willing to risk their lives to bring fish to the table, and who sustain an industry that employs 20,000 people in some of Scotland's more fragile communities, do not count. That must change and it must change today. If we do not deliver for our industry in its hour of need, the people of Scotland will not forgive this Labour-Liberal Scottish Executive. The SNP asks for a commitment today that the Scottish Government will deliver for our fishing industry, invest in it and save it.

I move amendment S1M-1548.1, to insert at end:

“; notes that, while other European Member States provide generous financial support for their fishing industries, Scotland's industry receives minimal support, and therefore calls on the Scottish Executive to announce an appropriate level of new investment in the industry given that such additional support for our fishing communities in their hour of need will ensure that they continue to make an enormous contribution to Scotland.”

10:00

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am surprised by the motion in Jamie McGrigor's name, and I am even more surprised by the tone in which he got the debate going. The Conservatives should have learned by now that creating divisions at home weakens the position of the UK delegation when negotiating in

Europe. In the motion, they have tried to take party political advantage of the problems facing our fishing industry.

**Mr McGrigor:** Mr Rumbles must agree that the Scottish position could hardly be weaker. That has been brought about by the failure of the Liberal-Labour Executive to produce any form of plan in advance of the discussions.

**Mr Rumbles:** Mr McGrigor made it clear in his speech that he has complete amnesia about the problems suffered by the fishing industry during 18 years of Conservative rule. I did not know that it was Conservative party policy to have Scotland lead the UK delegation to the European Commission. I wonder whether Mr Hague is aware of Jamie McGrigor's new policy. Is this another example of Jamie simply getting it wrong, or is it a new, UK-wide policy position by the Conservative and Unionist Party? A response on that point, perhaps? Jamie McGrigor was quick to his feet earlier; I notice that he remains in a sedentary position now. If this is a new policy by the Scottish Conservatives, they would seem to have joined the Scottish National Party in an unholy alliance and fully deserve the term that was coined for them in last week's *Scotland on Sunday*: the Vichy Tories. The Tories have abandoned their claim to a united front in the UK delegation to fight our fishing industry's cause.

Not all Conservatives are like Jamie McGrigor. To his credit, David Davidson has been quoted in *The Press and Journal*, criticising former SNP leader Alex Salmond for seeking to turn the cod recovery plan into a constitutional issue. Of course the SNP would do that—that is their *raison d'être*. If David Davidson and Jamie McGrigor talked together more often, perhaps they might get it right.

Another Tory, Struan Stevenson MEP, recently took a sensible line on the issue, saying that

“the fishing industry is far too important to turn into a political football.”

How right he is, and how disappointing the debate has been so far, as we have seen the Tories and the SNP doing just that.

I refer to the cod recovery plan. It should be acknowledged that conservation measures are essential to the survival of fish stocks, and hence to the long-term survival of the fishing industry. The Scottish Parliament should back the line that many of our MEPs have taken, which is to reject the draft plan in its current form, as its impact on the Scottish industry would be totally unacceptable. The most important point to make is that the current difficulties are the result of the European Commission's centralist approach, which has made no provision for consultation with the industry. Any successful strategy must be

developed and delivered in partnership, to achieve a situation where the industry has some sense of ownership of the strategy. First, that is realistic, because the industry has acknowledged the need for conservation measures; an example of that is the square-panel nets to reduce the catch of immature fish. Secondly, the effectiveness of any strategy will be enhanced if it becomes self-enforcing.

For many years our fishermen have not been consulted properly on various issues. There must be an attitudinal change in Europe, at the UK level and in Scotland, so that everyone works together in an automatic consultation process with our fishing industry. In my view—and that of the Scottish Liberal Democrats—nothing less will do.

In the European Parliament, Elspeth Attwooll, Scotland's Liberal Democrat MEP, has united with other MEPs to condemn the cod recovery plan proposals. Unfortunately, the UK delegation's cautious approach to the Commission's proposals must change, as a vacuum has been created that is being exploited by parties wishing to make mischief here. Is that not what we have seen so far today?

Despite Jamie McGrigor's completely off-the-wall allegation, it is clear that the Scottish Executive is opposed to the plans. The minister has made that clear today. The Scottish Executive is fighting our corner in the UK delegation very well indeed.

**Mr David Davidson (North-East Scotland) (Con):** So far, Mr Rumbles has gone on about the close relationship in the coalition between the Liberal party and the Executive. How much influence did the Liberals have in ensuring that, before the cod recovery plan debate started, the minister had a game plan? If Mr Rumbles knows of it, will he share it with us now and tell us what the minister said to his party—or is he just fishing about in the dark as usual?

**Mr Rumbles:** I notice that Mr Davidson is smiling. I am sure that that will be addressed by the minister in his winding-up speech.

The Liberal Democrats feel that the Scottish Executive is doing a grand job fighting our corner. I urge the fisheries ministers in Edinburgh and London jointly to state their opposition to the Commission's plans. I say to David Davidson that that is the key. I thought that the Conservative and Unionist Party was just that, but it seems to be hiding its unionist credentials, especially today. I am rather surprised by the tone that it has adopted.

**Ben Wallace (North-East Scotland) (Con):** Will the member give way?

**Mr McGrigor:** Will the member give way?

**Mr Rumbles:** I will give way to Jamie McGrigor, as I was attacking him.

**Mr McGrigor:** This party believes in sensible devolution. We know perfectly well that the hub of the UK fishing industry is in Scotland, which is why we are saying that the Scottish Executive—and that includes the Liberal party—ought to stand up for it.

**Mr Rumbles:** Perhaps the Conservatives could make clear their policy position in their summing-up speech. Has Jamie McGrigor just invented a new policy, off the cuff?

**Richard Lochhead:** Will the member give way?

**The Presiding Officer:** The member is on his last minute.

**Mr Rumbles:** To conclude, it is essential that we back the UK delegation in taking alternative plans to the Commission. At this stage in the process it is not helpful to attack the UK negotiating machinery—as the Conservatives have done—or to engage in constitutional politics, as the SNP has done. If we are to have any hope of preventing this unfair plan—which, if enacted, would devastate Scotland's fishing fleet—we must send a clear and united message to Europe.

**The Presiding Officer:** We move to back-bench speeches. We want to try to conclude the debate by about five minutes past 11. Seven members want to speak, including no fewer than three Ewings. If members take four minutes apiece, we will be on time.

10:08

**Alex Johnstone (North-East Scotland) (Con):** It is always a pleasure to be able to support, from the Conservative benches, what the fisheries minister says. The first thing that she said was that she was glad that the debate is taking place. Since it is a debate in Conservative time, I am delighted to back her on that.

We have spoken in the past about where the Parliament fits into the structure and activities of the Executive. In the minds of some, it is questionable whether the debate should have taken place while negotiations are on-going in Europe. It is essential that the Parliament takes the opportunity to express its views at a time when there is still a chance to influence thinking and to contribute to the debate.

I was delighted to hear the minister explain what happened to the cod recovery plan and previous proposals, and to hear her say that there was no intention of accepting the original plan that was discussed on 19 December. Our fishermen were quick to let us know that they had no intention of approving anything in that proposal.

I am therefore delighted to hear that further negotiation is taking place. I am also pleased to hear that a two-tier plan is being developed. It is essential that the cod is protected in the short term, but also that it is protected in the long term, and I welcome the plan for a cod recovery plan with a five-year structure.

Recovery in cod alone is not enough for our industry, however. We have heard about the importance of reducing the capacity of the fleet. It is essential that, as the cod stocks recover in the North sea, the fishing industry is scaled to be appropriate to that recovery. For that reason, we must look ahead, in tune with that five-year plan, to find ways to ensure that, at the end of those five years, our industry is in the perfect position—in terms of size, capacity and the type of boats that it contains—to match its catch to the productivity of the sea.

We must work together—not through the kind of argument that we have heard so far today—to get a decommissioning scheme in place. The benefits of a decommissioning scheme are obvious, but I shall run through one or two of them. Such a scheme would give us the opportunity to tune the industry to the catch and to ensure that, at the end of the five years, the boats are the most modern, the safest and the best suited to the continuation of a successful industry. To achieve that, we need money. To get that money, we must be prepared to work together. European money is available, but, as we have heard before, the extent of European support for any decommissioning scheme will be limited—as are any match funding schemes from Europe—by the agreement that was entered into at Fontainebleau many years ago. I raise that subject specifically because I know that it will be cited to us, whether I raise it or not.

I shall close by saying something about the Fontainebleau arrangements. As a result of the Fontainebleau agreement, the additional cost of any scheme will represent only 21 per cent of the total cost, whereas 50:50 funding would be the order of the day were we not party to that agreement. I also remind members that the benefits that we have received from the Fontainebleau agreement—which the current Government continues to receive as a result of that agreement—exceed that funding by a massive proportion. It is therefore inappropriate for the Fontainebleau agreement to be used as an excuse for failure adequately to fund partly European-funded schemes that require UK money to attract that funding.

I urge the minister to make efforts, as part of a longer-term strategy, to ensure that UK money is available to attract the additional European money that may be available to match that funding, to get

the recovery plan and the decommissioning scheme going hand in hand.

10:13

**Dr Winnie Ewing (Highlands and Islands) (SNP):** I, too, welcome the debate. For decades, we have spoken of crisis in the fishing industry, but there is no doubt that this is the worst. This is the bobby-dazzler crisis of them all. According to the industry, it puts half our fleet at risk. It raises bankruptcy as a reality on the near horizon of the dependent communities that I have spent decades touring and which I know intimately.

I ask the minister to reflect on the terrible confusion in this crisis. Commission experts admit that the measures that they have suggested will not work. Fischler is saying that there is no hurry and that we can wait until March or April, although the fishing industry is telling us of the imminence of the spawning season. That is an example of the serious confusion that the Scottish Executive faces when it deals with the Commission.

Mike Rumbles spoke of the need for a strong UK delegation. I have a long memory, and I was a member of the European Parliament Legal Affairs and Internal Market Committee that visited Edinburgh. Mr McLeish assured us verbally—I noted his words and warned him that I was doing so—that, when the Scottish interest dominated, such as in fishing, we would take the lead in the delegations with Europe. I put that on record.

I spent 20 years on the European Parliament Fisheries Committee, which contained Labour members, Tory members and myself, but no Liberal members from the UK. My heart was broken by the way in which both Labour members and Tory members voted with Spain. Crucial matters such as the 1983 reform—which we cannot now undo—were voted for. I warned those members that they would lose their seats, and they did: the members of the Fisheries Committee who voted with Spain lost their seats to other parties, and no wonder.

My heart goes out to the minister, as she has arrived at the debate in very stormy seas. Will she please rule something in? I am asking her to rule in proper decommissioning, covering boats, quotas and licences. We do not want a repeat of the disaster when we gave all the money to Hull trawlers—a subject on which we need not dwell, but which was an example of the UK delegation not doing a very good job.

We also need zonal management—a subject that was dear to the heart of my late colleague Allan Macartney, who got zonal management agreed to unanimously in the Fisheries Committee and even got the Spaniards to vote for it—which is saying something. Will the minister tell us what

she rules in and what she rules out?

Finally, I cannot understand why the UK Government and the Scottish Executive cannot simply support a ban on industrial fishing. There is not enough fish for human consumption—that is a fact. There have been inquiries galore into industrial fishing, and no one disputes that fact. Why, then, should Denmark get extra tonnage? So that there is fish soup for pigs, although there is not enough fish to go round the tables of other European countries.

The unionist parties of the three colours keep assuring the public and the fishermen that there is enough clout in being part of the UK. In the case of fishing, that is clearly not true. Big Brother keeps letting us down. In contrast, Denmark—a small country with its own Government—gets what it wants. The sooner Scotland has a Government that can give the fishermen the answers that they want, the better that will be for everyone.

10:18

**Dr Elaine Murray (Dumfries) (Lab):** The debate is badly timed: it is too late to influence discussions on a cod recovery programme and it is too early to address the actual plans. Discussion between the Commission, the Government and industry representatives is continuing as we speak, and we will not know the outcome of that until tomorrow at the earliest. The important debate on what will happen as a consequence of the finalised plans will have to take place after that. I am pleased that Rhona Brankin has been able to accept an invitation to attend the Rural Development Committee at the end of this month, and I look forward to having meaningful discussions at that time. The minister will then be better placed to describe to us how the Government can

"secure the best deal for Scottish fishermen while ensuring a sustainable fishing industry."—[*Official Report*, 7 December 2000; Vol 9, c 716.]

That commitment to a sustainable Scottish fishing industry was reiterated by Ross Finnie, the Minister for Rural Development. I do not understand the confusion, concerning the way in which the Liberals and Labour are working together on that, as there is a coalition partnership within the department.

I must question why the Tories brought this ill-timed debate to the chamber today. The talk of an imminent general election makes me suspicious.

**Mr Davidson:** We do not choose when we are allocated non-Executive time. In December, we thought that it was appropriate—given what was going on at the time—that we used our parliamentary time to ensure that the Executive explained to Parliament exactly what has been

going on and to express to the ministerial team the anxieties of our fishing communities. That is why this debate was chosen. Perhaps if people in Europe had taken a closer look and the Executive had allowed us to change the date of the debate, things might have been different. However, that is the thinking behind the debate.

**Dr Murray:** The Conservative party selected the topic for discussion, but we are not able to discuss the matter with full information at the current time.

I do not deny that the initial cod recovery plan put forward by the Commission was far from satisfactory. However, it was the Commission's plan, not the Executive's or the UK Government's, and the Executive has made it quite clear that it does not accept the Commission's approach. To suggest otherwise is misleading—I think, Mr Lochhead, that I am being generous in describing it in that way.

**Richard Lochhead:** Will the member give way?

**Dr Murray:** Yes, briefly.

**Richard Lochhead:** Will the member confirm—

**The Presiding Officer:** Order. Only one member may stand. Dr Murray will need to sit down if she is giving way. I call Mr Lochhead.

**Richard Lochhead:** Will the member confirm whether she has read the minutes of the meeting on 19 December—yes or no?

**Dr Murray:** I am advised by the minister that the minutes are not a record of the meeting, that the Executive has not agreed the minutes and that it has made that position clear to the Commission official concerned.

As we have heard, cod stocks have been in decline for 20 years. Between 1992 and 1997, the number of UK fishing vessels declined by 29 per cent—that is 3,167 vessels. Admittedly, that decline does not equate directly to a decline in fishing effort, but Conservative members can perhaps enlighten us as to what exactly the Tory Government did during its 18 years in power to reverse that position. Mr Johnstone reminded us of one of the things that it did: Mrs Thatcher signed the Fontainebleau agreement, which is now creating problems in funding the decommissioning of vessels, although I feel strongly that that is a problem that we must face.

I am grateful to the Scottish Fishermen's Federation, the World Wide Fund for Nature and the Royal Society for the Protection of Birds for the briefings that they have provided to members. I was impressed by their arguments for the protection of spawning grounds through the establishment of closed areas and the extension of technical conservation measures such as the use of square-mesh panels—which, I was advised

by fishermen yesterday, fat fish such as cod escape more easily than they do traditional diamond-mesh panels—and thinner twine. I was perturbed to learn from the fishermen last night that the square mesh-legislation has not yet been introduced south of the border. I hope that our Westminster colleagues will follow that up. Perhaps that is a job for Mr Salmond. It will give him something to do, given that the SNP believes that Scottish MPs should not vote at Westminster.

This is an important issue for Scotland, and for many rural communities in particular. I hope that a sensible cod recovery plan will be agreed. I note the Executive's commitment to involve the industry in all discussions. I trust that we can move forward to provide what, despite our differences, we all want—a sustainable future for the Scottish fishing industry.

10:23

**Ben Wallace (North-East Scotland) (Con):** In relation to Denmark's position and how pleased that country is, I want to tell the chamber that I read an article from the news service in Vietnam, which yesterday gaily announced that Denmark has given it £40 million to assist its fisheries. Denmark is obviously so pleased with what its Government did for its fishermen that it is giving money away to help fisheries on the other side of the world.

I want to talk about reform within the European Union and changes to the common fisheries policy. The European Committee is beginning an inquiry into the common fisheries policy and will, I hope, have some good results later in the year. I ask Mike Rumbles how he thinks that the Liberal Democrats' position, which is to give away the veto, would protect our fishermen against the ambitions of Iberia's fishermen. He talks about our being divisive in Europe; he would simply give everything away and ensure that the Spanish fishermen dictate to us.

**Mr Rumbles:** Will the member take an intervention?

**Ben Wallace:** No, I want to finish setting out my position.

**Mr Rumbles:** The member mentioned me by name.

**Ben Wallace:** The member should sit down. We have heard enough from him.

**The Presiding Officer:** The member is not giving way.

**Mr Rumbles:** He is feart.

**Ben Wallace:** No means no. I am sure that Mike Rumbles learned that in the Army education corps or wherever.

When we come to future European negotiations, we should look at how the German Länder operate. Germany has a much better system for negotiating, which relates to its regions. Scotland House should perhaps take that as an example for the future. That would give us more clout on issues such as fishing.

EU enlargement will soon be a reality—perhaps in the next 10 years. Poland and Estonia have particularly large fleets and have made it clear that they will make full use of the FIG to update their fleets. They will pose serious competition to our fishermen and we must ensure that our fishermen are in a position to survive those changes. However, we will not be allowed to know what those changes are, because the Foreign Office will not release the documentation that would tell us what Poland and Estonia envisage for their fishermen in negotiations. That means that Scotland cannot take a view and influence the position. However, if one goes to the applicant countries, their Governments are much more open and will happily give the details.

**Dorothy-Grace Elder (Glasgow) (SNP):** It is patently obvious that Ben Wallace refers to independent countries and to the secretiveness of the British state. I thank him for his earlier reference to Denmark, which, of course, makes her own decisions because she is independent.

**Ben Wallace:** To achieve success in negotiations, it does not matter whether a country is independent or not. Denmark has only three votes on the council, compared with Britain's 10. Independence would condemn us to being overruled at every corner by Spain, which has considerably more votes than we could ever wish for. Our view is that it is competence in negotiations that matters.

**Mr Rumbles:** Will the member give way?

**Ben Wallace:** No.

**Mr Rumbles:** Give way.

**Ben Wallace:** Presiding Officer, if the member has something wrong with his hearing, he should make an appointment to see the doctor. He has been told no on a considerable number of occasions.

**The Presiding Officer:** That is enough of this military cross-talk. Let us get back to the fishing.

**Ben Wallace:** I have a final question on the £30 million, which the minister mentioned, that is to be awarded under the FIG, which replaced PESCA in December 1999. Is the £30 million being used, or will it be used, to match structural funds under objective 1 and objective 3 programmes, or will it be used to access additional European money for the restructuring programme or the rebuilding and replacement programme? I hope that the FIG

money that the minister talked about is not being double-accounted in structural funds that have already been granted—it could be argued—for a very different reason. I hope that it is additional money that will be used to get extra money from the EU.

To respond to Elaine Murray's point, since the Fontainebleau agreement, and as a result of the rebate that Margaret Thatcher secured for us, we have received more than £36 billion. The amount that would be needed to decommission or replace vessels is tiny compared with that. That shows that the Fontainebleau agreement was a success, not a failure. As her Government has done nothing to apply for any of the green money, the member should withdraw her comments.

10:28

**Mrs Margaret Ewing (Moray) (SNP):** I note that the expression “political football”—in relation to fisheries policy—has cropped up from time to time during the debate. I want to make it clear that the SNP has at no stage seen the issue as a party political football. We regard fishing as a crucial industry, which is vital to the Scottish economy and to our coastal communities. All the comments that we make are directed towards ensuring the future of the industry and we will continue to direct them in that way.

To the Conservative party in particular, I say that people such as Alex Salmond, John Home Robertson, I and others who have served in the Westminster Parliament have lived through many debates in the House of Commons on the common fisheries policy. The Conservatives especially have turned the issue into a political football. Conservative MPs would suddenly discover that there was a fishing industry and they would use it to build up Euroscepticism, rather than to argue a case for the industry. I want that on the record, because I feel very strongly about it.

Our fishing communities know that every year, major negotiations take place before Christmas. Every fisherman, every fisherman's wife, every fisherman's family and every village and community out of which the fishermen operate wait to see what there might be in their Christmas stocking, but every year it seems to become emptier. We want a long-term strategy and I wish Rhona Brankin well in that.

The debate is taking place in a vacuum, because we do not know the details of the discussions and negotiations. I understand that representations are being made by civil servants, including a civil servant from the Scottish Executive. It would be helpful if the recommendations that were made to that civil servant for the discussions were placed in the

Scottish Parliament information centre. We would then know what recommendations were made.

I read articles such as that in today's *The Press and Journal*; the headline is: “Confusion reigns at fish talks”. The article says:

“consider how yesterday's discussions in Brussels developed. There were so many shifts of principle, position and statement within the meeting, and the messages emerging were so garbled and contradictory that visiting media were run ragged. Many were aghast that a top-level discussion should descend into the realms of Keystone Koppery.”

That is why it is vital that we know the exact nature of the Scottish Executive's negotiating position. We have a fear of coastal clearances. Many members can be emotional about the Highland clearances but, if the measures go through unamended, we will have coastal clearances.

We talk about valuable species of fish, but our fishermen are also a valuable species. We ask them to risk their lives to bring home the harvest of the sea. Will a minister tell us—I do not know whether Rhona Brankin or Ross Finnie will reply—what the Executive's long-term strategy is? Is there a commitment to maintain the fishing industry in Scotland? It is vital to our economy and I do not want anybody to stand by and watch it sink. Almost half our fleet is threatened with redundancy. I say to members of all parties that, if other industries were threatened with a 50 per cent reduction in their potential, the chamber might be busier. We have a responsibility to have regard to the impact of the problem.

I ask the minister to respond on displacement. If the closures during spawning are agreed, what will be the impact on the fisheries effort that is displaced from the closed areas? That is very important in areas such as Moray and around the north-east of Scotland.

Finally—there is so much to say and so little time to say it—I want to talk about decommissioning, which has been mentioned. If 100 to 150 vessels must be taken out of the fishing fleet—those figures are from the Scottish Fishermen's Federation—what representations will Rhona Brankin make to ensure that our fishermen can leave the industry with dignity? Winnie Ewing mentioned the previous decommissioning scheme in Hull, which has left a lot of sensitive nerves exposed at Westminster.

I want to ensure that, if there is a decommissioning scheme, the Executive will match the money that is available from the European Union to ensure that our men can with dignity leave the industry to which they have committed their lives. I ask the minister to rule the decommissioning system in, please.

10:34

**Iain Smith (North-East Fife) (LD):** No member should underestimate the importance of the debate or the difficulties that face the Scottish fishing industry. The future is uncertain for our fishermen. We all knew how difficult the situation was going to be from the quota discussions, which were debated in the chamber in December.

Although the Scottish Executive must be congratulated on the efforts of our ministers in ensuring the best available deal for our fishermen in the quota discussions, no one pretends that the quotas are a good deal in respect of the impact that they will have on our fishermen. They mean that many boats will face the difficulty of not being able to land sufficient fish to meet their running costs, which is a great concern for skippers and crews.

We all understand the anger of the Scottish fishermen that the Commission has introduced the cod recovery plans without bothering to consult the industry directly. I welcome Rhona Brankin's assurances that the Scottish Executive does not support the cod recovery plan, but is in clear opposition to it. I wish that some other parties in the chamber would recognise that the Scottish Executive has not given its support to any cod recovery plan that has been produced by the Commission and that it is in active discussion with the Commission on improving the proposals and introducing alternative plans.

I hope that in summing up, the SNP will acknowledge the Scottish Executive's opposition to the proposed cod recovery plan.

**Mr Alex Salmond (Banff and Buchan) (SNP):** Has Iain Smith read the minute?

**Iain Smith:** I have read the note of the meeting. It does not indicate that the Executive supports the cod recovery plan. If any member can give me a factual statement that shows that the Executive supports the cod recovery plan that has been produced by the European Commission, they may feel free to do so. The fact is that such a statement can be found nowhere. The minister has given us assurances this morning that the Executive does not support the plan.

**Mr Salmond:** A Scottish Executive official was at the meeting, admittedly in a junior capacity. Page 2 of the minute states:

"Member states could accept conditions indicated in (i)."

That is about the one-net rule and 140mm mesh. Iain Smith says that he has read the minutes. Why cannot he acknowledge that that is stated on page 2?

**Iain Smith:** It is not a formal minute of a meeting; it is a note from an official on that

official's understanding of the meeting. The minister has indicated clearly this morning that the minute is not accurate and that it does not reflect the position of the Scottish Executive. Is Mr Salmond calling the minister a liar? Is he?

**Mr Salmond:** If an official who represents the Scottish Executive accepts, as the minutes indicate, the conditions in (i), is not it reasonable for members, the Scottish White Fish Producers Association and the SFF to conclude either that the minutes misrepresent the position of the Scottish Executive—the minister's claim—or that the officials of the Scottish Executive and its members were sleeping on the job?

**The Deputy Presiding Officer (Patricia Ferguson):** Before we go back to Iain Smith, I must make two points. Iain Smith should not invite interventions from other members and interventions should be brief.

**Iain Smith:** Sorry, I was not aware that I invited an intervention.

**Mrs Ewing:** You did.

**Iain Smith:** I did not invite an intervention. I asked the SNP to accept, in its summing-up speech, that Scottish ministers and the Executive do not support the cod recovery plan and never have. Our fishermen deserve better than they are getting from the SNP and the Conservatives. Our fishermen recognise that we are in a difficult situation and they recognise the efforts that the Scottish Executive is making to involve them in discussions—it is important that the Scottish Executive involves them in the discussions on producing an effective cod recovery plan.

Some issues must be addressed. Decommissioning is important, but we cannot afford a decommissioning scheme that repeats the errors of the past. The previous scheme only modernised the fleet, but did nothing to reduce its catching capacity. Closure of spawning grounds is preferred to the proposal in the cod recovery plan that there should be a blanket closure of fishing grounds.

Many other issues must be addressed. I hope that the Scottish Executive will, in discussions with the Commission and Denmark, take seriously the issue of how we address the problem of industrial fishing. We must work together on this.

The Scottish Executive must be commended for working with the fishermen in producing proposals for the discussions. We must learn from the cross-party efforts of members of the European Parliament who got together to lobby the commissioner. As a result, the commissioner has accepted that there will be proper consultation with fishermen before any emergency plan is introduced



Today, we have heard Richard Lochhead and Alex Salmond refuse to accept the fact that the Scottish Executive opposes the cod recovery plan. We have also heard Jamie McGrigor's disgraceful opening remarks, in which he accused the Scottish Executive of not even being in consultation with the SFF. The Scottish Executive is standing up for Scottish fishermen. The fishermen demand that the Scottish Parliament unite behind them. I hope that the Conservatives and SNP will consider that point and that they will unite behind Scottish fishermen and the Scottish Executive by voting for the Executive amendment.

10:39

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Let us try to make progress. Every reasonable member would acknowledge that the minister is well intentioned. I hope that my remarks will invite the minister to address a number of points that have not been mentioned in the debate.

The inevitable focus on the so-called cod recovery plan—which is really a plan to terminate rather than to conserve either stocks or fishing communities—has perhaps distracted attention from the impact that the plans will have on the west coast.

Any measures will result in more fishermen leaving the North sea to fish off that coast. I invite the minister to address three questions that the Mallaig and North-West Fishermen's Association asked to be raised in the debate. First, are there any plans for a cod recovery plan for the west coast? Secondly, what progress has been made on the work on log book data to make the case for a minimal bycatch of cod by prawn fishermen, with a view to rolling over the reduction in the prawn quota, which many of us feel was never justified? Finally, for more than 18 months, the industry has been promised sight of a draft statutory instrument that will address technical scallop conservation measures. We have been told that the draft instrument has been held up, first by the Scottish Executive's legal department and now by MAFF. What is the current position and when will the delay end and progress be made?

The question that we face today is whether the Scottish Government wants a fishing industry in Scotland. Is there a future for fishermen in our country? I do not believe that that is putting the question too baldly, nor have I put the question that way to create a sense of false drama. It is a statement of fact. I hope that the debate will give rise to a common purpose about the need for investment. Commitment to the future of the fishing industry will be demonstrated only by a commitment to invest. In that regard, proper investment will recognise that the size of the

fishing fleet in Europe and Scotland is too large for the fishing stocks. Restructuring is required and a properly funded decommissioning scheme is the only way to achieve that.

An immediate benefit of announcing such a policy would be to reassure the banks. In defence of the Royal Bank of Scotland—which has, perhaps undeservedly, experienced a hard time in the past couple of days—I should say that fishermen recognise that many banks have shown their commitment to the fishing industry by extending the period of repayment on the massive loans that are the norm for Scottish fishermen.

I also urge the minister to address seriously a question that will not go away: who speaks for Scotland? Is not there a case for decommissioning one of the three sets of civil servants with whom our fishermen must negotiate year after year? That cannot be right, as other speakers have pointed out, and it is hardly surprising that there is confusion.

Finally, perhaps the most sombre fact of all is that, although the Scottish fishing industry is like all other industries in most respects, it differs from them in one: day and daily, fishermen imperil their lives at sea. In the past four years, 43 Scottish and 103 UK lives have been lost and last year's figures demonstrate an alarming trend in which the risk is increasing. Last year, 14 lives were lost from Scottish fishing communities.

I suggest to the minister that that is happening because of the increased financial pressures that face fishermen. Many boats are going to sea—and have been going to sea in the past year—with insufficient crews because many fishermen are leaving fishing to go to the oil industry. That situation is placing many lives at risk. A decommissioning scheme would provide reassurance, commitment and confidence and I believe that all parties are united in their aim to back such a policy.

10:44

**Lewis Macdonald (Aberdeen Central) (Lab):** I listened with interest to Jamie McGrigor's explanation of the thinking behind bringing today's debate to the chamber. It is unfortunate that he seemed to be unaware of the fact that Scottish fishermen's representatives are—even as we speak—working together with representatives of the Scottish Executive and the UK Government in Brussels to achieve an emergency cod recovery programme that is compatible with a sustainable future for the Scottish fisheries industry.

**Mr McGrigor:** Does not the member agree that it would have been better to have had a cod recovery programme in place, rather than waiting to discuss one now, when it is too late?

**Lewis Macdonald:** Scottish fishermen will be bemused at the suggestion that the important question about cod recovery plans is who gets in first instead of who gets it right with the support of the industry. Ministers have worked to achieve the latter—we should welcome that.

Having heard Jamie McGrigor last week denounce the principle of salmon conservation in a debate on legislation that was before the chamber, I expected the worst this morning. However, at least he did not go as far as to say that cod conservation was unnecessary. Perhaps we should welcome small mercies.

I also listened closely to Richard Lochhead's speech in support of his amendment. Although the speech started with the usual ritual glorification of civil service minutes, I should be fair and say that it largely supported the Scottish Executive's current negotiating position in Brussels. That position supports the limited-area proposition and seasonal closures to protect spawning, but it opposes the suggested requirement for 160mm mesh nets. It ensures that the map of key areas of the North sea reflects conservation needs instead of placing all the burdens of conservation on one member state. Those sensible propositions attract widespread cross-party and cross-industry support. As has been said, it is important that the common position that has been taken by the Government and the industry in the negotiations is sustained and that ministers are able to act with the support of the whole industry.

I welcome Alex Johnstone's acknowledgement of the minister's explanation of the need for a two-stage cod recovery programme. This week's negotiations centre on essential emergency measures for the short term and do not in themselves form an adequate future for the industry or a base on which we can build in the longer term. After this week's emergency measures have been agreed, it will be important to continue such a partnership approach to develop a long-term strategy.

I agree with members who said that any strategy should contain a radical reduction in industrial fishing and I welcome the minister's clear recognition of that. However, members should be aware that a closure order that covers the east coast of Scotland has already been put in place by the Executive, which has recognised the fact that industrial fishing affects white fishing and that there is a need to limit industrial fisheries to protect North sea cod.

As has been said—and as was said in the debate in December—our negotiating position in the EU in the argument with Denmark over the catch of industrial fisheries has been much assisted by the fact that we have 10 votes to Denmark's three. We must protect that position.

Margaret Ewing—who has, unfortunately, left the chamber—had some wise words about the importance of not treating the issue as a political football. We must recognise that fishermen are, like some of the fish they catch—as the SFF has pointed out—an endangered species.

**Mr McGrigor:** Does the member agree that the Danes have done very well in the negotiations? They do much of the industrial fishing and there has been absolutely no reduction in the industrial fishing quota. Why has the Scottish Executive brought about that situation?

**Lewis Macdonald:** That is not the case. There has been a reduction in the industrial fisheries quota. As I said, a closure order on industrial fishing is in place on the east coast of Scotland.

From where I sit, the jobs of fish factory workers in Aberdeen are no more and no less important than the jobs of car workers in the north-east of England. All parties must recognise that Government has a responsibility towards people in that kind of industrial employment, which is why ministers are working actively on long-term strategies for both the fishing and fish processing industries. We must welcome such strategic approaches and the building of a strategic partnership. They deserve the chamber's support.

10:49

**Mr Alex Salmond (Banff and Buchan) (SNP):** I start with a quotation from *The Press and Journal*, which members will accept is a newspaper that has a substantial interest in the fishing industry and fishing communities. This morning's editorial states:

"Events in Brussels yesterday displayed nothing so much as the fact that virtually nobody in the European Commission or the Westminster Government has a grasp of even the industry practicals, never mind the principles."

Why should *The Press and Journal*, leaders of the fishing industry, fishermen or fish processing workers be disillusioned by what has been happening over the past few weeks? It is because we have a cod recovery plan, which is actually a cod extermination plan. Ministers and members on the Liberal benches say that it does not really matter that that is the proposal that is on the table. However, in any negotiations, it is better not to have as a starting point an absolutely disastrous suggestion. Rhona Brankin is very upset that we have got a hold of the note of a meeting—so much for the commitment to open government—which rather weakens the negotiating position that the Commission's compromise—

**Ross Finnie:** Will Mr Salmond give way?

**Rhona Brankin:** Will Mr Salmond give way?

**Mr Salmond:** Perhaps I should give way to the

senior minister first.

**Ross Finnie:** With regard to the note—written by an official at the Commission—of the meeting, will Mr Salmond accept as a matter of record that officials of the Scottish Executive have intimated to the Commission that they do not accept the record that is set out in that note, in so far as it purports to suggest that there was no opposition to the plan?

Secondly, will Mr Salmond accept that that proposal was also put forward by Commissioner Fischler using his emergency powers, under which he is not required to consult, and that we therefore both agree that the position is very unsatisfactory?

**Mr Salmond:** I am grateful to the minister for putting that on the record. However, he will accept that the report shows that the officials who were present at that meeting indicated assent to the Commission plan. More important—perhaps this is the point that we should be worried about—the report also says that no counter-statement to the Commission compromise was offered. Even if Mr Armstrong misrepresents a meeting and sends out a note to all the people he was misrepresenting, why was no counterstatement offered? That might have shifted the negotiating position at the outset.

Fishermen are angry about that. Instead of being upset because fishermen are angry, Rhona Brankin should acknowledge that the public debate that has been generated during the past two weeks has galvanised officials and ministers, here and in London, to adopt a more sensible position. I pay tribute to the Scottish White Fish Producers Association and to the Scottish Fishermen's Federation, whose members are prepared to engage in that debate and to get politicians doing the job that they are meant to do.

I see Ross Finnie shaking his head, but I spoke to Elliot Morley on 9 January. Unusually for a UK fisheries minister, Elliot Morley knows a lot about fishing and is a very decent person. He admitted freely to me that he had no knowledge of the meeting, no knowledge of the issue and no knowledge of the minute. To his credit, he made sure that he had that knowledge by the next day. Given that UK officials are leading the delegations, does not Rhona Brankin find that slightly worrying? Perhaps she should engage in the same honest admissions as her London colleague.

**Rhona Brankin:** That document had no official status—we did not agree to it. Alex Salmond should check with his colleagues in the SFF, which accepts unreservedly that the UK never signed up to that plan.

**Mr Salmond:** It remains the case that the Commission compromise that is on the table is undermining the negotiations. It is incredible that the minister does not realise that, in European

negotiations, the point of initial discussion can affect the point of agreement.

The Tories have collective amnesia about what happened when they were in government. I just wish that I had had Alex Johnstone with me when I was arguing with John Selwyn Gummer about the Fontainebleau agreement and the problems that it would cause for support for the fishing industry. Under that agreement, 71 per cent of the cost of decommissioning would be borne by the UK Government. In my view, that still means that there is a 29 per cent net gain. I want Ross Finnie to acknowledge, as Rhona Brankin will not, that the level of support for our fishing communities is deplorably low.

Rhona Brankin said that there was politicking in the speeches that were being made today. I have spoken in every fisheries debate in the House of Commons since 1987 and in every fisheries debate in the Scottish Parliament, but her interest in fisheries is of somewhat more recent vintage. Those of us who are fishing MPs represent our communities in fisheries debates because we believe in the industry. Thirty-three per cent of people in my constituency work in activities that are related to fishing. I am proud to be a fishing MP and my colleagues are proud to be fishing MPs. When we debate such issues, it is because we care about our communities and about the industry.

We want, above all, to hear in Ross Finnie's closing speech an acknowledgement that we must come out of the European talks with measures that will conserve fish, rather than destroying livelihoods in our communities. We must have a plan that people can rally round and support. Even if we get such a plan, aid will still have to be provided for the fishing sector—onshore and offshore—to make that plan sustainable.

Margaret Ewing made a fundamental point about displacement on to other fisheries. The minister—less than 1 per cent of whose rural development budget is for fisheries support—must surely acknowledge that there must be a step change in aid and support for the fishing communities in their hour of need.

10:56

**The Minister for Rural Development (Ross Finnie):** This is a serious issue and, by and large, it has been a serious debate. I want to state right at the outset that we are engaged in a process which, as Jamie McGrigor said, did not arise today but has been building up for some time. The Scottish Executive is negotiating with one objective in mind: to ensure that there is a future for the Scottish fishing industry. In that context, I found the opening speech from Jamie McGrigor,

bearing all the hallmarks of a pall-bearer, just too much. He tried to reduce this serious debate to gloom and doom, as if the whole industry was going to collapse, when what we are actually about is seeking to negotiate a cod recovery plan that will ensure the future of the industry.

I repeat for the benefit of Richard Lochhead and Jamie McGrigor that at no point did the Scottish Executive accept the draft proposal that was put on the table by the European Commission. I emphasise that point with all the power that I have. As Rhona Brankin said just a few minutes ago, even the Scottish Fishermen's Federation accepts that the Scottish Executive never accepted that proposition and that we are trying to negotiate a cod recovery plan for the benefit of the industry.

I welcomed Margaret Ewing's speech, in which she reminded us that we should not treat the fishing industry like a political football. British members of the European Parliament have come together in a non-partisan way to recognise the importance of the industry, and that co-operation has been a model in recent days. She raised the issue of displacement, and the Executive is alert to that issue. I cannot give her a definitive policy because, of course, there is no plan. The phrase used in the chamber this morning has been the cod recovery plan, but there is no plan and there will be no plan until the conclusion of the Commission's meeting. We are certainly alert to the problems that could arise from displacement, and officials are considering how those problems could be addressed.

Winnie Ewing made a valuable point about decommissioning. Alex Johnstone should understand that decommissioning is not a question of getting to the point at which the best vessels are what is left. We must also examine capacity, and Winnie Ewing made a clear point about the need to examine capacity, quotas and licences. That is a complex matter, but it is one that will have to be addressed.

**Richard Lochhead:** There are fishing representatives in the gallery today. Every time they come to fishing debates in the Parliament, ministers say that they cannot make commitments because there is a further set of talks round the corner. Whatever the outcome of this week's talks, action by the Executive will be needed in response. Will the minister take the opportunity today once and for all to give a fresh commitment that new money will be made available to help implement whatever measures come out of this week's talks?

**Ross Finnie:** I am not about to make such a commitment. When the time comes, I will be prepared to make commitments on quite specific proposals. As I was in the middle of saying, we are absolutely clear about the fact that, if we are in a

situation that does not appear to have an immediate recovery point, we must examine clearly a decommissioning plan. That cannot simply be any old plan—Winnie Ewing reminded us about the problem with the Hull situation. We must consider the linkage between licences, quotas and vessels and also the condition of vessels. That is not simple, but we are not closing our mind to facing that problem.

**Mr Salmond:** Does the minister appreciate that, in my constituency of Banff and Buchan, one of our best white fish ports was laid up by the banks in the past few days and that one of our best fish processing factories is in administration? Richard Lochhead pointed out that support for fisheries is just less than 1 per cent of the rural affairs department's budget. Although it is soon to rise to just over 1 per cent, does the minister concede that, given the extent of the crisis, that seems a low percentage from the point of view of our fishing communities?

**Ross Finnie:** I understand that. I do not want to get into a debate about the difficulties of people who might be in receivership or bankruptcy, but I think that even Mr Salmond would agree that their being in that situation would not necessarily mean that they were candidates for inclusion in a decommissioning scheme. I do not know whether that is what Mr Salmond was suggesting, but he chose to mention such people. The important point is that, in the past few years, we have raised the level of expenditure that is committed. I do not rule out the provision of further finance for measures that will emerge from the cod recovery plan or the longer-term plan—we must remember that we are talking about a short-term measure and that the longer-term measure is probably just as important.

I say to Winnie Ewing that one should be careful about saying that one wants absolutely to rule out industrial fishing. She might like to have a discussion with the fishermen in Shetland who know quite a bit about industrial fishing. The absolute ruling out of industrial fishing is something that we might not want to pursue.

The important point is that the Executive is trying to ensure that the short-term plan meets Scottish requirements. More important, we have to continue to work with the Scottish fishing industry to ensure that the longer-term plan also meets the requirements of the industry. We are quite clear that we have to agree the technical measures that are required to deal with the long term.

I repeat—and this is the commitment of the Executive—that our objective in the negotiations on the short-term and long-term measures is to ensure a sustainable future for the Scottish fishing industry. I urge members to accept our amendment and to reject the Conservative motion and the SNP amendment.

11:03

**Mr David Davidson (North-East Scotland)**

**(Con):** This has been an important day. I welcome the little bits of clarity that we have had. As Alex Salmond rightly said, there was total confusion in the country and people did not know what was going on. I do not dispute the fact that the Executive has been heavily involved with the fishermen recently, but I must point out that people saw the crisis coming for a long time. Mr Salmond obviously backs the Conservatives' notion that, when one goes to a negotiation, one should have a game plan worked out and a position from which one would have to be displaced; one should enter into the negotiation with conviction. That said, I welcome Richard Lochhead's opening comments.

In view of the spirit that I think is evolving in the debate, we accept the SNP amendment, which expresses support for our motion. We do so not to score brownie points but to show Scotland's fishermen that there are areas of agreement and that we recognise the problems. Recognising the problem is only one part of the solution, however.

I welcome the fact that Ross Finnie spoke about some of the definitions relating to displacement issues. I realise that I am not allowed to ask the minister to intervene, but it would be helpful if he could place on record today a definition of the limited spawning ground closure areas that Rhona Brankin mentioned. That might aid understanding.

We have covered many items today. It is obvious that the proposed total ban is neither practical nor sustainable and that we have to deal with spawning ground closure in the period that has been recommended. We have to deal with juvenile escape and technical measures. We must ensure that the Executive gets across to the UK Government the fact that measures must be applied across the UK and that we need to sell the measures to our colleagues who share the fishing grounds with us. It is unfair to have the Scottish fishermen giving up a lot and investing a lot to get far ahead on a measure and not to have support for that across the fisheries. I recommend the Norwegian move-on policy, which would involve our scientists and protection services in ensuring that we could look after our stocks—fish do not stand still and stay within a little box that someone has drawn on a map. We must be aware that we need to have more flexible management.

On the issue of industrial fishing, the protection of the food chain is vital. There are no ifs and buts about that. If that means that a few of our boats have some difficulty in order to ensure the preservation of the industry in the long term, it is incumbent on the Executive to assist those people, as Margaret Ewing said, and ensure that they keep their dignity. We have to manage that sensitively. In the previous debate, I also called for

sensitivity. We sent the minister off the last time around with the support of the chamber. However, we are now in another round and we want to send the minister away today with a clearly focused idea of what we think he needs to do. I am sure that the fisheries organisations have also made their views clear.

Although there has been today a lot of talk about what would be ruled in, most of the talk has been about what would be ruled out. It would be helpful and would give confidence to fishing people if the Executive could make it clear what type of support—not necessarily what amount of support—will be ruled in.

I see that Mr Rumbles has deigned to join us again. In answer to his question about a new policy coming from the Conservatives, I instruct him to read our proposal this morning. It talks about a United Kingdom submission and suggests that Scotland should go as part of a UK delegation. The interesting point is that some of us have said that, because the hub of fishing is in the north-east of Scotland and the rural affairs department and the fishermen are streets ahead of the Ministry of Agriculture, Fisheries and Food in terms of their thinking on issues of sustainability, it might be helpful if the MAFF offices or officials were located closer to what is going on.

**Mr Rumbles:** That remark about my deigning to return to the chamber was strange as I missed only one of the speeches this morning.

Mr Davidson's approach is also strange as his party's fisheries spokesman, Mr McGrigor, talked about how well Denmark does despite having three votes in the negotiations to the UK's 10; he seemed to suggest that we would be better off if we had our own votes. He seemed to be taking a nationalist position, and I cannot understand why.

**Mr Davidson:** I am sorry, but I am trying to wind up the debate at this point.

The crux of the matter is that the fishing communities—and we should bear in mind the accepted fact that there are up to six or seven jobs behind every man who risks his life at sea—are in deep trouble. I welcome the minister's comments about a plan. Presumably that is why Wendy Alexander, in agreeing to meet me to discuss the problems of those communities, has held off a little. I look forward to the meeting with her.

**Mr Salmond:** On the issue of the possibility of Scotland taking the lead in the delegation, under the Conservative party's proposals, if the Scottish department were supporting the use of the square-mesh panel and the English department were not, would we have the square-mesh panel?

**Mr Davidson:** The sensible point is that any

sustainable measures should be carried out across the UK fleet. It is incumbent on the Executive to ensure that it wins the case by using scientific evidence and by having the fishing organisations on its side. That is what we need of the minister. There is no dispute about the issue that Mr Salmond raises.

I welcome comments that have been made about the involvement of the fishermen and the scientists. However, if we are to have a sustainable fishery, we cannot think only about closing spawning grounds. What is needed is a longer-term restructuring of the fleet and attention to safety in that process.

We must ensure that the quotas that are currently held, and perhaps sold on, by somebody who has decommissioned a boat are maintained in the regions where they were originally owned. There will be tremendous pressure from the nations that will be coming into the European Union to try to buy those quotas. We must look after Scotland's fishery, which is what this morning's debate is about. The quotas should be maintained in Scotland, even if at a reduced level. We must ensure that our fishermen have a future, and that the people of our fishing communities have a life to look forward to.

## Transport Links

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is a debate on motion S1M-1547, in the name of Murray Tosh, on route action plans and priority trans-European network road links, and one amendment to that motion. I invite members who wish to speak to press their request-to-speak buttons now. This is likely to be a short debate, and I advise members in advance that they may be restricted to three minutes.

**Mr Murray Tosh (South of Scotland) (Con):** Presiding Officer, the—

**The Deputy Presiding Officer:** I am sorry, Mr Tosh—I have not called you to speak yet. Please give me a few seconds.

**Michael Russell (South of Scotland) (SNP):** The minister is not here yet.

**The Deputy Presiding Officer:** My apologies—I now call Mr Tosh to speak to and move the motion.

11:11

**Mr Murray Tosh (South of Scotland) (Con):** That was probably the most sensible 20 seconds of today's discussions—I do not mean that seriously; they are about to improve significantly.

The issue that the Conservative party wishes to highlight in the debate is a Scottish, British and European matter of considerable importance: the future of the strategic road routes, known as Project 13, which connect Ireland—north and south—through Scotland and also through Wales and England to the entire European Community.

The trans-European network route was established in December 1994 at the Council of Ministers in Essen, together with the upgrading of the London-Glasgow west coast main line railway. The Parliament has had the occasional opportunity to raise the railway issues involved, but we have not focused in any detail on the road route—that is the purpose of today's debate.

After the Euro-route was designated in 1994, the then UK Government worked up the A75 route improvements at the Glen, to the west of Dumfries, for implementation and, as noted in the minister's amendment, that scheme has been completed.

At the same stage, two important schemes were also identified at the Stranraer end of the route, but they have not been implemented. In 1996, the route accident reduction plan was brought forward, which led, in 1997, to the development of the route action plan, which was published last year. There

has been a strategic response, but our concern is what happens now. How will the RAP be carried forward and what outcomes will derive from the strategy?

The concern that we have felt and which has been expressed to us by people from Dumfries and Galloway Council and from the north channel partnership is that the proposals are not adequate and do not meet the necessary standards to deal with the identified difficulties on the A75—and much less with the anticipated traffic growth in the years ahead.

The A75 is a slow route, and the overtaking opportunities are not what they should be. Major investment is required. Some major investment has been made by the private sector in the development of the harbour facilities for the routes from Stranraer and Cairnryan to Northern Ireland. However, our concern is that, if there is no public sector investment in the road network, in an area where there is no effective rail alternative, business might be lost, the economy might be damaged, and there will not be the potential for growth in the area that there should otherwise have been.

The whole future of Stranraer as a viable economy is at stake in the years ahead. The level of investment in the Holyhead route is of gathering concern to the community around Stranraer. We must attempt to match the sheer volume of cash that has gone into the Holyhead route and the dramatic improvement in journey times along that route, otherwise we will lose the business that is currently going through Stranraer.

One of the concerns that has been expressed about the route action plan is that, while a number of valuable individual schemes were identified, there appeared to be no cumulative assessment of the overall impact of a comprehensive strategy; we do not appear to have the net present value of the whole route's upgrading.

Another remarkable feature of the plan was its being led by the anticipated financial constraints—which are clearly a real issue—instead of by the need to bring the route up to standard. The whole approach is back to front.

What we want today is a clear indication from the Minister for Transport of the Executive's strategic view on the A75 corridor. Does the Executive recognise the need for and the value to Scotland of the traffic that goes through Stranraer and Cairnryan? Is it committed to retaining that traffic and to building on it in the future? Is it really committed to having a road freight route through Scotland? Given the Executive's views on road transport, there might be a view that the traffic ought to go through Holyhead. That is not our view, and I am not saying that it is the minister's

view, but we need to know what the Executive's view on that is.

To follow from that, we need to know the Executive's thoughts on funding. The plan indicates a possibility of £30 million of investment over the next 10 years. It is not clear that that is a commitment—in so far as it can be committed—and it is not clear when the investment will be made, nor whether it will be front-loaded or back-loaded. We need to find out from the minister whether there is a definite, firm intention to implement the entire firm list of projects. We then need to know what the Executive's intentions are in relation to the statement in the plan that, when the firm list has been completed, there will then be the opportunity to bring forward further projects.

We need to know the Executive's attitude to Euro-funding. Dumfries and Galloway Council is unclear about whether the opportunity for Euro-funding exists, and about the level of investment necessary to attract match funding. The council also wishes to know the Executive's attitude to the route action plan. Is the RAP set in stone, or is it capable of being revisited? The council has expressed the view that, if it had been offered £30 million and asked to do the planning, it would not have selected the priorities that the Executive has selected; it would have put different projects on both the firm list and the extended list. It feels that there has been insufficient dialogue and it wants the opportunity to press the case for weighting more proposals towards improvements at the Stranraer end, which are the pressing concern of the ferry operators and of the road hauliers.

The council would really like—it hopes to do so within a year of the route action plan study having been published last March—the opportunity to meet the Minister for Transport and her officials, to analyse thoroughly what is happening, what is proposed and the direction in which the Executive is going. I am aware that there is an outstanding request to the minister to meet representatives of the council. I hope that the minister will be able to respond to that in the very near future, because there is real concern about the matter.

I am in no way attempting to minimise the difficulty that the minister and the Executive will have. We all know that the bids for road expenditure are much higher than current resources will allow, and we would all be able to draw up an extensive list of priority projects. I acknowledge that the Executive has spent heavily on necessary roads maintenance this year and last year, but we draw attention to the fact that the road construction budget is half what it was a decade ago in real terms. We would be anxious for that road construction budget to be built up again in the years to come. Some of this may be invented, and some of it has been cruel, but we

have all read in the press that the minister's budget is to be filleted in the weeks and months ahead.

I hope that we can make it clear that we are behind the minister in protecting the roads budget and in attempting to increase the resources at her disposal. I accept the logic of much of the argument that she has presented over the past year and a half, that we should seek to develop and allocate more resources away from the mega-projects and towards the route action plan developments, which can be promoted in all parts of Scotland. We must not lose sight of those route action plan priorities.

I believe—although I might not be entirely correct—that the minister is probably at the stage of being able to roll her budget forward by another year. I think that it was about this time last year that the Minister for Transport announced the £44 million programme. If she is in the position to roll that forward, I hope that she is also in the position to extend the coverage in Dumfries and Galloway and to extend the budget by a year to bring in a further couple of projects.

We are asking Parliament to approve the principle of roads expenditure in an area where there is no satisfactory alternative and where the economy manifestly depends on a good roads infrastructure. It is an area which, while not among the most deprived, is one of the poorest in Scotland in terms of wages; its recent economic performance shows that it is in relative decline. Local councillors and members of Parliament from all parties believe that improved transport infrastructure is one of the keys to reversing that decline and giving the area a vibrant future. For local, Scottish and European reasons, as we attempt to connect our economy and the Irish economy with the rest of Europe in the single market, the A75 route action plan is a strategic priority for Scotland and a matter of major concern to us all.

I hope that the minister will go as far as she can with a positive and encouraging response. I hope that she is prepared to be flexible and that she might be in a position to increase the level of activity on such an important route in the next few years.

I move,

That the Parliament recognises the strategic importance of the ports of Stranraer and Cairnryan and the A75 corridor, in linking Northern Ireland and Scotland with the rest of the United Kingdom and the Republic of Ireland and in developing priority Trans-European Network links; applauds the efforts of Dumfries and Galloway Council and the North Channel Partnership to highlight the strategic importance of the corridor as well as its economic importance to South West Scotland; notes the concern of the Council and the Partnership that the Executive's current proposals for the A75 will neither ensure improvements to

the standards required for a Trans-European Networks road link, nor deliver agreed improvements within a timescale which would allow Stranraer and Cairnryan to compete effectively with the A55-Holyhead corridor, and calls upon the Scottish Executive, in recognition of the strategic importance of the A75 corridor, to work with all relevant partners to reassess the A75 Route Action Plan proposals, with a view to promoting a more comprehensive upgrading of the route and bringing forward firm funding proposals.

11:21

**The Minister for Transport (Sarah Boyack):** I welcome the opportunity to discuss the A75 today. I am well aware of the arguments for more investment on such a strategic route and I recognise the importance of the ferry ports at Stranraer and Cairnryan, not just to the local economy but to Scotland as a whole. Murray Tosh asked me for that commitment; it is implicit in our amendment.

I want to put on record our acknowledgement of the work done by Dumfries and Galloway Council and the north channel partnership in raising the profile of the economic importance of the route. Dumfries and Galloway Council has consistently pursued the issue; as Minister for Transport I have heard from others, including the north channel partnership, the British-Irish Council and the Northern Ireland transport minister.

Clearly, life in the chamber would be a great deal easier for me if I could respond positively to every trunk road issue raised with me by members. Unfortunately, that is not the real world. My job is to try to ensure that we have the best investment across Scotland. Understandably, Dumfries and Galloway Council wants significant improvements to the A75, to give guaranteed journey times and to speed up traffic on the route. However, for large parts of each day the route has more than enough capacity for the volume of traffic. The main delays occur when ferries arrive. Around Dumfries, there is the additional issue of congestion caused by people travelling to work. The investment strategy for the route has acknowledged those issues and brought important benefits. Crucially, the accident rates on the A75 have fallen since 1997 and are below the average for that type of route.

On occasion, critics ignore previous Governments' investment, much of it by the Tories, who were working on a broadly similar strategy for investment in the A75, as Murray Tosh will be aware. The 1997 Labour Government also invested in the A75. One of the only two projects that escaped the moratorium that we introduced on the massive road building programme—without the resources to implement it—that was left by the Tory Government, was on the A75. The Glen, a £7 million scheme, was one of the two projects built



while the strategic roads review was under way—the other was Creagan bridge in Argyll.

We are implementing the route action plan quickly. The short-term measures are due to be completed this year, and the two highest priorities for the medium term are in the two-year programme that I announced last March. The funding for that work—the Cairn Top to Barlae route and the Chapelton to Bush O' Bield route—is just under £5 million and is guaranteed. The Chapelton to Bush O' Bield route will be first. I am pleased that the council is working with our consultants to deliver those two improvements by 2003.

I know that more investment for the A75 is the top priority for Dumfries and Galloway Council, but I restate a point that I made earlier: as Minister for Transport for the whole of Scotland I must consider competing demands for trunk road improvements elsewhere. Other investments are going into the south-west, for example, work on the A/M77, the M74 and A76. All three are routes of importance to Dumfries and Galloway and its economy.

The Conservative motion raises the question of future plans. An additional £68 million is available for motorway and trunk roads in the period to March 2004 but, as members are aware, there are enormous and costly pressures throughout Scotland. I do not underestimate the challenge. If I asked them, every member of the Parliament would come up with a trunk road project that they saw as the top priority in their area. We could go to all the councils and they would all come up with several top priorities. I will be more than happy for members to support the transport budget today. I caution that some of the press coverage of it is ill informed and exaggerated—that will not come as a surprise to anyone here.

The route action plan was commissioned in 1997 and was completed by external consultants who consulted a wide range of bodies before producing their final report in December 1999.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Is not it the case that, in assessing schemes to include in the route action plan, the consultants had regard to the potential budget, so some schemes are not included because the consultants knew that there was no hope of them getting into the department's budget?

**Sarah Boyack:** All the route action plans throughout Scotland must be prepared so that we can prioritise, not just on the route concerned, but across all of Scotland. We cannot ignore the budget implications. The RAP takes account of our core criteria: economy, environment, accessibility, integration and safety. It identifies a clear strategy

for improvement that the Executive has already begun to implement. As I said, we have begun work on the short-term measures identified in the plan and two schemes identified as medium-term priorities should be completed by 2003. That work will provide overtaking opportunities between Stranraer and Newton Stewart and between Newton Stewart and Dumfries.

I am well aware from discussions with members and officials from Dumfries and Galloway Council that it takes a different view of the priorities. I will announce, by the end of March, the roll forward for further minor schemes identified in the A75 RAP, as an addition to the programme that I announced in March last year. In considering that, I will take into account the council's views and look at the scope for additional work.

**Mr Tosh rose—**

**Sarah Boyack:** No, I am coming to a conclusion.

I will be happy to meet the council again to discuss its economic strategy. It would seem best to do that when the new economic strategy is available—it has not yet been passed to me, but I know that it is to be issued shortly. I hope that the council will send it to me so that we can take a long, hard look at it and see whether there are issues that can be built into our programme. However, I do not want to build up expectations.

I stress the point that I made earlier—we have record levels of investment and new money in the trunk roads programme, but there are also new demands and commitments. I am keen to ensure that we consider fully the issues raised by Dumfries and Galloway Council, but I will not make commitments today that are unrealistic and cannot be implemented. There will be further work on the issues by the Executive and the prospect of further discussion with the council. Through that, we will make sure that if we have the opportunity to deliver more than we are delivering at present, we will take it.

I move amendment S1M-1547.1, to leave out from "notes the concern" to end and insert:

"welcomes the Executive's decision in the Spending Review 2000 to increase expenditure on transport by £500 million in the period to March 2004, recognises the progressive improvement of the A75 most recently through the scheme at The Glen completed in 1999 and the measures covering the next 10 years set out in the *Route Action Plan*, and notes that the Executive has already completed the short term measures and is now implementing the medium term priorities in that Plan."

11:29

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** This is not the first time that I have risen to speak on the A75. In my maiden

speech in the House of Commons, I called it

“the Euro-route from Ireland to Leningrad”.—[*Official Report, House of Commons*, 16 May 1997; Vol 294, c 325.]

I was obviously an unreconstructed Marxist, as I had not changed to St Petersburg. I referred to the only two 30mph speed limits on the road from Stranraer to Leningrad being in the villages of Crocketford and Springholm.

I confess that I had not gone to east Europe to check the veracity of the statement, so it might have been a slight exaggeration, but all that has changed in the UK section is an increase to three speed limits, because a 40mph speed limit has been added in Dunragit. The residents of Dunragit are—rightly—delighted, because the bulk of the village is separated from the school by the A75, but I suspect that they would be even more pleased if they had got a bypass instead of some signs and traffic calming.

I congratulate the Conservatives on lodging the motion. The cause unites the rainbow coalition that runs Dumfries and Galloway Council with the Tory opposition. As the minister said, it is not easy for politicians to deal with the issue because all politicians in non-urban areas will put almost identical paragraphs about upgrading roads in their election leaflets. We could almost write such a statement today—all we would have to ask the politicians to do is fill in the number after the “A”.

There are competing priorities in my constituency and the rest of Dumfries and Galloway. The minister mentioned the A77 north from Stranraer to Ayr. The A76 is, unfortunately, used by far too much traffic that comes through Dumfries instead of leaving Ayrshire in another direction to reach the motorway network. Furthermore, the A7 lies in the constituency of Dumfries.

Despite all the competing electoral pressures, the council has said that the A75 is a strategic priority. That is to its credit and shows the importance that we all place on the route. There are three reasons for that. The route is important for the future economic development of Dumfries and Galloway, for the ferry operation and the staff who are involved in that and for the economies of Northern Ireland and some parts of the Republic of Ireland. The issue goes much wider than Dumfries and Galloway.

It is obvious that good communications are essential for economic development and particularly tourism. Dumfries and Galloway used to advertise itself as the best-kept secret in Scotland. One reason for that is that people found it so difficult to get there.

Evidence about what can happen when good road infrastructure exists is easily found in the

report from Cardiff Business School’s Welsh economy research unit on the economic impact of the A55 improvements. A conclusion of that report says:

“There is no doubt that the impact of the A55 improvements have been both substantial and significant to the economy of North Wales. More importantly, the benefits of the improvements will continue to grow over time . . . North Wales now faces the positive challenge of becoming a fully integrated part of the UK economy”

and the European economy. That challenge exists only because the necessary infrastructure is in place to connect north Wales to the rest of the UK and Europe. Would that south-west Scotland faced the same positive challenge. It will have it only if it has the necessary infrastructure.

I know that time is limited, so I will pass briefly over the importance of the ferry traffic to the port of Stranraer. I am sure that someone else can provide the relevant statistics. I have written on the subject to every member of the Northern Ireland Assembly and all the TDs for the relevant provinces in the north of the Republic of Ireland. Members of almost every party in Northern Ireland have sent me replies that support the proposals and emphasise the A75’s importance for Northern Ireland, Donegal and some other counties in Ireland. The road is important not only for Dumfries and Galloway and Scotland, but for the whole UK.

The route action plan contains typical civil-service speak. It is not really a plan, because its dates are not firm. Frankly, the plan is just a wish list—and not a particularly good one at that. The early actions just tinker at the edges. This year, there is little or no action. I would welcome some stronger guarantees that we will get some action in the future. When I look at all the big initiatives that roll out to 2008—which still do not get near to satisfying what the ferry operators or the council would like—I am not very hopeful for the future.

I know that amendments such as the Government’s are just items for debate, but I wish that the Executive’s amendment did not seek to remove the bit in the motion that notes Dumfries and Galloway Council’s concern, because we must recognise that the council has legitimate concerns. We need a firm commitment from the Executive that it will heed the economic study that the council has commissioned with its slim resources. We also need a convincing commitment to the strategic importance of the road.

11:35

**Mr John Munro (Ross, Skye and Inverness West) (LD):** As we have heard, route action plans would be marvellous if only we had the resources to implement them. To be fair, route action plans

have already been completed in several areas, but it is regrettable that many of our arterial roads remain in a seriously dangerous condition. One criticism of the route action plan strategy is that each action plan has been commissioned in isolation, so no strategic comparison has been made of the allocation of funding.

I welcome the opportunity to raise the importance of strategic road links through rural areas. They can be seen as the economic backbone of those areas, especially in places with similar geography. It is interesting to consider that the distance between Stranraer and Dumfries is greater than that between Dumfries and Edinburgh.

The A75 has been talked about for many years. It is important, given that the European Commission has identified it through its trans-European network programme. Will the proposals in the route action plan reflect that status? Why has action taken so long? After 22 years of improvements, we are still debating the road.

The answers to those questions must be found in how we plan and manage our road network. There has been a lack of strategic thinking and a culture of building on the basis of who shouts loudest. For example, the A75 was not even mentioned in the 1999 strategic roads review. Why are we considering roads in isolation, when all routes are linked and depend on one another? Hard but fair choices must be made. I ask the minister to examine the criteria that have been used to decide whether roads gain funding.

The A75 has a good case and I support the Tories' motion, but I am concerned because although what they propose will require additional spending, the Tories promote the need for massive tax cuts. That causes a dilemma. When the Tories tried that strategy before, the roads budget was cut again and again. I know that from my days on Highland Council. I note that Michael Portillo has not changed his mind about that plan. He has said that he is not prepared to match the Labour Government's transport spending pledges. He claims that the necessary money can be found from—watch it—the private sector.

**Alasdair Morgan:** Does the member accept that he is being a bit unfair in criticising the Scottish Conservative party? The policies to which he refers are Mr Hague's. It is by no means clear whether the Scottish Conservative party supports him and his policies.

**Mr Munro:** That is an interesting suggestion. I caution against private finance initiatives, public-private partnerships and other deals. I do not want to sound alarmist, but Michael Forsyth managed to privatise the Skye bridge at a stroke and our Labour colleagues have privatised the skies, so

anything is possible.

I will concentrate on the situation in the Highland Council area, which I represent. Under successive Governments, roads have suffered massive real-terms reductions in the capital and revenue budget allocation to roads and transport services, with the inevitable result of a rapid decline in the infrastructure of the area's roads and bridges. That has had an undoubted effect on the area's economic viability, as we heard earlier. The situation must not be allowed to continue or, collectively, we will be accused—justifiably—of presiding over another Highland clearance.

Three of the busiest fishing ports in Europe are found in the west Highlands. Mallaig, which is classified as Europe's premium herring port, is almost inaccessible because of the narrow, twisting and tortuous sections of single-track road. Similarly, ports such as Kinlochbervie, Lochinver and Scrabster are poorly served by the direct route north of Inverness.

**The Deputy Presiding Officer:** Please wind up.

**Mr Munro:** Much of the system is deteriorating and does not meet today's standards for safety and traffic volume.

We may have a romantic notion of the road to the north and "The Road to the Isles"—members all know the words of the song:

"by Tummel and Loch Rannoch and Lochaber I will go  
By heather tracks wi' heaven in their wiles."

Nothing has changed—

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Will the member give way?

**The Deputy Presiding Officer:** The member is winding up, Mr Crawford.

**Mr Munro:** Heather tracks are still masquerading as passable roads.

I am pleased that, at last, the Scottish Executive is putting money back into the transport system, but more must be done if we are to reverse the legacy of underfunding. I hope that the minister will reconsider the situation and that she is monitoring whether there are adequate resources to tackle the problem.

Finally—

**The Deputy Presiding Officer:** Come to a close, please.

**Mr Munro:**—I urge the minister to give local people and councils a greater say in the development and management of the trunk road network. At present, when it comes to policy, all roads lead to Edinburgh—

**The Deputy Presiding Officer:** Mr Munro, come to a close.

**Mr Munro:** The fiasco over trunk road maintenance is just one example of the problems that that causes. Clearly—

**The Deputy Presiding Officer:** Mr Munro, please close now.

**Mr Munro:** We require more local involvement and scope to address regional priorities.

If we can fund—

**The Deputy Presiding Officer:** Mr Munro.

**Mr Munro:** If we can fund the extension of the M74, surely we can allocate more funding for some of the smaller schemes in rural areas.

**The Deputy Presiding Officer:** I must ask members to observe the time much more strictly. This is a short debate and I will be able to give members a maximum of three minutes for speeches in the open part of the debate.

11:42

**David Mundell (South of Scotland) (Con):** I will try to be brief, Presiding Officer.

I welcome this debate, which is an opportunity to highlight the strategic importance of the A75 for Scotland, the United Kingdom and Europe. For too long, the A75 corridor and the ports of Stranraer and Cairnryan have been seen as an issue for Dumfries and Galloway. I hope that the Parliament will redress that balance today by indicating that it shares the European Union's view that the A75 is a priority project and fills a missing link and by ensuring that Scotland, Northern Ireland and the Republic of Ireland are linked properly to the heart of Europe by a modern and efficient infrastructure.

The minister knows that the A75 corridor is one of only 14 trans-Europe priority links, many of which are rail links. That makes the A75 far more than a road that links Annan to Dumfries, and Stranraer more than a community that is reliant on ferry jobs for its existence. The route and the ports at the end of it are part of a much wider overview of the flow of people and freight across the United Kingdom and Europe.

I hope that when the minister sums up, she will clarify her strategic approach to those issues and confirm that she is in favour of freight and people from Ireland coming along the A75 into the rest of the United Kingdom, as she did not do so in her opening speech. I also hope that she will confirm that she will work closely with the Northern Ireland Assembly, the Government of the Republic of Ireland and the Department of the Environment, Transport and the Regions in London, which liaises with the EU on such issues.

The minister gave me a helpful reassurance that the Executive does not favour Troon over the ports

of Stranraer and Cairnryan; she must now confirm that she wishes traffic to use the A75 and that she understands that its viability is threatened by the investment in the A55 to Holyhead. I hope that today's debate will be a watershed and that the minister will make clear the Executive's position on the A75. I also hope that the minister will accept that some people in Dumfries and Galloway perceive the Executive to be ambivalent and her civil servants not to have been overly helpful on this issue.

I welcome the minister's commitment, which I hope will be firmer than that which she gave me on 5 October, to meet representatives and officials of Dumfries and Galloway Council for a full discussion of the A75, as I know that the council would welcome such a discussion. I thought that the minister might come to Dumfries to open a cycleway bridge, although it appears that that is no longer the case. That would have provided an excellent opportunity for her to bridge the gap between her, her officials and Dumfries and Galloway Council.

11:46

**Mr Adam Ingram (South of Scotland) (SNP):** I welcome this debate, which is really about the urgent need to integrate the south-west of Scotland into the European economy. Both the Scottish Executive and the Scottish Office before it demonstrated a lack of vision and understanding by failing to recognise the economic potential of the Loch Ryan corridor and the link with Ireland.

To be frank, there can be no excuse for the failure to invest sufficiently in the A75, which links the ferry ports with the UK motorway network. In 1993, the A75 was designated as part of the trans-European network, linking Northern Ireland with the ports of Felixstowe and Harwich. In 1995, it was included as part of the Ireland-UK-Benelux road link, which is one of the Essen 14 European Council priority projects.

By contrast, the route action plan proposals are severely limited: the plan is an unambitious, piecemeal development that is far from being the step change that is required to free up the flow of traffic and reduce journey times.

Over the past 20 years, the A75 has attracted Government investment of only £110 million, compared with the £730 million that has been spent on upgrading to dual carriageway status the A55 from Holyhead, with its ferry link to Dublin, in north Wales. I suspect that the average journey time between Stranraer and Gretna has barely improved in that time, while average journey times on the Bangor to Chester section of the A55 have reduced from five hours in 1965 to less than 90 minutes today. The private sector has shown far

more faith in the Stranraer ferry ports and their economic potential than have successive UK Governments. In the past four years alone, Stena Link has invested £90 million in its Stranraer to Belfast route and it employs 600 people in Dumfries and Galloway.

Historically, the north channel route between Northern Ireland and Scotland had a competitive advantage over the Dublin to Holyhead route as the sea journey time is shorter, but that advantage is rapidly eroding because of the lack of investment in road links to Stranraer. In that context, it is worth mentioning that the A77, which is the main link to central Scotland from Stranraer, also requires significant upgrading, particularly the single carriageway section that lies south of Ayr. That road has become notorious for its slow journey times, high accident rate and lack of bypasses for communities such as Maybole and Girvan.

From the Irish perspective, fast transport communications with Europe are vital for the maintenance of the Republic's economic success story. Recently, the Republic announced a £4.5 billion investment programme for its national road network, with the explicit aim of reducing journey times. There has been significant upgrading of the Belfast to Dublin rail link, with passenger journeys increasing from 400,000 to 1 million in the past few years.

On both sides of the Irish border, high priority has been placed on establishing a northern transport corridor from Ireland through its ferry ports straight into Europe, avoiding the south-east of England. For the Larne to Stranraer route to continue to work, the A75 must be brought up to modern standards.

**The Deputy Presiding Officer (Mr George Reid):** Come to a close, please.

**Mr Ingram:** That is the challenge that we face and to which the Executive must rise, to secure the future of our ferry ports for crossings to Ireland and to strengthen Scotland's links with Ireland for the mutual benefit of our sister nations.

11:50

**Dr Elaine Murray (Dumfries) (Lab):** I agree with many of the sentiments in the Conservative motion and with much of the content of previous speeches, but I am not happy that this matter has been debated in this way. First, the debate is premature because the results of the economic impact survey have not yet been published. Secondly, I would have preferred not to debate this issue on a Conservative motion in Opposition time. We should have debated it on a cross-party motion, which would have reflected the genuine level of cross-party support at all levels of

government and representation.

**David Mundell:** Will the member give way?

**Dr Murray:** I am sorry, but I have no time to take interventions.

All credit must be given to Dumfries and Galloway Council and its partners in the north channel partnership for their campaign for the upgrading of the A75. I believe that that campaign has already claimed some success, as the Executive amendment demonstrates. In particular, I acknowledge the hard work of the council leader, John Forteach, who is a Labour member, and the council convener, Andrew Campbell, who is an independent member. For both of them, no effort to promote this route has been too great and no journey has been too far. At the end of last year, they travelled to Brussels to promote the A75 in Europe. The A75 is unique in Scotland in having the status of being part of the trans-European network. Accompanied by the chief executive of the council, the director for infrastructure and the director for finance, they travelled to Edinburgh on 13 December to discuss with the First Minister the A75 and the Crichton campus development. The council representatives were most encouraged by Henry McLeish's response, as he was very keen to read a copy of the economic impact survey when it was available and suggested that we should investigate whether some of the £30 million that was already in the route action plan for the A75 could be brought forward.

Some play has been made of the council's concern, but I have it on the authority of councillors and council officers that the council welcomed the fact that £30 million of work has been identified. However, it believes that the case can be made for considerable additional expenditure. The economic impact survey was commissioned to provide ammunition for that case. I put it on record that I, too, believe that the case can be made. That is why I arranged the meeting between the council and the First Minister and why I have lobbied the Minister for Transport and her colleagues in enterprise and lifelong learning and in rural development. I will continue to try my best to convince the Executive of the case, but I admit that there will be fierce competition from other route action plans, including those for the A7 and the A76 in my constituency.

I ask the minister to repeat her commitment to meet Dumfries and Galloway Council to discuss two issues once the economic impact survey is available: first, the funding and the timetable; and, secondly, the question, which Murray Tosh asked, of which projects should be prioritised, as there is disagreement between her officials and the council on that. If she will do that, I am content—for the time being—to support the Executive amendment,

but I will be back.

11:53

**Donald Gorrie (Central Scotland) (LD):** As the Liberal Democrat local government spokesman over the past four years, I have had many contacts with Dumfries and Galloway Council and the excellent Liberal Democrat councillors, such as Joan Mitchell, who are involved in leading it. I am aware of the problems that face the south-west of Scotland. As a member of the Scottish Parliament, I have become aware that for various historical and other reasons the south-west and Ayrshire have not had a fair share of attention from the British Government compared with that given to other parts of Scotland. We have to put that right.

On a visit to Scotland to study transport matters, some members of the Dáil told us that they were worried that a meeting with Scottish Executive officials had left them with the impression—which may have been picked up wrongly—that the Executive is not committed to Stranraer and is considering alternatives, to get Irish traffic to go further north. It is very important that the Executive give a strong commitment to the Stranraer ferry service, which is a vital part of European connections. I understand that at last we are going to do something about a ferry from Rosyth on the Forth to the continent, which has been discussed for 20 years or more. Attracting Irish traffic would be a major boost for the viability of such a ferry.

While the A75 is important for local employment considerations, which can be advanced for the south-west but also for other areas, it is particularly important at a strategic level. The road is vital. The minister must give a commitment to work with the local council and local members of all parties and to ensure, when cash is available, that there is a viable road connecting Stranraer with the Scottish motorway system. That would give an enormous boost to the south-west, make friends with the Irish and bring prosperity to other parts of Scotland. We need a stronger commitment from the minister than we have heard hitherto.

11:56

**George Lyon (Argyll and Bute) (LD):** I welcome Murray Tosh's motion, which gives us a chance to discuss trunk roads. I agree with my colleague Donald Gorrie that the upgrading of the A75 is a vital project for the south-west, but I would like to draw parallels between the south-west and my constituency. All the points that have been made about the economic importance of the A75 to Stranraer and Northern Ireland are true of the A83 in my constituency and the link with Northern Ireland that no longer exists.

**Bruce Crawford:** I take George Lyon back to what we are talking about today. The amendment says that the short-term work on the A75 has been completed. Is he happy that that is a factually incorrect statement, because the short-term work to realign the Palnure section of the road has not even started?

**George Lyon:** I think that the minister answered that point in her speech.

I return to drawing a parallel between my constituency and the south-west. The A83 is a vital artery into Kintyre. It is vital for the future economic development of Kintyre that a connection is made between Campbeltown and Northern Ireland.

**Alasdair Morgan:** We have already had one Liberal Democrat talking about the road to the isles; we are now into Kintyre. Does this have anything to do with the motion or the amendment? Is George Lyon's speech in order?

**The Deputy Presiding Officer:** It does not have a great deal to do with the motion. Please speak to the point, if possible, Mr Lyon.

**George Lyon:** The minister, speaking in response to Murray Tosh, invited the rest of us to highlight some of the competing claims. Clearly, that is what I am doing.

The linkage between Northern Ireland and the Kintyre peninsula is vital for the long-term economic development of that area, as is the upgrading of the A83. There have been 11 deaths on the A83 as a result of serious road accidents. There are questions about safety. There have also been no fewer than four landslips in the past two years.

**Michael Russell:** On a point of order, Presiding Officer. I use the roads to which Mr Lyon refers and I, too, am concerned about them. We have an hour for this debate. Mr John Farquhar Munro, who is a very close friend of mine, almost sang us "The Road to the Isles" and we now have landslips in Argyll. Could we debate the subject that is on the business list?

**The Deputy Presiding Officer:** Yes. We are up the highways and byways. You have another 45 seconds, Mr Lyon; let us see whether we can reach the end of the road.

**George Lyon:** I am marching slowly to the end of the road, if my colleagues will allow me to proceed. The point that I am trying to make forcibly is that there are indeed competing claims for the additional £500 million in Sarah Boyack's budget. There are serious issues relating to roads such as the A83 that require immediate action.

I recognise that the Executive has taken action to address some of the concerns that are raised in

the motion, but other parts of the country have competing claims. There are valid cases for investing in upgrading trunk roads, such as the A83, to make them safer, more accessible and more usable, so that they can cope with the increase in traffic that will come about in my part of the world.

12:00

**Michael Russell (South of Scotland) (SNP):** I shall talk about the A75 and the motion. I am sure that the Liberals will find that surprising.

I commend the Tories for securing this debate; today we see the more enlightened face of Scottish Conservatism. I also commend the administration of Dumfries and Galloway Council for the work that it has done in encouraging all parties to be involved in this issue—the council has met and briefed all parties. As Murray Tosh said, we should also commend the commercial sector for the real interest that it is showing in an issue that is vital to it. The only party that cannot be commended today is the Labour party. I am sorry that the minister made a misguided speech about competing priorities; I am also sorry that Elaine Murray was so defensive. Today we have an opportunity to debate an important issue. It does not matter who brings it to the chamber; what is important is that we get some agreement on it.

The minister spoke about competing priorities and said that each of us could take up one of them. The Liberals took that literally, but it was a red herring. In reality, special circumstances dictate that we take some action now on the A75. There are safety reasons for that and, as my friend Mr Morgan indicated, there is the community requirement. There are reasons to do with the designation of the road as a European route of major importance. There are interests from Northern Ireland and the Republic of Ireland. There is the crucial fact that a large number of jobs depend on the route. The council's unpublished economic study indicates that the route directly affects something like 1,160 jobs in the community and 2,500 in Scotland as a whole. There is also a strong indication that a large number of other jobs in the Stranraer and Wigtown area are dependent on the route.

Stranraer is the busiest port in the United Kingdom after Dover and is clearly a major asset to the Scottish economy. The sea crossing to Northern Ireland is the shortest that exists from Scotland: indeed, it is possible to see Northern Ireland from Galloway. The route has been much used, but there is a danger that it will decay and that the link, and jobs, will disappear. Those jobs are unlikely to move elsewhere in Scotland, despite the development in Troon. They are much more likely to move south, where transport links,

such as the improved A55 link, are vital.

The message from this debate is clear. This is not an opportunity for the minister simply to say that there are lots of claims and that the Executive will do things. It is not an opportunity for her to evade reality, as her amendment does. It is an opportunity to recognise that there is all-party commitment to this unique case, which requires urgent action. For the minister simply to roll schemes forward year after year, for her officials to assure the council that action is being taken and then for nothing to happen is the best guarantee of job losses in Stranraer and of the decay and disappearance of the crossing. The matter requires urgent action, not complacency or civil service evasion. That is being said not just by the SNP, not just by the Tories, not just by the Liberals—although they have not said it today—and not even just by Labour: all parties are saying it. All communities in the south-west, and many people outside the south-west, are also saying that the route is a priority for Scotland.

12:03

**Sarah Boyack:** I made it extremely clear, both in my opening speech and in the amendment, that the Executive recognises the strategic nature of the A75 for the south-west of Scotland and further afield. However, given some comments today, I feel that I have to restate that.

Many negative comments have been made about route action plans. I say to members that those plans are an important way of assessing priorities and of identifying future investment. We do not need one-off schemes for our trunk roads; we need sustained investment over the years. The purpose of the route action plans is to allow the Executive to judge how to prioritise schemes in considering our future roads programmes.

**Mr Tosh:** Will the minister give way?

**Sarah Boyack:** No. I must answer other members' questions.

Several members have mentioned the European nature of the route. We have successfully accessed European funding for the A75 in the past—for example, the Glen project received European support. We applied for TENs support for our route action plan, but did not get it. Let me emphasise to members that, although TENs money is helpful, it amounts to only 10 per cent of the cost of the scheme—we still have to come up with the other 90 per cent. We have tried to get money out of Europe, which has identified the route as strategically important. However, we have not been successful in securing that money. We will consider that again in the future. That is the current position.

Let me take up the point made by John Farquhar Munro about the strategic roads review. The review was an inherited list of schemes—it was not an analysis of priorities throughout Scotland, but merely a list of the outstanding roads programmes left by the Tories, which had not been financially prioritised. Out of that list, we took action on the A75. We considered the A75 and the Creagan bridge to be top priorities. In November 1999, we also gave the go-ahead to the A830—a matter in which John Farquhar Munro has a great interest—the A96, the A78, the A1 and the A77. Last September, I also gave the go-ahead—as part of the £500 million of new money—for additional funding for roads and bridges to be made available for local authorities to spend. That is new money for local authorities.

We need sustained investment in the A75. John Farquhar Munro said that local authorities should have greater say in trunk roads decisions. I am happy to listen to local authorities and to consider their views. However, I must make decisions relating to the whole of Scotland. I am keen to ensure that there are discussions and dialogue across borders. There is no ambivalence in our priorities. Adam Ingram suggested that there had been little investment. There has been nearly £117 million over 20 years—£7 million in the past two years, £5 million in the next two years and more to come with the route action plan. That is the sustained investment that we need.

Alasdair Morgan made a thoughtful speech and acknowledged that we have made progress over the years, although not as much progress as he would like. However, I note that no member has suggested an alternative approach to our route action plans—members simply listed other roads and other schemes. We need to prioritise.

Elaine Murray asked for commitments on two issues: that I would talk to Dumfries and Galloway Council about funding and timetabling and that I would address the issues on which we disagree. I am happy to do so in the future. She said that she was content for the time being and that that was as much as I could expect from her—I am very grateful for that.

Donald Gorrie said that the inter-parliamentary delegation had suggested that the Executive intended to downgrade Stranraer. Nothing could be further from the truth. I have already answered a parliamentary question on the matter and I have ensured that the local press is kept informed on the issue. It is fair to say that that parliamentary delegation did not have as firm a grasp of priorities in Scotland as members of the Scottish Parliament would have. One of the comments that was made to me was that we had invested too much money in the A9 over the past few years. I cannot think of many members who would agree with that

comment—certainly not John Farquhar Munro. Dialogue is important, but we should not expect every delegation from outwith Scotland to know better than members of the Scottish Parliament.

I did not invite members to list every rural road. George Lyon took things a little too far. I merely made the point that all members have a wish list for their constituencies. I have to wrestle with priorities.

Mike Russell mentioned safety. There have been safety improvements on the A75 and those form part of the route action plan.

It is important that we do not talk down Stranraer and the south-west of Scotland. We may not all agree on the future priorities, but it is important to put on record the fact that there has been sustained investment and that there will be future investment. I am happy to talk to the local council about the matter. In asking me for more money, members should not make the mistake of downgrading the whole area by talking it down. There is a real debate with important issues for people living in the area. We must also acknowledge that private investment is going into the area. I welcome that. I want to ensure that jobs are secure for the future. Let us ensure that the debate helps rather than hinders that process.

**The Deputy Presiding Officer:** I call Alex Fergusson to wind up for the Conservatives. If you could finish as close to 12.15 pm as possible, I would be grateful.

12:10

**Alex Fergusson (South of Scotland) (Con):** I will do my best.

If one were to take a map of Scotland, draw a line from Ayr to Carlisle, and cut off the section that lies to the south and west of that line, one would have an understanding of how people and agencies who live and work in that part of Scotland feel. As has been said, there is a feeling of being cut off, remote and somewhat neglected by Government at both the UK and the Scottish level. Feeling cut off and neglected is one thing, but feeling cut off and neglected when one lives and works within touching distance of the rather grandly named trans-European road network is another thing altogether.

In April 1998, Henry McLeish, our First Minister, said:

“The A75 performs a vital role in the economy of South West Scotland and is also a key artery of the trans-European Road Network to Ireland.”

Sadly, that 100-mile section of the thousands of miles that make up the trans-European network is the blockage in the arterial system. When one has a blocked artery, one requires surgery.



This has been a good debate and I welcome its tone, but it has also been a necessary debate. In answer to Elaine Murray, I cannot think of a more timely opportunity to have such a debate, given that the Minister for Transport is considering further funding. The debate is necessary because the subject is of national importance. As Mike Russell pointed out, the route serves Britain's second-busiest port. That fact alone makes it all the more unsustainable that the convoys of freight vehicles—I use the word “convoys” advisedly—face a two-hour journey to the east on the A75 or a one-hour journey to the north on the A77 before they can access a road that is truly worthy of serving the second-busiest port in the nation. Therein lie some of the difficulties facing south-west Scotland: there is a geographic disadvantage, which in turn creates an economic disadvantage.

In his members' business debate last week, Euan Robson drew attention to the labour shortage in the Borders, which is exacerbated by the proximity of that part of Scotland to Edinburgh and the central belt. The south-west does not have that advantage. The nearest city to Stranraer is Belfast, not Glasgow, which brings problems of its own. I learned only yesterday, to my horror, that Stranraer has an annual turnover of social workers of 85 per cent. It is becoming increasingly difficult to recruit doctors, nurses, teachers and others on whom any community depends. The reason is simple: the transport infrastructure is, for all the reasons that we have heard in this excellent debate, inadequate and unacceptable.

If these unique problems—the word “unique” is relevant, because there is a uniqueness about that part of Scotland and that road—are to be overcome, the transport infrastructure must be looked at considerably more robustly than is currently envisaged in the Executive's route action plan. Quite simply, that plan is not good enough, which is why the motion calls for it to be revisited, reworked and refunded.

This debate is necessary not simply for local reasons, vital though they are, which is why our motion also stresses the importance of the international links of which this route is such an integral part. As Alasdair Morgan mentioned, those links have an important part to play in the economic regeneration of Northern Ireland and in the economic miracle that is the Republic of Ireland. Surely it is right that Scotland should play its full part in the international economic expansion that surrounds us. That is why the motion applauds the efforts of Dumfries and Galloway Council and the north channel partnership to highlight the strategic importance of the route; without due recognition of that strategic importance, Scotland will not fulfil her proper role in the international marketplace.

That situation was recognised by the Conference of Peripheral Maritime Regions of Europe, which recently urged the Scottish Executive to stop stalling and to complete the high-priority upgrade of the Euro-route from Gretna to Stranraer. This debate has made it crystal clear that, without a firm commitment to such an upgrade, Scotland's role in international trade will be severely diminished and those of us who live and work in that beautiful part of our country will feel increasingly cut off from the rest of it. The Executive's amendment encapsulates the complacency that this debate has shown to be completely unacceptable. I commend the motion to the chamber.

## Non-departmental Public Bodies

12:15

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is a statement by Angus MacKay, on a review of non-departmental public bodies in Scotland.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** On a point of order, Presiding Officer. Yet again, we have seen a ministerial statement widely trailed in the press. It has been trailed in *The Scotsman* and, at 7.30 this morning, there were details of it on Ceefax. I am talking about specific details in the press before the minister has made his statement to the Parliament. I have asked the Presiding Officers many times—and I am asking again—whether you will require ministers to look at this matter closely and whether, in your view, the ministers are in contempt of the Parliament by giving information out to the press before they do so to the chamber.

**Miss Annabel Goldie (West of Scotland) (Con):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** Is it on the same subject?

**Miss Goldie:** It is on an identical point. Suffice it to say that I, too, was greatly concerned about what I saw in the press this morning. I am not given to being pernickety; I hope that I do not have a reputation for being tiresome for the sake of being tiresome. It is not for me to chastise the minister—perhaps it is as well for him that it is not—but it is for you, Presiding Officer, to determine how to deal with conduct that, in my opinion, deeply damages the institution of the Parliament and its integrity, authority and stature. It is for you to determine how to deal with persons who are guilty of conduct that insolently and dismissively questions and impugns the authority of this institution.

**The Deputy Presiding Officer:** Tricia Marwick and Miss Goldie have raised important issues, which have been considered this morning in some detail by all three Presiding Officers. We have examined this morning's media, which cover this issue in detail—column after column, page after page and story after story. We then carefully compared the content of the media reports with the content of the minister's proposed remarks. This is a subject on which the Presiding Officer has warned ministers on a number of occasions, specifically on Thursday 2 November, when he said, as a basic principle:

"We do not expect to read in the newspapers what will be said in Parliament—we expect to read what has been said."—[*Official Report*, 2 November 2000; Vol 8, c 1259.]

Today's press briefings have clearly given dates, details and policy objectives. Therefore, with regret, on this occasion I intend to take the minister's statement as read and to move directly to questions. I say to the minister, in fairness, that if he fears that there are matters that have not yet been put into the public domain, I shall most certainly give him extended time to cover those matters in response to questions. I call Mr Gibson.

**Mr Kenneth Gibson (Glasgow) (SNP):** It is regrettable that the shameful actions of the Scottish Government have led to this decision today. For the record, I received the statement only 40 minutes ago.

**The Deputy Presiding Officer:** To the point, Mr Gibson.

**Mr Gibson:** I do not know about you, Presiding Officer, but I have a feeling of déjà vu this morning. On 9 February last year, Jack McConnell launched a consultation document on appointments to quangos. Since the consultation process was completed—

**Johann Lamont (Glasgow Pollok) (Lab):** On a point of order, Presiding Officer. I draw to your attention the fact that I was unable to listen to the radio this morning and I have not read the newspapers because I have been working on constituency business. I would welcome the opportunity to hear the minister's statement.

**The Deputy Presiding Officer:** I have already ruled on that. I have ruled specifically, making it clear that this is the common view of all three Presiding Officers.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** On a point of order, Presiding Officer. I may be wrong in this, but it seemed to me from the reaction in the press gallery that the press had advance indication of this ruling as well.

**The Deputy Presiding Officer:** I have no knowledge of that whatever. Please continue, Mr Gibson.

**Mr Gibson:** Since the consultation process was completed, it has lain gathering dust on the shelves. Labour's much-vaunted bonfire is not even a smouldering ember.

**Bristow Muldoon (Livingston) (Lab):** On a point of order, Presiding Officer. Does Mr Gibson intend to ask a question or are we going to be subjected to a speech?

**The Deputy Presiding Officer:** I ask Mr Gibson again to get to the content of the matter and to put his question.

**Mr Gibson:** Indeed, quangos continue to proliferate, with three quango births last December alone and more in the pipeline. Perhaps the minister could tell us how many quangos have

come into existence in Scotland since new Labour came to power and how many have been merged or abolished over the same period. Rather than simply consult, the Government must commit itself to democratise, scrutinise and—where possible—merge or abolish quangos altogether.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On a point of order, Presiding Officer. There is a genuine point here. Some of us have no idea about the statement—and this is the Parliament, after all. Is the ministerial statement available?

**The Deputy Presiding Officer:** My belief is that it has been made available. Members from all parts of the chamber are waving it at you, Mr Rumbles. Extra copies are available at the back of the chamber. Mr Gibson, please get on and conclude—

**The Minister for Finance and Local Government (Angus MacKay) rose—**

**The Deputy Presiding Officer:** Yes, minister.

**Angus MacKay:** An unfortunate turn of phrase, Presiding Officer.

I genuinely want to raise a point of order. I preface it by saying, very briefly, that I have not discussed the details of my statement with members of the press. I have certainly been asked to provide that information, but I have refused to do so.

In the light of that, Presiding Officer, perhaps you could give me and the rest of the chamber some guidance as to what the normal practice is, in terms of informing either the minister concerned or the Minister for Parliament, Mr McCabe, that you are intending to make a ruling that will deny that minister the opportunity to make a statement. I ask that for information.

**The Deputy Presiding Officer:** I hope that advance notice would normally be given to the minister and to the Minister for Parliament. I do not know whether that happened on this occasion.

**Johann Lamont:** On a point of order, Presiding Officer. I have now been handed the statement and I want to represent my constituents in the discussion, but I am placed at a disadvantage. Other people have had the statement or were aware that the statement was not going to be heard and could read the press. I am unable to ask a question on the issue, because I cannot read quickly enough—

**The Deputy Presiding Officer:** Order.

**Johann Lamont:** My constituents have been disfranchised and I want to know how that is to be dealt with.

**The Deputy Presiding Officer:** I do not regard that as a point of order; I am going to close that down and get back to business as quickly as possible. The papers are available at the back of the chamber to members of all parties, equally.

Please conclude briefly, Mr Gibson.

**Mr Gibson:** After four years of new Labour, we need action on this important issue. Given that, on 7 December, the Minister for Finance and Local Government stated in the chamber that he would make an announcement before the end of the year on a small business rates scheme—an event that has not yet happened—we should be forgiven if we do not hold our breath concerning the proposed time scale for action on this issue.

I ask the minister to explain what action the Scottish Government now plans to take, specifically in respect of the responses to Mr McConnell's previous consultation. Alternatively, is the minister, as his statement implies, lumping those responses in with the review that was announced today?

For the record, will the minister outline exactly which categories of non-departmental public bodies will be covered by the review? Does he agree that his statement on the commitment and dedication of those serving on public bodies is somewhat at odds with the First Minister's comment that Scotland is smothered by unelected, unwanted and increasingly corrupt quangos? Can he advise us whether the Scottish Government has a view on which quangos—other than the symbolic Scottish Homes—to consider for abolition?

**Angus MacKay:** I am somewhat nonplussed about how to begin answering questions on the statement, given that Mr Gibson has the benefit of having had a copy of it for 40 minutes while other members have not had that privilege. It seems to me that I could conduct this discussion in private with Mr Gibson as fruitfully as I can here in public, as other members have not had the opportunity to listen to what I have to say and, not having had the benefit of the statement, cannot engage fruitfully in a discussion about its contents.

**Mr Gibson:** On a point of order, Presiding Officer. I had to endure a number of points of order while I was questioning the minister.

I gave a television interview at 10.55 this morning, based on Mr MacKay's statement, despite the fact that I did not receive it until 11.35.

**The Deputy Presiding Officer:** That is not a point of order, Mr Gibson.

**The Minister for Parliament (Mr Tom McCabe):** On a point of order, Presiding Officer. You have made an unprecedented ruling that the minister should not make a statement. We are

also in the unprecedented situation that the press were aware—I make this clear to you, Presiding Officer—of the ruling that you were going to make. You may not be aware of that, but I can confirm to you that members of the press gallery were aware that that was going to happen. Parliamentary process is being turned on its head. I strongly recommend that we now suspend the meeting. There is no point whatever in the minister continuing to try to answer questions on a statement that the chamber has not heard.

**The Deputy Presiding Officer:** I can confirm to Mr McCabe that I have no knowledge whatever of the press being aware of this. I say to the chamber only what I said in my opening remarks in response to the points of order made by Miss Goldie and Tricia Marwick, which is that Sir David Steel has raised this matter on, I think, six separate occasions. The matter was considered by all three Presiding Officers. I hoped that the minister would have been informed in advance.

Mr McCabe, it is my intention to continue as best we can, for the simple reason that, as I said to the minister in my opening remarks, if there is any point of public policy that he feels has not been touched on in the public media, I shall allow him to deal with it in his remarks.

**Angus MacKay:** On a point of order, Presiding Officer. Not having briefed the media on this subject and not having read any of the written media in which this is presumably printed, I am, like many of my colleagues, not able to decide which points of public interest are currently in the public domain and which are not. You, as Presiding Officer, are instructing, or advising, me that I should do so, but I cannot fulfil that in any good faith.

**The Deputy Presiding Officer:** I gave you leeway, Mr MacKay. Having given you that leeway, I ask you to respond to the points made by Mr Gibson. Will you do so now, please?

**Mr McCabe:** On a point of order, Presiding Officer. I say again that it is not possible for a minister in Scotland to answer questions in this chamber on a statement that has not been made.

**The Deputy Presiding Officer:** I have given the joint ruling. Mr MacKay, could you respond, please, to the points raised by Mr Gibson?

**Angus MacKay:** Presiding Officer, can you confirm whether, when you were considering your position on this matter—if a statement had been given to the press in advance, presumably individual members raised their legitimate concerns with you in advance—you discussed directly with any members their concerns and whether you advised any members of how you intended to rule?

**The Deputy Presiding Officer:** No. Sir David Steel and I considered the matter. When I took the chair, I did not know the final judgment, because Patricia Ferguson had to go back and consult Sir David. Could you now respond to the points made by Mr Gibson?

**Mr McCabe:** On a point of order. [MEMBERS: “Oh.”] Sorry, but it is deliberate. This is a very serious situation. I say again: it is impossible for a minister to answer questions. On behalf of the Government, my advice to the minister would be that he should not answer questions in the chamber.

**The Deputy Presiding Officer:** Are you declining to answer questions, Mr MacKay?

**Angus MacKay:** As far as I understand it, having not made a statement—

**Mr Gil Paterson (Central Scotland) (SNP):** Does the minister know what is in his statement?

**Angus MacKay:** Presiding Officer, this is reducing events to the farcical. I am afraid that this sets a very bad precedent for how the business of the Parliament should be conducted, particularly on a subject that is of as serious import as this one is. In my view, I have tried to the best of my ability to answer Mr Gibson’s questions. I had not finished doing so—there are one or two further points that I would make. I cannot see what this situation contributes to the debate on the subject.

**The Deputy Presiding Officer:** I regret very much that, following the decision, which was reached, as I said, by the three Presiding Officers jointly after considerable consideration, the debate has degenerated into what Mr MacKay called a farce. Frankly, I cannot see how I can produce meaningful dialogue in the chamber this morning. Therefore, with the agreement of the chamber, my proposal is to move to the next item of business, which is consideration of business motion S1M-1550, in the name of Tom McCabe—

**Dennis Canavan (Falkirk West):** On a point of order, Presiding Officer. Will we have another opportunity to question the minister about his statement once we have had the opportunity to read it?

**The Deputy Presiding Officer:** We are entering uncharted territory this morning, Mr Canavan, as you are well aware. I assume that, after this meeting, the matter will be discussed through the usual channels, involving the business managers and the Presiding Officers. I assume that a subsequent occasion will be found to discuss the subject.

**Tricia Marwick** rose—

**The Deputy Presiding Officer:** I believe that Ms Marwick has a point of order.

**Mr McCabe:** On a point of order.

**The Deputy Presiding Officer:** We will go to Ms Marwick first.

**Tricia Marwick:** Mr Canavan raised an important point. The complaint that the SNP and the Conservatives have had since the inception of this Parliament is that information is going to the media before we get a chance to ask questions about it. This is a farcical situation. Details were reported in the press, but we are still being denied the opportunity to ask the minister questions and to have the minister answer them. It seems to me that ministers are happier to have information in the public domain than they are to answer questions in the Parliament.

**The Deputy Presiding Officer:** Does Mr McCabe wish to make a further point?

**Mr McCabe:** Yes. First, Presiding Officer, there is little point in your depending on the usual channels to resolve a situation that was not discussed before you created it—your ruling this morning created this situation. Secondly, in response to Mr Canavan's point, I would not expect ministers to answer questions in the chamber on statements that they have not been able to make.

**The Deputy Presiding Officer:** Clearly, further discussions will take place.

**Cathy Jamieson** *rose*—

**The Deputy Presiding Officer:** Allow me to continue, please. I am trying to bring this matter to a reasonably dignified conclusion.

I have tried to produce dialogue in the chamber this morning; that attempt clearly has not been successful. I recognise that we have reached a stalemate. The best course for the chamber now would be, as I suggested earlier, to proceed to the consideration of the next item of business, which is the business motion.

The Presiding Officers, conjointly, will give attention to the points that have been raised. I hope that that will be successful and that we can bring this rather unhappy morning in the chamber to a conclusion, at least at this point.

## Business Motion

12:30

**The Deputy Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S1M-1550, in the name of Tom McCabe, on behalf of the Parliamentary Bureau, setting out a business programme. I ask any member who wishes to speak against the motion to press their request-to-speak button now.

As no one wants to speak against the motion, I call Tavish Scott to move—

**Dennis Canavan (Falkirk West):** I pressed my request-to-speak button.

**The Deputy Presiding Officer:** I am sorry. Mr Canavan wants to speak against the motion.

**Dennis Canavan:** Will the Deputy Minister for Parliament give us a positive indication that we will have an opportunity to hear the Minister for Finance and Local Government's statement about quangos and, more important, to question him on the contents of that statement?

**The Deputy Presiding Officer:** I think that that is a point of order, Mr Canavan.

**Dennis Canavan:** No. It would be helpful if that could be included in the business programme or if the Deputy Minister for Parliament could indicate the likelihood of its being included in a future business motion.

**The Deputy Minister for Parliament (Tavish Scott):** Mr Canavan will know well that the procedures of the Parliament do not include business time questions. All that I am doing today is formally moving the business for the next weeks.

I move,

That the Parliament agrees:

(a) the following programme of business—

Wednesday 24 January 2001

2.30 pm

Time for Reflection – The Right Reverend Dr Andrew R C McLellan, Moderator of the General Assembly of the Church of Scotland

*followed by*

Ministerial Statement

*followed by*

Justice 1 Committee Debate on its Proposal for a Protection from Abuse Bill

The Clerk has been informed that the following document(s) are relevant to this debate.

Justice and Home Affairs Committee's 9<sup>th</sup> Report, 2000 (SP Paper 221)

*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business - debate on the subject of S1M-1334 Pauline McNeill: Funding of Glasgow's Museums and Galleries

Thursday 25 January 2001

9.30 am Scottish National Party Business  
12.15 pm Ministerial Statement  
*followed by* Business Motion  
2.30 pm Question Time  
3.10 pm First Minister's Question Time  
3.30 pm Stage 1 Debate on the Budget Bill  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business - debate on the subject of S1M-1506 David Mundell: Robert Burns

Wednesday 31 January 2001

2.30 pm Time for Reflection – The Reverend Ernest Levy, Member of the Jewish Clergy  
*followed by* Stage 1 Debate on the Education (Graduate Endowment and Student Support) (Scotland) (No. 2) Bill  
*followed by* Financial Resolution on the Education (Graduate Endowment and Student Support) (Scotland) (No. 2) Bill  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business

Thursday 1 February 2001

9.30 am Executive Business  
*followed by* Business Motion  
2.30 pm Question Time  
3.10 pm First Minister's Question Time  
3.30 pm Executive Debate on the Strategy for Enterprise  
*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time  
*followed by* Members' Business

(b) that Stage 1 of the Regulation of Care (Scotland) Bill be completed by 7 March 2001

(c) that Stage 1 of the Housing (Scotland) Bill be completed by 14 March 2001

and, (d) that the Rural Development Committee reports to the Health and Community Care Committee by 2 February 2001 on the Specified Risk Material Amendment (Scotland) Regulations 2001 (SSI 2001/3) and the Specified Risk Material Order Amendment (Scotland) Regulations 2001 (SSI 2001/4).

**The Deputy Presiding Officer:** Technically, Mr Canavan's contribution was not about the business motion.

I am advised by the clerks that Mr Gorrie pressed his button first.

**Donald Gorrie (Central Scotland) (LD):** The programme for the next few days should include time for the statement that has been aborted. If the minister can make it clear that that will happen, I will not oppose the timetable outlined in the motion.

**Tavish Scott:** We are seeking to intimate the business for the next two weeks, which has been agreed by all four business managers. Mr Gorrie refers to an event that has just happened, so it is a little difficult of him to ask the Minister for Parliament to reassess business at a moment's notice. There will be discussions, but at the moment all we can do is intimate the business as it is in today's bulletin.

**The Deputy Presiding Officer:** The question is, that business motion S1M-1550, in the name of Mr Tom McCabe, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Barrie, Scott (Dunfermline West) (Lab)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Campbell, Colin (West of Scotland) (SNP)  
Eadie, Helen (Dunfermline East) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
McAllion, Mr John (Dundee East) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McLeod, Fiona (West of Scotland) (SNP)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Murray, Dr Elaine (Dumfries) (Lab)  
Neil, Alex (Central Scotland) (SNP)  
Oldfather, Irene (Cunninghame South) (Lab)  
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
Scott, Tavish (Shetland) (LD)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)  
Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
Canavan, Dennis (Falkirk West)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Fergusson, Alex (South of Scotland) (Con)

Gorrie, Donald (Central Scotland) (LD)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Wallace, Ben (North-East Scotland) (Con)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 15, Abstentions 0.

*Motion agreed to.*

12:34

*Meeting suspended until 14:00.*

14:01

*On resuming—*

## Presiding Officer's Statement

**The Presiding Officer (Sir David Steel):** Before we begin this afternoon's business, I will make a statement about this morning's events. If injury time is required, I will allow both question times to overrun slightly.

On 2 November, in response to a point of order about the pre-publication of ministerial statement material, I said:

"I share the member's concern. I will be charitable today because we have new ministers and, no doubt, new special advisers operating. However, I had a discussion on the matter with Madam Speaker Boothroyd when she was here a few weeks ago. As members know, she fought a losing battle on the issue, but I do not propose to fight a losing battle on it in this Parliament. I will use my powers under rule 7.3 and define the pre-release of speeches as being against the rule that members must

'conduct themselves in a courteous and respectful manner'.

The sanction that is available to me is that I may decide to take a minister's speech as read and go straight to Opposition spokesmen's and Government back benchers' speeches and give them extra time. I hope that the special advisers will pay attention to that. I will let the matter go today, but it is not to happen again."

At that point, Hugh Henry raised another point of order. He said:

"On the pre-release of speeches and how you might interpret that, would your sanction extend to the pre-release of speeches to Opposition parties, prior to delivery in the chamber?"

I replied:

"Yes, absolutely. We do not expect to read in the newspapers what will be said in Parliament—we expect to read what has been said."—[*Official Report*, 2 November 2000; Vol 8, c 1259.]

This morning, I noted with concern substantial reports in several newspapers about what a minister would tell Parliament in a statement. I also received notice from Annabel Goldie that she would raise a point of order on the subject. When my office received an advance copy of the statement less than an hour before it was due to be delivered in Parliament, I checked its contents carefully against the press reports, and decided that the statement contained nothing that was not already in the public domain. In one report, an Executive source was even quoted. Therefore, the Deputy Presiding Officer who was in the chair acted in accordance with my ruling of last November.

I publicly apologise to the Minister for Finance and Local Government, Mr MacKay, and the

Minister for Parliament for not informing them of our decision. They have every right to feel aggrieved about that.

I recognise that, although I defended the rights of Parliament this morning, I deprived back benchers of the opportunity to question the Executive on an important aspect of policy. Accordingly, I shall ask the bureau at its next meeting to consider whether we can find another way of enabling Parliament to discuss the issue.

**George Lyon (Argyll and Bute) (LD):** On a point of order. The Deputy Presiding Officer said that all three Presiding Officers had discussed and agreed to the decision that you took this morning. Is that true?

**The Presiding Officer:** I will not go into that. I accept responsibility for what happened this morning. That is the point that I made in my statement.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** On a point of order, Presiding Officer. Will you launch an inquiry into whether information on the ruling was given in advance to the press? I raised that point this morning, but did not get a satisfactory answer. It is important that that point is clarified for the Parliament.

**The Presiding Officer:** No, I assure you that the press were not so informed. I have arranged already to have a long discussion later this afternoon with the Minister for Parliament about that matter.

I suggest that we do not occupy more of Parliament's time—

**The Minister for Parliament (Mr Tom McCabe):** On a point of order, Presiding Officer. May I clarify your last statement? Are you confirming publicly that you are satisfied that no member of your office or another Presiding Officer leaked any information to the press?

**The Presiding Officer:** I am so satisfied. If you have any suggestions to the contrary, I will be happy to discuss them with you later. At present, I am totally satisfied on that point.

I call Jim Wallace—

**Johann Lamont (Glasgow Pollok) (Lab):** On a point of order. It was evident to anyone who understands how these things work that the press knew about the ruling this morning. Is not that grounds for an inquiry to establish whether someone from your office—or someone else—provided information to the press, Presiding Officer?

**The Presiding Officer:** I have already made such inquiries as I can. That is why I just gave the answer that I did.

I am well aware that the press either were putting two and two together or had some kind of indication of the ruling. However, such information could not have come from my office, as my office did not know.

**Ms Margo MacDonald (Lothians) (SNP):** On a point of order.

**Mr McCabe:** On a point of order.

**The Presiding Officer:** I will take Mr McCabe's point of order first.

**Mr McCabe:** Presiding Officer, you said that that information could not have come from your office, but, for further clarification, could it have come from any Presiding Officer?

**The Presiding Officer:** I do not think so.

**Mr McCabe:** That is not what I asked. Could it have?

**The Presiding Officer:** No, not as far as I am aware.

**Mr McCabe:** It could not have.

**The Presiding Officer:** I do not think so.

**Mr McCabe:** It could not have.

**The Presiding Officer:** I do not think so. I am as sure as I can be that it did not. However, like all these things, we should examine the situation carefully and at length later on. There is no point having a continuous argument in the chamber about it.

**Cathy Jamieson:** On a point of order, Presiding Officer. How can you be satisfied that the press put two and two together about the ruling? Could not it be reasonably assumed that the press put two and two together in relation to Mr MacKay's proposed statement? This morning we should have heard that statement from Mr MacKay directly.

**The Presiding Officer:** No, I disagree. If you were to examine the press cuttings, which are substantial, you would see that an Executive source is quoted specifically. There is no question about that.

Anyway, we will—

**Mr McCabe:** On a point of order.

**The Presiding Officer:** I am not keen to continue this public argument—*[Interruption.]* Continue, Mr McCabe.

**Mr McCabe:** On your previous ruling, you have not been prepared to confirm the statement that was made this morning that all three Presiding Officers were aware of and in agreement with the ruling. In terms of natural justice, surely you should confirm whether or not that is the case.



**The Presiding Officer:** I will discuss that matter with you later this afternoon, if I may. It is more complicated—*[Interruption.]* Order.

**Ms MacDonald:** On a point of order. With all due respect, Presiding Officer, if the chamber does not agree with a ruling for which you have decreed that you will accept responsibility, whether the matter refers to the actions of one of your deputies or not, and has no confidence in you, is not it the case that the proper route is a motion of no confidence in the chair, because you accepted that responsibility?

**The Presiding Officer:** I think that that is correct. I invite—*[Interruption.]*

**Johann Lamont:** On a point of order.

**The Presiding Officer:** Order. Just a minute, Ms Lamont.

I invite members to accept that I accept responsibility for what happened this morning. Mr McCabe and I can continue discussing later the rights and wrongs, what happened and who said what to whom.

**Johann Lamont:** On that issue, the problem is not whether you take that responsibility; rather, it is the fact that a statement was made in the chamber this morning that all three Presiding Officers were party to the decision. That is entirely different from saying that you take responsibility for the quality of that decision, as it is a separate matter to establish whether that decision was made by all three Presiding Officers together. That is what was said this morning.

**The Presiding Officer:** That is not a point of order. However, I accept responsibility for everything that was said by my deputy in the chair.

**Phil Gallie (South of Scotland) (Con):** Further to that point of order, Presiding Officer, and given that line of questioning, is not it the case that those who have been inquisitors are suddenly being seen as the guilty? The Minister for Finance and Local Government treated with contempt the rules of the chamber. Surely that is the issue that the Presiding Officer should address.

**The Presiding Officer:** I do not accept that. I accept what the minister said this morning when he said that he did not convey information to the press.

I think that we should leave the matter at that.

**Mr McCabe:** On a point of order.

**The Presiding Officer:** Can we move on? We are going—*[Interruption.]* If necessary, we can come back to the issue in the chamber, but in the meantime, Mr McCabe and I will have a discussion.

**Mr McCabe:** On a point of order, Presiding Officer. I need some clarification. Are you prepared to give the chamber an assurance that you will make a public announcement if, in private discussion, we establish that all three Presiding Officers were not party to the ruling?

**The Presiding Officer:** I think that you and I should have a full discussion on it and decide—

**Mr McCabe:** Go on, answer, Presiding Officer.

**The Presiding Officer:** Order. Let me finish. Mr McCabe, resume your seat. Let us discuss the matter and then decide whether I should make a further statement later this afternoon. I am willing to explore the matter in some detail.

## International Criminal Court Bill

**The Presiding Officer (Sir David Steel):** Let us move on—I do not want to take up any more time on points of order. The motion is on the international criminal court UK legislation.

14:10

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** The 20<sup>th</sup> century was scarred by a series of international conflicts, with all too many examples of war crimes, genocide and other crimes against humanity. The need to protect civilian populations from those terrible crimes has led to the proposals that we are considering today. A permanent international criminal court will be a powerful deterrent, will help to end accusations of selective international justice, will be based on fundamental principles, and will allow for a quick response. For the first time, such a court is within our grasp.

The bill that was introduced in the House of Lords on 14 December and the equivalent Scottish bill that we plan to introduce in this parliamentary session will enable the UK to give effect to the statute of Rome, which is the treaty that was signed by 120 states in July 1998 allowing for the establishment of the court.

**Linda Fabiani (Central Scotland) (SNP):** Will the minister join me in welcoming to the gallery Diana Miloslavich Tupac, who is a human rights activist from Peru? As one of its first actions, the provisional Government in Peru has signed that treaty, and I know that the chamber would like to congratulate Peru on doing so.

**Mr Wallace:** I am grateful to Linda Fabiani for that intervention. I, too, welcome our distinguished international guests and congratulate the Peruvian Government on signing the treaty.

I will now discuss the aspects of the UK bill that we propose should be dealt with under the Sewel convention. I apologise that some of the arguments are unavoidably rather technical and that the time for the debate is short, but the points are set out in full in the memorandum.

The first aspect is the privileges and immunities that will be conferred on the international criminal court. Some of those could undoubtedly have been conferred on the court by the Parliament. However, other privileges and immunities that are normally conferred on equivalent international bodies, such as exemption from border controls and from taxes and duties, are not within the competence of the Parliament. We consider that it makes sense not to divide up the provisions and replicate some of them in the Scottish bill, but

rather to deal with all of them in the UK bill. The privileges and immunities will be conferred by an order in council, which will require to be agreed in draft by the Scottish Parliament.

The second aspect is arrest and surrender. In our view, legislation providing for the arrest of criminals and their surrender to the international criminal court is within the competence of the Parliament. However, it could be argued that arrest and surrender is equivalent to extradition, which is reserved to Westminster under the Scotland Act 1998. We believe that it would be irresponsible to allow the possibility of such a loophole, which could permit an individual who was being pursued for the most heinous crimes to slip through the net. We believe that the sensible course is to allow for those provisions to be dealt with in the UK bill so that there is no doubt whatever as to the legality of the arrest and handing over of such persons by Scottish police and Scottish courts.

The third aspect is provisions dealing with the movement of prisoners to, from or within the United Kingdom, for instance, to take part in other criminal proceedings. Although some aspects are within the competence of the Parliament, others, such as the provision of authority in English law for Scottish prison officers to escort prisoners in transit, for example when entering the UK through Dover or Heathrow, are not. Also, the provisions are required to mesh seamlessly where cross-border operations are contemplated. To ensure that Scottish officials have the necessary authority for the cross-border movement of prisoners and to avoid complex provisions to deal with such situations, it is our view that it makes sense from a practical and operational point of view to include all the provisions in the UK legislation.

We have throughout co-operated closely with the UK Government to find the most effective solutions with regard to provisions, regulations and arrangements that are often difficult and complex in their practical application.

I move,

That the Parliament endorses the principle of establishing the International Criminal Court in the legal systems of the United Kingdom and agrees that the provisions within the International Criminal Court Bill that relate to devolved matters should be considered by the UK Parliament.

14:14

**Roseanna Cunningham (Perth) (SNP):** As I have done before during Sewel motion debates, I want to place on record—yet again—my concern at the frequency with which that mechanism is being employed in the Parliament. I presume that it was to reinforce the doctrine of Westminster parliamentary sovereignty, as opposed to the

sovereignty of the people, that Westminster made sure that the Scotland Bill contained a catch-all clause allowing Westminster to go on legislating for Scotland, even on devolved matters. The power was supposed to be used only rarely, as was recognised by the late Donald Dewar when he said:

“there is a possibility, in theory, of the United Kingdom Parliament legislating across those areas, but it is not one which we anticipate or expect.”—[*Official Report*, House of Commons, 28 January 1998; Vol 305, c 402-03.]

What might have been more difficult to anticipate was the readiness of the Executive to allow Westminster to use that power so regularly.

In previous debates on specific topics, I have conceded that there might be some practical expediency in using Sewel motions from time to time. However, the Parliament should not be about practical expediency only. I am not convinced of a pressing need for the issue to be dealt with in that way. After all, I understand that we are scheduled to have an international criminal court bill introduced in the Parliament in April.

The SNP is more than happy to endorse the international criminal court itself. However, we could find ourselves in a situation in which the Parliament will, properly, legislate in areas that concern it and are to do with the court—with the important scrutiny that stage 1 allows—but, for other purposes that are equally within the competence of the Parliament, it will not legislate. Why not? I do not believe that the justification as set out in the Executive’s memorandum, or as set out today by the minister, is sufficient. I have one reason for saying that: the operation of international criminal court orders, judgments, warrants and requests in Scotland is a very important matter. Why should that not be subject to the scrutiny of the Parliament as well as anywhere else in the UK?

Normally, when these motions come to a vote, the SNP allows them to go through. However, I am reserving judgment on this one until I have heard all the contributions. It seems extraordinary that, notwithstanding the separate Scottish legislation that is planned, and which we will support, we are proceeding in this fashion. One day, I hope that the Executive—or the Government or whatever—will come to its senses and cease to use this procedural device, which was never meant to be anything other than a rarity. This is Scotland’s Parliament; let Scotland’s Parliament legislate.

14:17

**Phil Gallie (South of Scotland) (Con):** The Conservative party recognises the importance of the motion, and of the bill that is going through the House of Lords. We acknowledge that this is a

United Kingdom matter. It is to the benefit of us all that all the nations of the union should go forward together and give their support, so that we have a level playing field for the implementation of the bill. As I have said, Westminster is the right place to determine the issue.

Scotland sends MPs to Westminster to deal with such issues and they must have regard to Scotland’s interests in the matter. They have that responsibility. Let us hope that those who voted on a devolved issue at Westminster yesterday can regain some dignity by adding value to the bill when it comes before the House of Commons.

We must learn from the hasty incorporation of the European convention on human rights. We must ensure that UK law and Scottish law go ahead hand in hand. We look to the Executive to ensure that the details of the bill that it will present to Parliament align fully with the International Criminal Court Bill. There must be no loopholes: otherwise, the United Kingdom and perhaps the Scottish Parliament will be a laughing stock.

We will support the minister unequivocally. We look forward to a strong debate in the House of Commons on the issue. We have some concerns, but it will be for Westminster members and the Westminster Parliament to determine the issue. I ask the minister quickly to put before Parliament a draft bill dealing with Scottish issues. We do not want another instance, as happened with the Regulation of Investigatory Powers (Scotland) Act 2000, of being caught at the tail end. However, as I said, we will support the minister.

14:20

**Pauline McNeill (Glasgow Kelvin) (Lab):** Human rights and the law have been prominent in the Scottish Parliament since it began. The European convention on human rights is raising standards for citizens across Europe. By signing the statute of Rome in 1998, the Labour Government in Westminster spoke on the international stage. In particular, I am pleased—as I am sure are others—that our Government is a founder member of that treaty and is not dragging its heels on such an important issue. I hope that internationalism will continue to be an important theme in the Scottish Parliament.

The need for a permanent international criminal court has been under discussion since the end of the second world war and the Nazi war trials. There is an on-going need to deal effectively, on an international basis, with suspected war criminals and those who are responsible for crimes against humanity. Those people with blood on their hands and who have ordered mass tortures, executions and disappearances, such as Pinochet and Milosevic, will not be brought to trial

under that court—unfortunately. However, when the legislation comes into force, international law will be much clearer in future cases.

The passing of the treaty and the subsequent domestic legislation should make clear rights and obligations under international law. In the past, the deterrent against crimes against humanity has been weak. Other codes of practice and international understanding have allowed for selective international justice. Now we will have core principles based on crimes specified in statute. That should allow a quicker response, which is important.

The Executive has already announced its intention to introduce a Scottish bill on the international criminal court, to be placed alongside the UK bill. We will be able to fulfil our obligations under the treaty. The Scottish part of the bill will allow the international court to ask the Scottish authorities to question a person whom the court is investigating or prosecuting. It will allow the taking of fingerprints and non-intimate samples to enable the international court to identify a person in whom it has an interest and to investigate suspected criminals.

I hope that members will take an international perspective on what today's Sewel motion is trying to achieve. We should co-operate across the UK, because this is a global matter for the greater good.

**The Presiding Officer:** Only one member has requested to speak in the open debate. Mr Robson, you have three minutes.

14:22

**Euan Robson (Roxburgh and Berwickshire) (LD):** I welcome, as does the Liberal party, the establishment of a permanent international court. It is an important development and we are right to introduce appropriate legislation.

My point is simple. The intention is to introduce a Scottish bill in April and there is rumoured to be a major political event taking place on 3 May. If the bill at Westminster did not complete its passage by the due date—some time in early April—what would happen? Would we need to consider extending the scope of the Scottish bill or even delaying it? Would the Scottish bill be able to operate on a standalone basis? During the passage of the Regulation of Investigatory Powers (Scotland) Act 2000, questions to ministers made it clear that the Scottish bill and the UK bill were complementary. It would be helpful to know whether the Scottish international criminal court bill could proceed if the events that are in the minds of many occur.

We must wait to see the content of the bill. I

would be interested to hear the minister's comments.

**The Presiding Officer:** Two other members wish to speak and I shall allow them a couple of minutes each.

14:24

**Ms Margo MacDonald (Lothians) (SNP):** I pressed my button first, so I hope to be allowed to speak for two and a half minutes.

I understand why the Minister for Justice thinks it reasonable and good practice to have Westminster undertake the necessary legislation to expedite the UK's ratification of the treaty to establish a permanent ICC. The UK will be the signatory, because foreign affairs such as this are reserved for the big brains—I nearly said big heads—in Westminster.

The minister, however, thinks that the treaty is anomalous. It is based on the need—as Pauline McNeill said—to create a better system of human rights throughout the world and to extend such rights to all humanity. It is based on big political and moral considerations and it depends on the intermeshing of the world's legal systems. Although Scotland has a Parliament, we do not have the mechanisms that would allow us to interact with other nations of the world in developing the intention and direction of the international criminal court. But we have a legal system, so I do not take the minister's attitude that the situation is anomalous, and that we should just allow Westminster—which has the political system and the right to sign an international treaty—to pass the legislation that is required for our legal system to interact with other international legal systems. My attitude is that an international treaty that recognises the world's legal systems should recognise the Scots legal system.

Why should it be that, according to part II of the bill—I must congratulate the drafters of the explanatory notes that came with the bill, because they are comprehensive—someone who is arrested in Scotland might be able to argue their way out of appearing before the court because they could argue that it was part of an extradition process, which is reserved to Westminster? Should not it say in the treaty that there is such a thing as Scots law, and that if someone is arrested in Scotland under the terms of Scots law, that will be recognised in the international criminal court?

I oppose the minister's view because I have a different way of looking at the world—I would like to join it. I would like to play a proactive part in building the treaty. I would like Scotland to be properly informed about all the questions that underlie the treaty. I want Scottish people to discuss and understand properly why the incoming

American Administration has said that it will not ratify the treaty, when one of the last things that Bill Clinton did on his way out the door was to say that he would. I want Scots to understand that if, in future, Scottish squaddies who are involved in an international effort, say in Kosovo, Bosnia or something like it, are hauled up for the sort of action that saw two squaddies from Scotland in front of a court because they wrongfully shot someone in Belfast—as judged by people in Ireland—that will be a matter for international debate.

Scots must understand those issues and must make their voices heard in the world, and this is the place where that should be decided. I urge the Minister for Justice to listen to Roseanna Cunningham.

14:26

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** Presiding Officer, I read your hand signals, so my point to the minister will be brief.

Perhaps the minister could tell us what will happen to the Scottish Prison Service and Scottish prisons. If we are talking about an international criminal court, what about proper conditions in some of our jails, and the medical services that are provided to prisoners?

14:27

**Mr Jim Wallace:** The debate has been useful. It is important to emphasise the main objectives of the International Criminal Court Bill. Mention was made of Peru signing up to the Rome statute, and I welcome the fact that one of the final acts of the Clinton Administration of the United States was to do so. The main purposes of the court are that its existence should act as a deterrent, that it will end accusations that the international community is selective in where it seeks to see justice done, and that it will enable an immediate response to acts that offend the international community. It places responsibility for such acts on individuals, rather than on communities, and in doing so can help further reconciliation.

If I may, I will address some of the detailed points. Euan Robson's point with regard to a possible election is not a matter for me or the Executive. However, there is an expectation that the UK Parliament will make good progress to complete the passage of the bill, and it is important that we continue with our proposals to legislate. The Scottish Executive and, I think, all in the Scottish Parliament would support the UK Government on the matter. The UK will be among the first 60 nations to ratify the treaty, so it is important that we put in place the Scottish provisions. However, ratification clearly could not

take place solely on the basis of the Scottish legislation. Ratification will also require Westminster legislation, so if, for any reason, the bill falls in Westminster, it will have to be brought back before the UK Parliament.

Margo MacDonald made an interesting point, but it is not a question of treaties, it is a question of the Scotland Act 1998, which says that extradition is a reserved matter. As I indicated in my opening remarks, the Executive believes that it has the legislative competence to deal with arrest and surrender, but we do not wish to take the risk.

As everyone knows, some lawyers can advance a very sophisticated argument. We could introduce legislation in good faith, and say that we believed that it was within our competence, but we are not infallible. I am sure that Roseanna Cunningham would be one of the first to denounce us if, for example, someone who faced charges before the international criminal court was allowed to go free because we had anticipated this point but not done anything about it. Ensuring that the legislation is practical and watertight is far more important than breast-beating about what the Parliament can or cannot do.

The Parliament could do it. Even within a short time the Parliament has achieved the maturity and the confidence to take that strong, pragmatic view and not to allow a loophole to emerge. Likewise, the Parliament does not lose its sense of identity and its importance if, rather than duplicate the list of privileges and immunities, we legislate for them all in the UK bill. Again, we do not want any possibility of a challenge to Scottish prison officers escorting alleged international criminals through England. It is for those strong, pragmatic reasons that the Sewel motion is brought before the Parliament; I ask the Parliament to endorse it at 5 o'clock.

**The Presiding Officer:** As the minister said, the decision will be taken at 5 o'clock. I will allow a two-minute overrun for the next item, because of the earlier points of order.

## Question Time

### SCOTTISH EXECUTIVE

#### Water Industry

**1. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the Scottish Executive what recent discussions it has had with representatives of North of Scotland Water Authority regarding the future structure of the water industry. (S10-2779)

**The Minister for Environment, Sport and Culture (Mr Sam Galbraith):** I am in regular contact with the water authorities on all the strategic issues that face the authorities individually and the industry as a whole.

**Lewis Macdonald:** I thank the minister. Does he recognise the growing competitive pressures on Scotland's publicly owned water industry? Does he accept that the large-scale new investment that the industry will require runs the risk of creating a gap between charges to customers in the north of Scotland and to those elsewhere? Will he consider carefully the case for a single, Scotland-wide, publicly owned water authority, with the benefits that that would bring, especially to customers in the north and to the competitive position of the Scottish water industry as a whole?

**Mr Galbraith:** As I said when I appeared before the Transport and the Environment Committee, I have not ruled out the possibility of a single water authority. However, before making any proposals on that, I would want to be sure that such a proposition would in no way damage the competitive nature of our water industry—especially considering the great pressure that it is under—and would not detract in any way from the efficiencies that are necessary in the current service to fight off competition and maintain our water service in the public sector.

**Richard Lochhead (North-East Scotland) (SNP):** Is it not the case that NOSWA and the other water authorities cannot meet ambitious efficiency targets and compete with multimillion pound investment programmes without jeopardising quality of service and safety? Does not that strengthen the case for a temporary exemption from the Competition Act 1998 for Scotland's water industry, before the minister sends it further down the road to privatisation?

**Mr Galbraith:** I know it is disappointing to the member that we are not privatising the water industry. The industry will stay in the public sector; to do that, it must become more efficient and effective. If it does not, it will be in trouble.

**Richard Lochhead:** The minister cannot stop privatisation; whether there are three authorities or one, they will be dwarfed by private companies.

**Mr Galbraith:** The member might not like what I am saying, but he should listen to it.

It is not a question of exempting the water authorities from competition—competition is here already. Every day, the water authorities are under attack from companies that wish to take over their powers. It is not a question of compromising standards; standards are obligatory and there is no way that we can compromise them. We safeguard standards by ensuring that we have the money—and we get that from efficiency. *[Interruption.]* I note that the nationalists are, once again, in favour of an inefficient service.

**Maureen Macmillan (Highlands and Islands) (Lab):** Is the minister aware of the concerns of the trade unions about future job losses in the water industry? Will he give us some idea of the possible scale of the job losses? What type of jobs are most at risk and what will be the likely time scale? *[Interruption.]*

**Mr Galbraith:** Again, I hear the nationalists calling from a sedentary position for inefficiency in the service—I hope that the whole country will note that the nationalists believe in inefficiency. Of course we have to become more efficient—no one could be against that—but the important thing is that if there are to be any reductions in staff numbers, they will be handled as sensitively as they always have been. No one in the Executive wanted to come into government to ensure that people lose their jobs. We want to ensure that our public water system is highly efficient, effective and delivers for its customers rather than just for ranting politicians.

**Mr David Davidson (North-East Scotland) (Con):** Will Mr Galbraith tell us whether the Executive is prepared to review the funding formula that is at the core of the water authorities' problems and is causing difficulties not just for them but for their customers, especially the food processors?

**Mr Galbraith:** David Davidson again raises the question of food processors, whose main problem is that they must comply with the urban waste water directive. They have known for 10 years that they must comply with that and have failed to do so. Funding is allocated on the simple basis that the water authorities borrow money from us at the normal Government rates and pay for that through their charges, which is the correct way to do that. That maintains the system. There is nothing secret, dramatic or in any way skewed, about the funding system.

## Child Health

### 2. Christine Grahame (South of Scotland)

**(SNP):** To ask the Scottish Executive what measures it is taking to improve children's health. (S10-2774)

**The Minister for Health and Community Care (Susan Deacon):** "Our National Health: A plan for action, a plan for change", which was published last month, sets out a wide range of measures that we are implementing to improve children's health and children's health services. That reflects the priority that is given to children across the work of the Executive.

**Christine Grahame:** In Scotland's schools, it is commonplace to bump into vending machines purveying chocolate bars, fizzy drinks and every variety of crisps under the sun. Those machines provide not a healthy diet, but a healthy input into the school's beleaguered finances. Is the expansion of such commercial outlets in our school corridors an integral part of the Executive's plan to improve our children's health?

**Susan Deacon:** That issue has been debated at some length previously in the chamber. It is unfortunate that a number of fairly complex issues are, not for the first time, being oversimplified in the cut and thrust of question time.

We are developing better joint working than ever between health and education, on issues such as diet and health promotion in schools. We are also working in those areas nationally with greater energy, co-ordination and investment than ever. I agree with Christine Grahame's main point. It is important that the messages are consistent and that our youngsters do not receive mixed messages in school or elsewhere. However, we are engaged in a national effort to ensure that that happens effectively in future.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Does the minister agree that an initiative that should be copied throughout the country is fruit plus, which was launched on Monday at St Cuthbert's Primary School, in my constituency? Agencies such as the Greater Glasgow Health Board, Glasgow City Council and Sainsbury's are working to provide children in primary schools and other centres throughout the Glasgow area with several pieces of fruit each week. Does she further agree that the inclusion in the curriculum of packages that introduce the healthy consumption of fruit and vegetables to children's diet should be considered as a step forward?

**Susan Deacon:** I agree fully with Patricia Ferguson that the initiative that was launched this week in Glasgow, which aims to provide fruit to our schoolchildren, is an excellent example of the kind of work that must be done if we are to make a lasting change in the eating habits of our children.

The initiative is a practical example of partnership working in action—not just within the public sector, but with effective partnerships with the private sector when that is in the best interests of our people.

That project builds on our work on providing fruit in nursery schools. I hope that we will continue to take such practical action throughout the country in years to come.

## Museums

**3. Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** To ask the Scottish Executive what criteria were used in deciding which museums were selected as beneficiaries of the funding package announced on 21 December 2000. (S10-2806)

**The Minister for Environment, Sport and Culture (Mr Sam Galbraith):** The Scottish Fisheries Museum, the Scottish Maritime Museum and the Scottish Mining Museum were accepted as museums of national importance to our cultural heritage on the strength of evidence from a number of independent studies and expert advice from the National Museums of Scotland.

**Alasdair Morgan:** The minister has not answered the question, which asked what criteria were used. Does he agree that the same criteria would apply equally to the Museum of Lead Mining at Wanlockhead?

**Mr Galbraith:** The criteria that were used considered whether museums were of national significance, and it was not evident to everyone that that was the case with the Museum of Lead Mining at Wanlockhead. Alasdair Morgan is aware that we are conducting a national audit of all our museums and considering their collections, services and buildings to determine what is of national significance in them. The mining museum will be one of the first to be considered and I await further advice.

**Alex Fergusson (South of Scotland) (Con):** The minister will be aware that I wrote to him recently on exactly this subject—or perhaps he is not aware, as the answers that I received in his letter bore absolutely no relation to the questions that I had asked. Is he aware that most teachers would tell him that there is considerably greater educational benefit in taking their class to visit the mining museum at Wanlockhead than there is in visits to many other museums, including some of those to which he has given funding? Will he undertake to visit the museum at Wanlockhead and to review his funding strategy so that Wanlockhead does not have to rely on generous donations, such as the £20,000 that it received recently, to allow it to survive?

**Mr Galbraith:** The member's remarks are a dreadful slight on all the other museums, which, I am sure, would be only too happy to challenge his view. I am sure that everyone supports their local museum, as he has done, but to claim that that museum is somehow superior to all others is not something in which we should engage. Many museums up and down the country are funded from a number of sources. It would help if the local authority matched the funding that some local authorities put into museums. Perhaps Dumfries and Galloway should think about that for Wanlockhead.

**Irene Oldfather (Cunninghame South) (Lab):** Will the minister join me in welcoming the good news for our heritage that, following the Government's cash injection, the Scottish Maritime Museum in Irvine is to reopen its doors in April? Does the minister believe that that may also open up funding opportunities for the world's oldest clipper ship, the Carrick/City of Adelaide?

**Mr Galbraith:** Yes, I realise that it is good news—the nationalists will not like that.

The thing about the museum at Irvine is that it has sought over a number of years to develop and improve. It has had a funding crisis, National Museums of Scotland has advised me that it has a collection of national importance and so we have put money in. That funding is not without strings; the museum will have to examine its service, its governance and how it relates to other museums. The same will apply to all future funding. However, I am happy to have been able to put cash into it and other museums. I look forward to the full audit of all museums other than the national ones.

### Patient Safety

**4. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive whether it plans to take action over fears for patient safety at Glasgow royal infirmary as reported in *The Herald* on 9 January 2001. (S10-2781)

**The Minister for Health and Community Care (Susan Deacon):** The Executive does not plan to take action on the basis of that specific report. I understand that the clinician who had concerns originally has indicated that he is now content that action is being taken by trust management to ensure that patients continue to be treated within a safe care environment. The Executive will, however, continue to monitor the situation.

**Pauline McNeill:** First, will the minister acknowledge that Glasgow royal infirmary is a regional facility, covering the west of Scotland, and not just a local facility? I do not think that it is enough for accountability to lie with the trust or the health board. Surely the Scottish Executive must have some accountability. Furthermore, does the

minister accept that patients throughout Scotland have read Ross Carter's comments in the press and that there must be some higher authority on whom they can rely, or some independent source who can tell them whether everything is well at Glasgow royal infirmary?

**Susan Deacon:** As Pauline McNeill and other Glasgow members may be aware, other senior clinicians at the GRI and in Glasgow have commented since the initial press reports were published and have addressed many of the issues to which those reports referred.

I agree with the essence of Pauline McNeill's wider point about accountability. It is essential, post-devolution in particular, that there is effective accountability in the NHS, not just at local level, although that is crucial, but at national level. That is precisely why we set out detailed proposals in the Scottish health plan, which was published in December, on how we plan to improve accountability. We are now developing the implementation of the proposals, which will address exactly the issues that Pauline McNeill wants addressed.

**Dorothy-Grace Elder (Glasgow) (SNP):** A consultant surgeon at Glasgow royal infirmary—he is not the first to speak out at the royal—has said that it is the only hospital in Scotland that does not have 24-hour access to intensive care for all patients after major operations. If we behave as if we regard ourselves as underdogs in Glasgow, that is because we are treated like underdogs. Will the minister take responsibility for Glasgow royal infirmary and end this smugness?

**Susan Deacon:** The suggestion that Glasgow is treated as an underdog in the NHS, or in any other area, is palpable nonsense. Next year every health board area in Scotland will receive funding increases of more than twice the rate of inflation. In Glasgow, because of the new fairer funding formula, which recognises the needs of Glasgow—especially those of its deprived communities—the health board will receive a 7.5 per cent increase in funding. Those are real resources to deliver improvements for patients. In Glasgow—as elsewhere—we will take practical action to deliver real results; we will not indulge in idle, scaremongering rhetoric or press release politics. The people of Scotland deserve better than that.

### Social Inclusion Partnerships

**5. Mr Frank McAveety (Glasgow Shettleston) (Lab):** To ask the Scottish Executive what funding will be available to social inclusion partnerships in 2001-02. (S10-2775)

**The Deputy Minister for Social Justice (Ms Margaret Curran):** Our core funding for SIPs in



2001-02 will total £53.9 million, which is an increase of £3.8 million over the provisional allocations that were announced previously. That will be supplemented by £1 million for drug misuse initiatives and around £1.8 million for support costs. Other partners will also contribute substantial sums to the achievement of SIP strategies. I expect that a proportion of the £20 million for 2001-02 from the better neighbourhood services fund, which was announced earlier this week, will also help regeneration in SIP areas.

**Mr McAveety:** I welcome the minister's response. I agree that the resources that have been announced will make a difference to parts of Scotland. Does the minister agree that the third of the better neighbourhood services fund that will be made available to the city of Glasgow shows that the partnership between the Executive and Glasgow City Council to tackle deprivation and poverty is of fundamental importance, and that that partnership should be continued to make a difference for the people of Glasgow?

**Ms Curran:** Yes. This has been a good week for Glasgow. The recent announcement of £90 million over three years for the better neighbourhood services fund demonstrates our commitment to tackling poverty, promoting inclusion and enabling regeneration.

As the Minister for Health and Community Care said, the Executive recognises Glasgow's problems and welcomes the progress that we have made this week. I thank the First Minister for his commitment to Glasgow.

**Ms Sandra White (Glasgow) (SNP):** I take on board the comments that were made by Frank McAveety and the minister, but I have concerns about the SIPs. Perhaps the minister could alleviate those concerns. Is she aware of continuing concerns about the misuse of SIP funding in the north of Glasgow? Will she guarantee that the investigations—which I understand are still going on—are being conducted thoroughly and rigorously? Will such investigations continue throughout the life of the SIPs?

**Ms Curran:** I believe that Sandra White has pursued this matter on several occasions. She has made serious allegations and I hope that they can be substantiated. I am confident that we have vigorous mechanisms in place to ensure monitoring of SIPs, which is a matter that I take very seriously. I am well acquainted with SIP issues. I have met the local constituency member to discuss allegations about SIPs and I will be happy to pursue the issue. I am yet to be persuaded, but I will investigate it.

**Ms White:** On a point of order. I did not make allegations. The allegations were made by a

constituent, not by me.

**Donald Gorrie (Central Scotland) (LD):** Will the minister assure us that the money for those partnerships will in part be used to give core funding to existing voluntary organisations that provide vital services in the area? The tendency in the past has been to direct such new funds to new projects and to ignore existing organisations, which wither away.

**Ms Curran:** I assume that Mr Gorrie is referring to the better neighbourhood services fund. The focus will be on delivering outcomes, innovative services and working in partnership. I take Mr Gorrie's point. The money will be negotiated by local authorities, but there will be an emphasis on working with local communities so that their priorities are funded. We have made progress in developing innovative services. I reassure Mr Gorrie that that is how that money will be spent.

### Town Centres

**6. Andrew Wilson (Central Scotland) (SNP):** To ask the Scottish Executive what plans it has to invest in the development of town centres across Scotland. (S1O-2801)

**The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison):** The Scottish Executive, through agencies such as Scottish Enterprise and Scottish Homes, is engaged in a wide range of projects that aim to secure town centre development throughout Scotland.

**Andrew Wilson:** I thank the minister for his reply. He will be aware that the Cumbernauld Development Corporation, a Government agency, was dissolved in 1996. That action left a grossly incomplete town centre, which is a blight on an otherwise outstanding community.

What comfort can the minister give that the Government, unlike the previous Conservative Administration, will not wash its hands of that problem? Furthermore, will he undertake to meet me to discuss solutions to the problem and the situation in other traditional town centres in places such as Kilsyth and Wishaw that are faced by similar challenges to the heart of the community?

**Mr Morrison:** The member will be interested to note that in 1998 the Government revised town centre planning policy to emphasise the importance of protecting and enhancing existing centres and to stress that the town centre should be the new choice for new retail, commercial and leisure developments. I am sure that the member will join me in thanking the local MSP Cathie Craigie for her regular and excellent interventions into a number of the issues that he raises.

**Dr Elaine Murray (Dumfries) (Lab):** The minister will not be aware that I have written to the Minister for Finance and Local Government on the issue of rateable values for properties based on rents that cannot be realised, which has been brought to my attention by the Dumfries town centre manager. The current appeals process does not seem to allow for the problem of declining rental values. Will the Executive undertake to examine that problem, which leads to significant numbers of empty properties in town centres such as Dumfries?

**Mr Morrison:** As the member rightly said, I was not aware that she had written to the Minister for Finance and Local Government. I am happy to liaise with my colleague Angus MacKay to discuss the issue that she raises.

**David Mundell (South of Scotland) (Con):** Is the minister aware that an initiative called town improvement zones is being pursued in England and Wales? If not, will he undertake to examine that initiative and whether it can be applied in Scotland? Perhaps he should also note that Mr John Dowson, the town centre manager in Dumfries, would be happy to facilitate a pilot project in that very worthy town centre.

**Mr Morrison:** I am very willing to learn from best practice from anywhere in the UK.

#### **City Councils (Dundee and Glasgow)**

**7. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what recent discussions it has had with Dundee City Council and Glasgow City Council on their funding situation. (S10-2802)

**The Deputy Minister for Finance and Local Government (Peter Peacock):** The First Minister, Angus MacKay, and I met Glasgow City Council yesterday; and the First Minister and Angus MacKay met Dundee City Council on 18 December 2000.

**Mr McAllion:** Does the minister acknowledge that both cities are the victims of a Tory reorganisation that butchered their boundaries and eroded their tax bases and so joeyed their finances that they had no choice but to levy amongst the highest council taxes in Scotland at the same time as cutting spending on important government services? Will he show that the problems that face cities matter just as much in this Parliament as the problems that face fishing, farming or the countryside? Will he intervene to right that Tory wrong, either by restoring the natural boundaries of those cities or by introducing metropolitan status, so that all of those who benefit from city services must contribute to the financing of those services?

**Peter Peacock:** I am sure that the chamber is fully aware of the unprincipled nature of the previous reorganisation of local government by the Conservatives, which left a whole range of anomalies. The Executive is acutely conscious of the issues that Mr McAllion has raised. We have announced recently a cities review to take a long-term look at the structure of our cities and how we can address their underlying problems to redress the balance that he has indicated needs redressing: the cities' ability to provide services. We will soon meet the city councils to help to set the agenda for that review, and we will expect the city councils to put all the issues that concern them on that agenda so that we can deal with them properly.

**John Young (West of Scotland) (Con):** Was the subject of business rates brought up in the minister's discussions with Glasgow City Council? There is unanimity among all parties on the council that it should be allowed to keep 100 per cent of its business rates, perhaps for two or even three years. However, the crisis facing Glasgow is that a large chunk of money is leaving the city and perhaps that solution would alleviate the situation a little. Although I appreciate that extra moneys are going into Glasgow, that idea has been proposed consistently by the Labour Administration and Opposition parties on the council.

**Peter Peacock:** We had an extremely cordial and constructive meeting yesterday with Glasgow City Council, at which Mr Young's point was indeed raised. It is somewhat ironic that the Conservatives changed the policy to take non-domestic rates away from local authorities and to pool them nationally. We are aware of the issue; when local authorities kept their non-domestic rates locally, there was a form of equalisation of grant to ensure that those authorities with low tax bases could none the less provide their services. Any future change would mean that there would have to be an equalisation process to ensure that areas were not disadvantaged. However, we are prepared to consider the matter in future.

**Tommy Sheridan (Glasgow) (SSP):** Does the minister agree that, in the city of Glasgow—where the average income is 20 per cent below the Scottish average but yet the council tax is 25 per cent higher than average—the Executive's funding arrangement with Glasgow will do absolutely nothing to lower the level of council tax, and will continue the Tory policy of penalising and neglecting the city of Glasgow?

**Peter Peacock:** Quite the reverse. As Margaret Curran said, Glasgow has had extremely good news this week, with additional funding on top of the grant settlement that it received, which gives grant to Glasgow at a rate 24 per cent above the

Scottish average. That funding recognises Glasgow's circumstances and will be used to address the city's problems. I understand that, since yesterday's meeting, the leader of Glasgow City Council has indicated that his administration will be able to set a council tax rise below the rate of inflation so that, in real terms, the council tax level in Glasgow will fall.

### Road Traffic Accidents

**8. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what steps are being taken to reduce the level of road traffic accidents. (S10-2776)

**The Minister for Transport (Sarah Boyack):** In March last year, the Scottish Executive and the UK Government announced targets for road accident casualty reductions in the period to 2010. The targets and a strategy for achieving them were set out in the document "Tomorrow's Roads—Safer for Everyone".

**Bristow Muldoon:** Does the minister agree that we need to create a culture in this country in which we regard road traffic accidents as seriously as we regard accidents in other modes of transport, and that we should recognise that, although there has been a reduction in recent years in the number of road casualties, many improvements must still be made?

**Sarah Boyack:** I agree with Bristow Muldoon on that point. The Scottish Road Safety Campaign has developed a strategy called Foolspeed, which aims to change people's attitude towards speed on the roads. The strategy aims to make drivers drive more safely, not just by looking at the maximum speed limit, but by considering the speed that is appropriate in the circumstances in which they are driving. That campaign is linked to our objective of trying to reduce the accident rate, particularly for children. We aim to reduce the current rate by 50 per cent. Changing the attitude of drivers is important, but local authorities can also work to create a different experience on the roads.

**Ms Margo MacDonald (Lothians) (SNP):** Will the minister bring us up to date on what discussions and planning, if any, are under way with regard to coping with the new road hazard to children and adults: drivers who are under the influence of drugs other than the drug that we already acknowledge as posing a big threat, alcohol?

**Sarah Boyack:** Work is being done to identify the extent to which drug-related incidents are an issue on our roads. Scottish police forces are aware of the problem, which must be considered in addition to the work that is being done on drinking and driving.

### Ruminant Feed

**9. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive what steps it is taking to press Her Majesty's Government to seek, at the earliest opportunity, a derogation from the proposed EU-wide ban on the use of fishmeal in feed for ruminants. (S10-2787)

**The Deputy Minister for Rural Development (Rhona Brankin):** That temporary ban is part of a wider package of measures that is vital in controlling BSE throughout the EU. Within the UK, the risk from fishmeal is acknowledged to be very low. The Scottish Executive is therefore working to secure a derogation at the earliest opportunity.

**Alex Johnstone:** Is the minister aware that, under the peculiar circumstances of the feed industry in Scotland, any requirement to conform to such a ban, even for a temporary period, could have a massive impact on the feed processing and manufacturing industry? Is she aware that the loss of fishmeal manufacture, and of the value of fishmeal manufactured in Scotland, could result in a further cost to the fish processing industry of some £1.5 million to £2 million per year?

**Rhona Brankin:** It is clear that there could be an impact on feed mills that produce both ruminant and non-ruminant rations. A short consultation is currently under way with the relevant trade interests. That will be followed by legislation, which will be made and laid as quickly as possible. On-farm use of ruminant food containing fishmeal will not be banned until 1 April at the earliest.

Members will know that we have set up a working group, led by Scottish Enterprise Grampian, specifically to look at the fish processing industry. It is still possible to feed fishmeal products to pigs and poultry, so the impact on the fish processing industry will not be as great as was previously expected.

### Autistic Spectrum Disorder

**10. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive what progress has been made on the development of a national network for people with autistic spectrum disorder, following the proposal of the Scottish Society for Autism and the National Autistic Society. (S10-2810)

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** Proposals on how to move the network forward were received late last year and officials met representatives from those organisations in November to discuss their outline plans.

We are considering how best to achieve the right focus and balance in the network's approach before reaching conclusions.

**Mr Macintosh:** Was the minister as impressed as many members were at the level of attendance at and the standard of speeches made in last week's debate, secured by Lloyd Quinan, on autism? Given the level of concern that was shown by members from all sides about the services available to people with autistic spectrum disorder, can the minister assure me that the Executive will make progress on this matter with all possible speed?

**Malcolm Chisholm:** I agree that we had an excellent debate on autistic spectrum disorder last week. As I announced in that debate, we expect a key early priority for the network to be a mapping exercise to identify gaps in services. That initiative will be complemented by two other important developments: we have asked the newly created Public Health Institute to conduct a needs assessment on the issue and by June of this year we expect partnership in practice agreements to have been made between local authorities and health boards to chart and plan developments in services.

#### **Air Traffic Control Centre (Prestwick)**

**11. Phil Gallie (South of Scotland) (Con):** To ask the Scottish Executive when it last discussed with Her Majesty's Government the local impact of the development of the new Scottish air traffic control centre at Prestwick. (S10-2791)

**The Minister for Transport (Sarah Boyack):** The Scottish Executive is in regular contact with the UK Government about a wide range of issues, including the new Scottish air traffic control centre at Prestwick.

**Phil Gallie:** Does the minister agree that the new centre is essential to the safety of air travellers from Scotland in Scottish air space and across northern England? Will she advise her colleagues south of the border of our concern at their delay in providing funding for the construction of the air traffic control centre before now? Does she realise the local economic impact that there would be on Ayrshire if the 800 jobs currently in the air traffic control centre were to be lost?

**Sarah Boyack:** This is a matter for the UK Government, with whom we are in discussion. We are keen to ensure that we have a facility in Prestwick that provides safety and important facilities. We are well aware of the importance to the local economy of the construction jobs that will be created when the Prestwick air traffic control centre is developed.

**The Presiding Officer (Sir David Steel):** I will ask for supplementary questions, but they must be on the local impact of the air traffic control centre.

**Alex Neil (Central Scotland) (SNP):** My question is in relation to the development of the

centre.

Is the minister aware of the report of the House of Commons Select Committee on Environment, Transport and Regional Affairs that was published yesterday and condemned the lengthy delays in starting building work on the new centre in Ayrshire and unreservedly condemned the waste of £15.7 million on an aborted private finance initiative for Prestwick? That money would have been far better used to develop Prestwick than to chase city slickers and fat cats in the City of London.

**Sarah Boyack:** That is decisively a matter for Westminster. Alex Neil might want to suggest that some of his colleagues take up the issue, since they still have seats there—perhaps Mr Salmond would be able to.

**The Presiding Officer:** We have to be careful that questions are not on reserved matters.

**John Scott (Ayr) (Con):** Speculation in the press and elsewhere suggests that the new air traffic control centre might never be built at Prestwick. Will the minister assure us that she will do all that she can to make certain that the centre is built at Prestwick?

**Sarah Boyack:** I repeat that we are in regular contact with our colleagues at Westminster. The issue is a matter for them and I do not think that some of the speculation has been helpful. The key point is that we can work with the UK Government to ensure that we have the right facilities for Prestwick.

#### **Drink Driving**

**12. Mr John Home Robertson (East Lothian) (Lab):** To ask the Scottish Executive whether it will introduce random breath testing as a means of tackling the recent increase in drink-driving offences. (S10-2786)

**The Minister for Transport (Sarah Boyack):** Policy and legislation relating to drinking and driving is the responsibility of the UK Government, although enforcement of the law is the responsibility of the police in Scotland. The GB road safety strategy, which was published last year, includes a commitment to strengthening police powers for roadside testing.

**Mr Home Robertson:** I appreciate that the Road Traffic Act 1988 is a reserved responsibility, but I urge the minister to do everything in her power to encourage police forces in Scotland to enforce that vital legislation.

In view of the 76 per cent increase in the number of drivers who tested positive for alcohol following road accidents over the recent holiday period, will the minister confirm publicly that police officers have unfettered powers to stop drivers

under section 163 of the 1988 act and that that power can be applied to random breath tests? That would be well worth while, not only to catch offenders but, much more important, to deter drinkers who might think of driving.

**Sarah Boyack:** I certainly agree with the suggestion that we should discourage anyone from drinking and driving. The fatalities on our roads are horrific and we all want to work to stop them.

The police have to develop an approach that they believe will be sensitive. We now have the figures from the festive safety campaign and can compare them with those of last year's summer campaign. The police have taken a selective approach to target major events and to use their information to target people who they know to have prior convictions for drink driving and to try to ensure that they are not still out on our roads, endangering people.

This is a huge issue, and the work that the police have done will be monitored using the information that we have received from the Christmas period. I agree with Mr Home Robertson that this has to be one of our core priorities.

**The Presiding Officer:** Question 13 has been withdrawn.

### Hospital-acquired Infections

**14. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive whether it has all the necessary information to target activity and resources to best effect in tackling hospital-acquired infections. (S1O-2809)

**The Minister for Health and Community Care (Susan Deacon):** Tackling hospital-acquired infection is a priority for the Scottish Executive. "Our National Health: A plan for action, a plan for change" sets out the steps that we expect the national health service in Scotland to take. That includes ensuring that every NHS trust has effective infection control policies and measures in place. The Executive is also considering what further measures for surveillance at a national level might be required.

**Mr Welsh:** The English Secretary of State for Health admits that methicillin-resistant staphylococcus aureus is endemic in the English hospital system and hospital-acquired infection causes 5,000 deaths in England each year. What is the extent of those problems in Scotland? Can the Minister for Health and Community Care tell us how many HAI deaths and MRSA infections there have been? If the minister cannot tell us, why can she not?

**Susan Deacon:** This is a very serious issue and

I hope to treat it with the seriousness it deserves. The Scottish Centre for Infection and Environmental Health already gathers data on this matter, so we are closely monitoring the incidence of HAI in Scotland. As I have just indicated, we are also considering how to improve further surveillance nationally.

MRSA and hospital-acquired infection in general are a growing problem—not just in England, or just in Scotland, but worldwide. The reasons for HAI's occurrence are complex, hence any solution that we pursue will, by necessity, require to be equally complex. For example, the work that we set in train before Christmas as part of our anti-microbial resistance strategy, to ensure that antibiotics are used only when appropriate—so that we can tackle the problem of increasing microbial resistance to antibiotics—is as much a part of our strategy to deal with HAI as the measures that we set out in the health plan to improve cleanliness in our hospitals.

We are progressing with work in this area on a number of fronts, and take it very seriously. Other members in this chamber ought to do likewise.

**Nick Johnston (Mid Scotland and Fife) (Con):** We heard yesterday that Alan Milburn has devoted £30 million of extra resources to ensure cleanliness in hospitals in England and to make ward sisters responsible for monitoring the standard of cleansing. Does the minister propose to tackle the issues that need addressed in cleansing by making ward sisters responsible? What role should managers in the NHS fulfil if they are not supervising the wards that they are paid to manage?

**Susan Deacon:** I find it intriguing that, in this Parliament, we are first asked to do things differently in Scotland and then asked to compare our measures with those being implemented in England. The commitment that I share with Alan Milburn is that hospital cleanliness needs to be prioritised and addressed. In our own Scottish health plan, we have set out how that will be done. That includes additional investment and a recognition of the need for ward sisters and other front-line staff to be given the resources they require and to be empowered to take the necessary action to ensure that cleanliness is improved. We are serious about our work on this matter and if Nick Johnston wishes to study the health plan in more detail, he will see what that work entails.

### European Single Currency

**15. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive whether it will undertake an assessment of the impact UK membership of the European single currency would have on the Scottish economy. (S1O-2790)

**The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison):** Policy on UK membership of the European single currency is a reserved function.

**Alex Neil:** That is one of the most pathetic and complacent answers I have ever received in this chamber. The responsibility of the Scottish Executive is to look after the interests of Scotland and the Scottish economy. Is an independent and realistic assessment of the positive and negative impacts that membership would have on the Scottish economy not the role of the Scottish Executive? Does the Executive have responsibility for Scottish enterprise and business or not?

**Mr Morrison:** I bow to Alex Neil's ability to recognise the pathetic. We have witnessed a rare spectacle today—both Alex Salmond and John Swinney applauding Mr Neil. That is welcome and heartening.

I respectfully urge Mr Neil to write as a matter of urgency on this issue to his MP, Mr George Foulkes. If he is further exercised about it, I suggest as a last resort that he makes further representation to his close friend and sadly departing colleague, the MP for Banff and Buchan.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### Secretary of State for Scotland (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister when he next plans to meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-770)

**The First Minister (Henry McLeish):** I speak regularly with the Secretary of State for Scotland. I expect to meet him next week. May I say on behalf of the whole Parliament that we are delighted that John Swinney feels comfortable here and is staying with us.

**Mr Swinney:** I am grateful for the First Minister's warm welcome. I assure him that it is not reciprocated. I ask the First Minister about his discussions with Westminster ministers. On 14 December, the First Minister said:

"In England and Wales they have decided not to proceed with personal care costs, but as far as I am concerned . . . I am committed to this idea."

Following his discussions this week with Alan Milburn MP, the Secretary of State for Health, is the First Minister still committed to funding the personal care costs of all elderly people?

**The First Minister:** Colleagues would want some consistency. John Swinney mentioned 14 December, but on 26 October, 9 and 13 November and 10, 14 and 17 December I said that I want to see personal care as part of long-term care to be the subject of a review. [*Interruption.*] SNP members sit there in a frenzied, excited way. We are only a few days away from a statement on this subject to the Parliament and the Scottish people. I would add that what I said in the interviews, I meant.

**Mr Swinney:** Okay—we may be getting somewhere on this one. Let us see whether the progress is maintained. The First Minister said what he said about the consistency of his line of argument. I do not believe everything I read in the newspapers—although I recognise that press reports have given the Executive some trouble today already. A press report today suggests that the First Minister wants to apply a means test to payments for the personal care costs of the elderly, to avoid damaging tensions with England. Will the First Minister tell us whether the Executive is committed to announcing free personal care for all elderly people—or are we looking forward to a humiliating climbdown?

**The First Minister:** John Swinney is not listening. If he believes everything in the press, he

will believe that I am going to the Tower of London next week—

**Phil Gallie (South of Scotland) (Con):** Good idea!

**The First Minister:** Sir David—

Then, if we are not going to the Tower, the project is to be dumped. I then read that an envoy is coming up for special negotiations—a bit like the United Nations. The reality is that I made a commitment. The statement will take place next week.

I am delighted that the care of the elderly has grown and grown in stature as one of the most important political issues, and I am grateful to the press for helping us to make that happen. I think that Scottish people—especially older people—want a commitment to progress. What we have said has been consistent.

Today, *The Herald* says:

“Record employment. Boom economy. Have we ever had it so good?”

It also asks:

“Are we living in a golden age?”

Is it not time to accept that we will deliver on our commitment to older people in Scotland? Let us celebrate success. The SNP will never be able to do that.

**Mr Swinney:** *The Herald* also says that the Labour Administration in Scotland is leaving some people behind. Will the First Minister stop telling us about review after review and start telling us about answer after answer? Is the Executive committed to paying the personal care costs of all elderly people, or will the Labour Administration leave some elderly people behind?

**The First Minister:** I recognise synthetic indignation when I see it. I will repeat my point. John Swinney started by talking about people being left behind in Scotland. He may have read today's *Herald*, which is a good read by any standard. We believe that there are still inequalities in Scotland. There is much more to do, but we should celebrate the facts as we see them. The number of Scots in work is at a 40-year high. The number of unemployed people is at a quarter-of-a-century low.

As John Swinney asks me to stop having review after review, I will illuminate the issue. There is only one review—the one that has been undertaken by Susan Deacon, the Minister for Health and Community Care. The outcome of that review will go before the Scottish people and the Parliament next week, as it should.

## Prime Minister (Meetings)

**2. David McLetchie (Lothians) (Con):** To ask the First Minister when he will next meet the Prime Minister and what issues he plans to raise. (S1F-767)

**The First Minister (Henry McLeish):** I expect to meet the Prime Minister at the British-Irish Council in Dublin on 23 January.

Sadly, I cannot comment on whether David McLetchie is returning to Westminster because the Tories have not been there for many, many years.

**David McLetchie:** That was an obscure remark, but I am sure that I will have many colleagues to visit after 3 May, 5 April or whatever date the election is held.

Once the First Minister has done his spot of metaphorical kissing and making up with the Prime Minister at the British-Irish Council, I hope that they might get round to discussing the rules that will govern the conduct of Scottish Executive ministers and civil servants during the forthcoming general election campaign. Will the First Minister give an undertaking to follow the precedent that the Prime Minister set at the time of the Scottish Parliament elections and ensure that clear guidelines are in place for ministerial announcements so that there is no question of compromising the integrity and independence of our civil servants during the campaign?

**The First Minister:** I give the undertaking.

**David McLetchie:** I thank the First Minister very much for his answer. That was a good answer, which was welcome. I commend him on his brevity. As the First Minister has put so much time at my disposal, will he agree that if any further proof were needed of why such guidelines are necessary, it came this morning when Scottish Executive ministers were finally brought to book for treating the Parliament with contempt over announcements? Angus MacKay categorically denies giving a leak or a brief about his statement to the press. I believe him when he says that, but the First Minister must know who was responsible, because the information came from within the Executive. Will the First Minister name the guilty man?

**The First Minister:** I can be brief. The question was will I name the guilty man. No, because the parliamentary authorities and the business managers are examining the issue that was raised earlier today. If we seek a political knockabout, there is a grave danger that we will undermine the serious procedures that govern business in the Parliament. I want always to see fair procedures in the Parliament. I hope that matters will be resolved and that we can get back to normal business.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** When the First Minister meets the Prime Minister, will he discuss with him the current situation in the trade dispute between Europe and the USA, which may have a significant effect on the Scottish cashmere industry?

Can the First Minister confirm that he is aware of the substantial job losses in the knitwear industry that devastated the small Borders town of Innerleithen this week? Will he give me his assurance that the Executive will make strenuous efforts to assist the local enterprise company and other agencies to promote investment in the area, in both the textile sector and other industries, to provide job opportunities and diversification of the economy?

**The First Minister:** I am pleased to give that assurance. What I said earlier about the Scottish economy booming is important, as that does not necessarily mean that we do not have outstanding issues to tackle in certain parts of Scotland.

I regret very much the losses that were announced in Innerleithen this week. Officials from Scottish Enterprise Borders have met the company involved regularly. The Executive has made a commitment to use the new facilities that are available through PACE, the partnership action for continuing employment, to ensure that the skills training, specific counselling and every assistance that may be required are given to ensure that alternative employment can be found. We want to work with local MSPs to ensure that that is done.

### Child Protection

**3. Scott Barrie (Dunfermline West) (Lab):** To ask the First Minister whether there are any plans to review child protection procedures in Scotland. (S1F-766)

**The First Minister (Henry McLeish):** There has been considerable focus in recent years on child protection procedures. Now our emphasis must be on ensuring that those involved in child protection have the skills and training to provide the basis for good decision making when following those procedures. The Executive is taking a range of measures to achieve that.

**Scott Barrie:** I thank the First Minister for that answer.

I am sure that all members were shocked and horrified by the news last week of the tragic death of Anna Climbie in London.

Given that there are 32 local authorities, 15 health board areas and eight police forces, does the First Minister agree that it is essential to have effective child protection procedures that are reviewed at the earliest possible opportunity, to

ensure proper, effective inter-agency working?

**The First Minister:** The whole chamber will agree with Scott Barrie's comments. Not only was that a tragic death, it took place in despicable circumstances, about which everyone will be concerned. My first response is that there should be absolutely no complacency in child protection procedures.

Presiding Officer, you will forgive me for taking a few more lines than usual to tackle Scott Barrie's comments. The Children (Scotland) Act 1995 provides for a range of measures that, if used appropriately, should protect children who are known to be at risk of harm from their parents or guardians. However, we cannot be complacent, which is why we are improving training for those involved in child protection.

On the large number of agencies involved, we are concerned—as everyone should be—that some cases may slip through the net. In 1998, we issued guidance on inter-agency co-operation, which was well received and is widely used. Guidance for inter-agency child protection committees is being revised and strengthened.

I wish to make a final point to allay fears about complacency at the heart of government. We have also set up an inter-disciplinary action team to consider joint working among local authorities, the health service, the voluntary sector and the other organisations that are involved in children's services. While that work is not just about child protection, it is relevant to child protection.

We await the outcome of the inquiry in England. Apart from saying that we are concerned about such deplorable activities, we are doing everything possible to tackle them.

**Christine Grahame (South of Scotland) (SNP):** Against that background, will the First Minister explain why, according to health professionals I have spoken to recently, his Government is unable to meet, because of chronic underfunding, the recommendations of a 106-page document that was published in January 2000? The document to which I refer is called "Protecting Children – A Shared Responsibility". The First Minister's share of the responsibility is proper funding, but when will he provide it?

**The First Minister:** I am not sure that the tone of Christine Grahame's question was helpful. I am willing—[*Interruption.*] The question was about underfunding and the issue is serious.

**Christine Grahame:** That is why I asked a serious question.

**The First Minister:** We have just expressed the concern of the whole chamber. If there are specific concerns about documents, reports or resources, or if there is anecdotal evidence from health care



professionals, let me hear it so that we can respond appropriately, but the Parliament must not make throwaway comments on serious issues such as this—every party should adhere to that rule.

**Dennis Canavan (Falkirk West):** Does the First Minister agree that any review of child protection should include a review of the law on adoption? In view of the recent public concern about the money-for-babies scandal, will he consider whether a change to Scots law is necessary? Secondly, will he ask the Bank of Scotland for a report of its investigation into how one of its visa cards was used to finance a practice as unacceptable as the buying and selling of babies?

**The First Minister:** People will forgive me for not answering Dennis Canavan's second point. Jack McConnell will make a statement quite soon on Dennis Canavan's first point. It is a matter of reassuring the public about such activities. The Home Secretary, the Secretary of State for Health and a range of other ministers south of the border are doing that. We should await Jack McConnell's statement and allow MSPs to debate the matter then.

#### Measles, Mumps and Rubella Vaccine

**4. Mr Lloyd Quinan (West of Scotland) (SNP):** To ask the First Minister what measures have been taken in response to drops in recent years in the uptake of the MMR triple vaccination. (S1F-775)

**The First Minister (Henry McLeish):** I preface my answer by saying that I was glad to see Lloyd Quinan at the launch of the arts exhibition by the cross-party group on autistic spectrum disorder. It is first class. It takes place in the Parliament and allows parliamentarians to participate on issues on which there should be consensus.

There are on-going public education measures by the Health Education Board for Scotland. The chief medical officer has written to health professionals on several occasions reaffirming that expert advice remains that the measles, mumps and rubella vaccine provides the best protection against those three potentially serious diseases, and exhorting them to continue to encourage parents to bring their children forward for immunisation.

**Mr Quinan:** On behalf of the many parents and children who provided material for the exhibition, I thank the First Minister for being kind enough to open it for us last week.

Does the First Minister agree that the current climate of concern, trepidation and fear that is being experienced by parents over the MMR vaccine is not helped by the introduction of spurious studies from Finland, and that the easiest

and quickest way in which we could remove some of the fear would be to make the single vaccine available to those parents who ask for it?

**The First Minister:** A medical expert sitting on my right tells me that there is no spurious research. We should not dismiss research of such importance from Finland. If concern about the MMR vaccine is expressed throughout the country, people need reassurance. The Executive makes every effort to use science to confirm to people that the MMR vaccine is a safe method. It has also been claimed that there are links with Crohn's disease and autism, but there is no robust scientific evidence to suggest that that is the case.

It is also important to note that the single vaccines carry difficulties and health threats. I will write to Lloyd Quinan to give him a fair amount of background material on the triple vaccine as well as the single vaccine and to say what the Government is doing to reassure people in every public utterance. We want to meet the target of 95 per cent immunisation. We can all attempt to do that.

**Dr Richard Simpson (Ochil) (Lab):** Does the First Minister agree that using terms such as "spurious" to describe the research paper from Finland, which involved 18 years of research and 2 million individuals, does not serve the case of those parents who have understandable concerns about the increasing rates of autism?

**Mr Quinan** *rose*—

**Dr Simpson:** If there is no link between the MMR vaccine and autism, there is a danger that those parents are going down a cul-de-sac and pursuing a wholly spurious cause, which may ultimately be damaging for them.

**The First Minister:** I have suggested that advocacy of concern should always be put into perspective. There is a danger that the uptake of immunisation will fall. That would not be good for children or for the health of the country.

On such issues, we have to build on facts. We can do that, and we can ensure that parents appreciate it and understand it. We must do as much as we can to reassure them. I take Richard Simpson's point entirely.

#### Health Service

**5. Mary Scanlon (Highlands and Islands) (Con):** To ask the First Minister whether sufficient information is available to patients in the NHS in Scotland to enable them to make an informed choice about their hospital referral and treatment. (S1F-768)

**The First Minister (Henry McLeish):** The Executive is committed to improving the range and quality of information available to patients and the

public. As the Scottish health plan indicates, we will invest £14 million over the next three years to make this happen.

**Mary Scanlon:** Will the First Minister confirm or deny reports that the Scottish Executive's head of presentation attempted to gag hospital trusts that wanted to give information that is contrary to that promised in the health plan? Does he accept that patients and general practitioners have a right to know mortality rates and hospital-acquired infection rates for every hospital in Scotland?

**The First Minister:** Much of the information that Mary Scanlon is talking about has been published. I do not think that I want to get involved in the issue of *The Sunday Times* health guide. It is more important to focus on three things that we want to do.

First, we want to ensure that relevant, high-quality information is available to patients where and when it is needed. Secondly, we want to establish a network of information points that will help people to identify their care and treatment options and the services that are available to them. Finally, we want to ensure that all clinical guidelines have a version that is specifically written for the people who use the services. I think that that will be £14 million well invested. We want to be transparent and we want real choice. That will require proper information.

**George Lyon (Argyll and Bute) (LD):** As the First Minister will be aware, the report in *The Sunday Times* claimed that hospitals in the Argyll and Clyde area, which serve my constituency, have the fewest doctors and nurses of all the hospital trusts in Scotland. Will the First Minister undertake to find out whether that is true? Can he explain why that might be the case?

**The First Minister:** George Lyon is tempting me into areas that I am trying to avoid. That was not the only statistic that was wrong in that health guide. There were some substantial errors. I say to people that that guide—which has caused what I regard as a storm in a teacup—should not be taken as the total repository of our attempts to get information into the public arena. I will respond to George Lyon with specific details on the matter that he has raised.

## Scottish Strategy for Victims

**The Presiding Officer (Sir David Steel):** We come now to today's main motion, S1M-1556, in the name of Jim Wallace, on the Scottish strategy for victims, together with two amendments to the motion. I am anxious to begin the debate, so would members who are not staying please leave quietly.

15:33

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I am pleased to be here today to explain why we have developed the Scottish strategy for victims, and what it means for victims of crime. We have all seen—some of us may well have experienced—the distress and loss of security that can accompany being a victim of crime, in addition to the immediate injury, loss or damage that is caused by the crime.

Experience of the criminal justice system can add to the anxiety that many victims experience. Some victims feel that the system has not recognised, let alone met, their particular needs. The criminal justice system exists to bring offenders to justice, so that the guilty are punished and our communities are protected. However, let us never forget that we need the co-operation and help of victims to bring criminals to justice. We also owe it to victims to acknowledge what they have experienced and so develop a criminal justice system that treats them with the respect that is their due. In short, we want a place for victims at the heart of the system.

What would that mean in practice? There is increasing recognition of the needs of victims and their legitimate expectations of the criminal justice system. The introduction of this first strategy is not taking place from a standing start. The main criminal justice agencies all have developments that support and help victims. For example, the court service continues its rolling programme of improving court facilities. That means direct and relevant assistance for victims and witnesses. We have made funding available to provide a volunteer witness service across Scotland and the Lord Advocate has secured funding for victim liaison office pilot schemes. Police forces continue to develop services for special groups, such as next of kin and domestic abuse victims. Those are just a few examples—I could give many more.

We have come a long way, but I would be the first to admit that there is still some way to go. That is why we have developed the strategy jointly. The strategy sets out the road ahead. It sets out agreed principles and objectives, together with co-ordination and monitoring arrangements.

There are three key principles in the strategy; support for victims, information for victims and victims' participation in the criminal justice system. Agencies that deal with victims must be alert to victims' needs and they must stand ready to ensure that victims have access to the right kind of support when they need it. The strategy is about promoting awareness of the needs of victims among criminal justice agencies, other agencies with which they come into contact and among the wider public. The Executive will develop, with other agencies, good practice guidelines for work with victims and will encourage joint training.

The Executive already funds Victim Support Scotland to provide a nationwide service that is available to all victims of crime. We want to increase awareness of those services. Many victims who need support, including victims of repeated incidents of domestic abuse and victims of racist crime, may not report the crime that they have suffered. That is why we will provide additional funding of £260,000 next year to Victim Support Scotland, specifically for a publicity and awareness strategy. I am pleased to announce that overall funding for Victim Support Scotland is set to increase from up to £2.3 million this year to £2.7 million next year.

I turn now to the second principle, which is information. We know that many victims find the operation of the criminal justice process confusing and hard to understand, but it is all too easy for those of us who are familiar with the court system to forget that. Giving victims information about the process and what happens in it can be empowering for the victims—it reduces the feelings of helplessness that people may experience and puts them back in control. The justice department action plan, which sets out what we plan to do in response to the strategy, includes a commitment to produce a new information leaflet and to online information on criminal justice procedures. Other agencies provide information on, for example, being a witness and for victims of specific crimes. Within the framework of the strategy, we will ensure that the information is accessible—that it is provided in the languages and formats that people need. Absence of information is a major source of dissatisfaction for victims. We can and should put that right.

The third principle is about encouraging greater victim participation in the criminal justice system. One may think that victims want as little as possible to do with the system—indeed, that they have been dragged into it unwillingly. That will be some people's choice. However, for others, who may feel that criminal justice processes emphasise the role and place of the offender, but appear to give little thought or recognition to the experience of the victim, the chance to have one's

voice heard is very important.

**Mr John McAllion (Dundee East) (Lab):** Will the minister take into consideration the experience of some of my constituents who, when they were involved in a murder trial, found that the two accused persons were separately represented by counsel, that the Crown was concerned only with securing a conviction and that no one represented the interests of the victim or their family? Has any consideration been given to legal representation for victims in serious crime trials, such as murder trials?

**Mr Wallace:** I have to say that the proposals that we are making and that I am about to discuss relate to victim statements. We will consult all the relative agencies and pilot a scheme. However, we did not have it in mind that such a scheme would involve formal legal representation.

I hear what Mr McAllion says—it is the role of the Crown to try to secure convictions, but it is the victim's case. Along the way, insufficient information has been given to victims. I have talked generally about information about the criminal justice system, but we need also to improve the kind of information that victims get, particularly when a case goes from the police to the procurator fiscal. Indeed, that should also happen later in the system when, for example, we should have better arrangements for making information available when a convicted person is going to be released from prison. Too often in the past, sensitivity to the needs of victims has been overlooked.

We have restated on many occasions the Executive's commitment to the victims of crime. We need to ensure that they have a place in the criminal justice system and that they are not seen merely as an adjunct to it. I want to give proper recognition to the role of victims through the development of a scheme that will give victims the chance to say how the crime that they have experienced has affected them, and for their statement to be made available to all those who are responsible for making decisions about the case. My officials will work with all who are involved to develop procedures for a pilot scheme, which will be evaluated.

The statement scheme will give victims a voice and it will allow them to be satisfied that relevant information is available to decision makers. That can include, for example, victims' concerns about personal safety, and descriptions of the extent of loss and the long-term impact of the crime on the victim or on his or her family. This is not about giving victims responsibility for decisions—that is and will remain the role of the procurator fiscal, the judiciary and the Parole Board for Scotland—but this initiative is a real contribution towards giving victims a proper role in the criminal justice

process. I look forward to its development.

**Mr John Home Robertson (East Lothian) (Lab):** The minister might be aware that some of my constituents have found themselves to be the victims of a new and, sadly, evolving form of crime—namely, intimidation and harassment by so-called animal rights extremists. That is an alarming development, which involves co-ordinated action around the country using information technology. Will the Scottish Executive co-operate fully with the initiative that the Home Secretary announced yesterday to tackle this new type of crime?

**Mr Wallace:** I am aware of that matter through representations that Mr Home Robertson has made. I want to examine in detail the Home Secretary's proposals, but I am sure that for the victims in such circumstances, like other victims, it is important that there is proper liaison with the police. I know that Lothian and Borders police are concerned about the issues that are raised by Mr Home Robertson.

Finally, on issues of accountability and monitoring, each agency will remain autonomous under the strategy. Of course, each agency is best placed to consider its own response to the strategy and how to improve its own services, but there is a need for co-ordination and I intend to enhance the role of the multi-agency victims steering group in order to carry out that function. In future, I shall chair the group on a regular basis. It will produce an annual report—which will be published—showing progress in the previous year and targets for the coming year. That underlines the fact that this strategy, and in particular the action plan, are not intended to be static documents. The strategy and plan must develop and be updated. We will monitor keenly not only the Scottish Executive justice department's action plan, but other agencies' action plans, to try to ensure that we deliver a meaningful and worthwhile service to victims.

The strategy is a major step forward in recognising the role of victims in the criminal justice system. It is about translating policies into action on a partnership basis. As I said, the victims of crime find themselves unwillingly brought into the justice system. Our intention is that they must find that that system meets their needs. We have not done that well enough in the past, so we intend to improve greatly in future the facilities and services that the criminal justice service provides for victims.

I move,

That the Parliament endorses the principles of the *Scottish Strategy for Victims*; commends the development of the strategy which gives proper recognition for victims of crime and their needs; welcomes its emphasis on partnership working between criminal justice agencies to

achieve the Executive's objectives of better support and information for victims, and welcomes the commitment to action and real improvements set out in the *Justice Department's Action Plan*.

15:44

**Roseanna Cunningham (Perth) (SNP):** Let me make it clear at the outset that the Scottish National Party supports the broad thrust of the document and the action plan that accompanies it. It is important that the Parliament puts on record its recognition of the neglect that victims have suffered within the Scottish criminal justice system over many years, decades and, perhaps, even centuries, although—luckily for us—our recollection does not go back quite that far. However, the publication of the document should not only be about self-congratulation; it is equally important that we lay down a marker for the future.

The action plan should be only a starting point for further improvement and there is no doubt that we need to improve. We must, for example, improve the flow of information that is made available to victims and we must make that information available in a way that is readily understood. For those of us who have worked within the system in the past—that includes the minister and me—there is a tendency to forget that what seems self-evident to us is not necessarily so self-evident to those who are not familiar with the system. Any such provision of information must mean the taking into account of any cultural and linguistic differences that might exist—a lesson that I am sure has been learned from the Chhokar case.

The publication of the document has given the minister the opportunity to reannounce a list of projects of which members are, perhaps, already aware. However, it has to be said that the plan is a little light on the detail about financial support. Real financial support will be essential for the many and varied voluntary organisations on which the delivery of the action plan depends.

For a number of years, I have been concerned at the inconsistency of provision throughout the country. There is inconsistency of approach and inconsistency in funding. Rape crisis centres and women's refuges in particular have faced a constant struggle to survive, as local authorities—which are themselves strapped for cash—have slashed budgets for outside bodies. That is a difficult matter for us to control and to take cognisance of, but it results in a patchwork of provision throughout Scotland, which can be to the great detriment of victims in many parts of the country. If organisations are to be expected to play an important part in the delivery of a national strategy—such as that which is anticipated by the action plan—we must examine closely the

possibility of national core funding to enable them to do so consistently. That will allow them to avoid the vagaries of local decision making and it will ensure that we bring about an end to the problem of postcode provision.

The SNP is happy to see the victims steering group being given the higher status for which Victim Support Scotland has been campaigning. However, the action plan is unclear about the precise nature of that higher status. A number of questions arise. How often will the victims steering group meet? What influence or involvement will victims organisations have on the group and what powers will the group have—other than by way of an annual report—to hold agencies to account? I hope that the minister will address those questions in his closing remarks.

The victims steering group is an extremely important vehicle for enabling victims organisations to have input into the development of the process that is being started here, but it is essential that that vehicle is allowed to grow. It must be said that Victim Support Scotland is not the only victims organisation in the country. I was concerned to learn, for example, that when it was contacted on Monday, Scottish Women's Aid knew nothing about the action plan. Most media attention for the action plan is directed at the proposal to pilot the use of victims' statements about the effect that crimes have had on them. I suspect that that will—understandably—be the continued focus of media attention.

There are merits in victim impact statements, although I would have liked more information about how they work in other countries. However, I would like to sound a note of caution. For a start, it is unclear from the action plan—it might be cleared up by the minister in his closing remarks—whether it is intended that those statements will be taken prior to conviction or prior to sentencing. If that is to happen prior to conviction, how early in the process will it happen? Perhaps the minister will clarify that at the end of the debate.

There are different views on victim impact statements, even among victim organisations. I remember—from evidence that was heard in the Justice and Home Affairs Committee—that, while Victim Support Scotland was in favour of a pilot scheme, Rape Crisis had concerns, especially if such statements would be taken very early in the process.

It should be noted that what was envisaged by Victim Support Scotland was a system whereby the statement would not be made by the victim, but by

“a properly trained police officer”

who would

“not simply repeat what the victim says in court.”—[*Official Report, Justice and Home Affairs Committee, 22 May 2000; c 1294.*]

That is a quote from evidence that was given at that time. I would like to hear more about that.

My main concern, which is a reflection of the concerns that were expressed by the Scottish Rape Crisis Network, is that the way in which the victim has apparently been affected by the experience could end up influencing conviction or sentencing in the wrong way. One person might, understandably, be very emotional and still visibly shaken by their ordeal a considerable number of months after it happened, while another might appear to be quite unaffected, and be dealing with the emotional impact very differently.

Sandy Brindley of the Rape Crisis Network highlighted clearly the difficulty in evidence to the Justice and Home Affairs Committee on 30 May, when she warned of the danger of introducing what she called “a hierarchy of suffering”—something that is already an issue with Criminal Injuries Compensation Board awards. I know that there is concern that that sort of difference in response also has an effect in the early stages of cases—especially rape cases—when police officers are forming their opinions on the merits of a complaint.

That is not merely an academic point. Members may recall the terrible rape and armed robbery case in 1987 that became known as the Ealing vicarage case. The judge's comment was that, as the trauma that was suffered by the rape victim was “not so great”, he would be lenient with the convicted rapist. The judge apologised in 1993, but I am not sure that that apology helped matters. What he meant to say—apparently—was that the victim's trauma was “not so great” because she had the support of a good family. That highlights the danger of allowing the apparent emotional impact of crime to influence too strongly the sentencing and prosecution procedure. People do not respond, express their emotions or present themselves in the same way, although the impact of a crime might be just as great.

None of that is to say that victims' impact statements should not be introduced, but they must be piloted carefully, with those concerns borne in mind. We cannot allow a new inconsistency to creep into our sentencing, which is already being criticised from sheriffdom to sheriffdom because of inconsistencies. Will there be a mechanism for ensuring that that cannot happen? If so, what will it be? I hope that the minister will address those points in his summing up and confirm that the action plan is not the end of the story, but the beginning.

I move amendment S1M-1556.1, to leave out from “commends” to end and insert:

“recognises the long-standing neglect of victims within the Scottish criminal justice system which the strategy seeks to address, in particular the need for better support and involvement of victims throughout the criminal justice process, and calls upon the Scottish Executive to give higher status to the Victim Steering Group and ensure that sufficient resources are in place for the successful implementation of the Strategy.”

15:53

**Phil Gallie (South of Scotland) (Con):** As the party that introduced it, the Conservatives support the provision of victim and witness support. We welcome many aspects of the report—there is little in it to disagree with, apart from one thing. The report talks only about review. John Swinney said today that we get review after review from the Scottish Executive. Once again, on this issue, that is what we have in front of us. As we state in our amendment, we are not against the principles that the report sets out, but we feel that we need more action and fewer words.

During the Scottish elections, we set out several actions that the Conservatives intended to take, should we be able to influence the Government directly. We said that it would be our intention to restore the funding of Victim Support Scotland, the cuts to which the Scottish Executive inherited from the Labour Government that was elected in 1997. A freeze was applied, which meant a reduction in real-terms funding to Victim Support Scotland. I welcome the minister's comment that that funding will increase. The volunteers of Victim Support Scotland do a tremendous job and it is good that their efforts are being recognised.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Is Phil Gallie aware of the written answer to a question by Kenny Gibson MSP? That answer set out the real-terms figures for aid to Victim Support Scotland. In 1997-98, that figure was £1,511,000. It dipped in the following year, but the 1999-2000 figure was higher than the 1997-98 figure. In the current year, the figure is again higher than the 1997-98 figure. Does he accept—

**Phil Gallie:** All right—Euan Robson makes the point that funding fell back. We are now beginning to regain some ground. Indeed, I have acknowledged that the minister intends to increase the funding and that that increase is welcome.

The Conservatives expressed specific intentions on other issues. On the criminal justice system, we said that we needed to have greater regard for victims' needs and circumstances. We placed specific emphasis on victims of crimes of violence and sexual assault and sought to introduce quickly new technical facilities for use in courts, such as video links and personal support. I recognise that personal support is now increasing with the help of the police and other groups including, again, Victim Support Scotland, but there is a failure to

move forward with the use of high-tech facilities to ease victims' way through the courts.

The Conservatives suggested that a victim's impact report should be considered prior to sentencing. I appreciate Roseanna Cunningham's concerns about such reports, but judges and sheriffs exist to make judgments on the information that is provided to them. Witnesses and all who are involved in court cases can provide information in different ways. We feel that the Executive should now move to permit victims to provide impact reports. We do not want further review—we want action now.

We also want an assurance that victims will be told why proceedings are taken or dropped. There seems still to be great reluctance on the part of the Crown Office and the prosecution service to implement that measure, which I believe is essential. In respect of a number of crimes—such as dangerous driving—that the Justice and Home Affairs Committee examined, there is a perception that charges are downgraded when cases go to court. In cases where death has occurred, a charge of dangerous driving might be reduced to a charge of careless driving, with no explanation being given to the victims' families or, in cases where injury has resulted, to the victims themselves. We would have liked such points to be built into the report and we would have liked action to be promised now, rather than in the future. Roseanna Cunningham seems intent on ensuring that meetings take place and that consultation is guaranteed. Meetings are one thing; action is another. I underline again the fact that the Tories seek action in this area.

I have looked through the three provisions. I see that they are fine words, but they are short on actions. I would like to see the victims involved when criminals are considered for parole. All too often, parole boards are heard without any consideration being given to the consequences that an individual's actions have had on the victim, or for the effect that their early release from prison could have on the victim.

I welcome the fact that there is an intention to inform victims when people are released from prison, but I note that the report suggests that that should apply only in cases where the sentence is greater than four years. Why? Many serious offenders have been in prison for fewer than four years. It is just as important that their victims are aware that they are going to appear back on the streets. We should perhaps concentrate also on keeping the police informed, because all too often they seem not to know what has happened in court and are not informed when people who have been a constant threat to society—which the police aim to protect—are brought back into the community.

As I said, I recommend that members support the Conservative amendment. We welcome the overall principles of the strategy, but we do not believe that the pace of change is sufficient for us to support the minister's motion.

I move amendment S1M-1556.2, to leave out from "gives" to end and insert:

"represents a step forward in what has been a lethargic approach by the Scottish Executive."

16:00

**Johann Lamont (Glasgow Pollok) (Lab):** I acknowledge not only the work of the Executive but the role of victims themselves. They are often characterised, in a debate on victims, as helpless and hopeless or driven by unreasoned revenge and bitterness. Some of the coverage in the past week has suggested that.

That has not been my experience of those whom I have met—whether they are my constituents or in women's organisations or other organisations that support victims. I have been impressed by their strength and their ability to translate their experience into suggestions for change. It is because victims have spoken out about their experiences and have organised to ensure that their voices are heard that we have seen a range of policy developments to address the issues of vulnerable witnesses and women who face violence, and now a strategy for supporting victims. Those have ensured that the issue has been driven up the agenda. I acknowledge the willingness of the Executive to take it on board.

We cannot overemphasise the importance of such a strategy for victims. The standing of the judicial system is damaged when those who come into contact with the legal process, through no fault of their own, end up having no faith in it. There are knock-on consequences, as they might be reluctant to come forward in the future as witnesses or to report other crimes.

Victims must have a place within the process. As one constituent said to me, they must believe that someone is seeking justice on their behalf. That is a challenge to those who prosecute cases in court if our system is to enjoy the confidence of all in our communities.

In the short time that I have to speak, I will highlight some of the important points that have been made to me by one of my constituents, whose brother was tragically murdered and whose other family members were assaulted in a vicious attack. I will focus on some of the key issues that our strategy must address.

Victims and the families of murder victims must receive information about what is happening at

every stage. The authorities must show sensitivity and awareness of the fact that sometimes victims and their families and the accused and their families live in the same community. That is especially important in regard to bail decisions and information about release from prison.

Victims must be thought about in relation to the trial. Are the family of the victim to sit with the family of the accused where they may feel harassed, or that they cannot attend, and are thus marginalised even more? What facilities are there for victims within the court system? My constituent described going to court and seeing the accused and their family having the free run of the court and the area outside, while their family were given one small room. What message do we give victims if they are the ones who must be excluded and hidden? What is the balance of rights in the system?

We must recognise the importance of consistent support through the victim support scheme: one person with a good relationship with the family has a crucial role to play.

Will the minister examine some of the anomalies in the Criminal Injuries Compensation Board? It seems that in this case—when a victim had been assaulted, the person had been found guilty and subsequently appealed—payment could not be made. If the police had been unsuccessful in finding the perpetrator of the crime, the victim would have been given their money.

My constituent made the crucial point to me that although the individuals they met were helpful and kind, the system itself seemed further to victimise her and her family—a family that had already suffered too much.

I refer finally to impact statements. We must see impact statements in the context of understanding the desire of victims to be heard and to have the scale of the effect on them recognised. My constituent described to me the experience of sitting through the trial with all the difficulties of adjournment, bail decisions, the verdict and the sentence. She waited to hear the judge acknowledge and affirm that her brother was an innocent victim; she waited in vain as the judge gave the sentence and nothing more.

We can all think of times when the judge has made a strong statement, but I had not grasped how important it is for families to hear such a statement. It emphasises the importance of proper training for judges and consistency in sentencing and statements by judges. It also illustrates the potential importance of statements by victims, because those allow victims' voices to be heard and enable victims and their families to assert their innocence, the innocence of family members and the significant and devastating effect of the crime

on those who suffered it. If impact statements allow that space for victims, we should acknowledge it as an aspect of common humanity that our judicial system must allow.

I welcome the fact that the initiative under discussion today emphasises compassion and respect, and welcome the commitment to a continuing and developing dialogue with victims and victims organisations by the Executive and others. I look forward to seeing how this important strategy for every level of our legal system affects the lives of those who are already victims of crime and those who will, unfortunately, become victims in the future.

16:05

**Mr Gil Paterson (Central Scotland) (SNP):** I welcome the opportunity to contribute to the debate. This time last year, I secured a members' business debate on the protection of victims in rape cases. Although I appreciate that this debate centres on all victims of crime, the document has a strong leaning towards victims of domestic abuse, which is the area on which I want to focus.

I welcome the high profile that the Executive has given to domestic abuse; it should be applauded on all its work on the matter, particularly in the past six months. However, I call on it to go further and suggest two Canadian initiatives with a proven track record that would make a significant difference to successful protection of victims' rights within the criminal justice system. The first initiative is the fast-tracking of domestic abuse cases through the criminal justice system and the second, related initiative is the development of specialised domestic violence courts.

Domestic violence cases can take many months to proceed through the fiscal system, which can be a huge burden to the victim. The accused and the accuser could be sharing a house; children could be involved; and it is likely that they will share friends, acquaintances or a neighbourhood. The time delay adds to the already significant pressure on women not to press on with prosecution when charges are first brought.

Steps should be taken to speed up the judicial process so that women are encouraged to access the criminal justice system. Furthermore, there should be measures to ensure that more offenders in domestic abuse cases are brought to justice and that the emotional scars of the victim and any children involved are not increased by the nature of the judicial system.

That aim could be achieved through a specialised domestic violence court system. Although there are several highly effective domestic court systems in Canada, time limits mean that I can mention only the system in

Ontario. The Ontario domestic violence courts aim to provide better support for victims and to prosecute domestic violence cases more effectively through early intervention in domestic abuse situations. The system includes an early intervention component that allows offenders to undergo a treatment programme as a condition of bail, which will then be taken into account when they return to court.

The Ontario domestic violence courts have been highly successful; as of February 2000, 69 per cent of the cases resulted in guilty dispositions, 63 per cent of which occurred before the trial, with 22 per cent of the cases withdrawn. The courts also claim to make additional evidence available so that cases can continue even in the face of recantation by the victims. Seventy-six per cent of cases were processed through that facility, 29 per cent with statements from independent witnesses and 24 per cent with evidence of prior convictions.

Domestic violence courts work on a similar principle to specialised drugs courts. Both systems promote treatment programmes alongside the criminal justice system and both recognise the need for lifelong change for offenders as well as emphasising the seriousness of the crime.

The Executive, to its credit, has positively started the journey. I call on the Executive to go the distance by adopting the Canadian initiatives.

16:10

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I am delighted to be able to speak in the debate. It is a pity that the press gallery is not as full this afternoon as it was earlier today. If more journalists were here now, they could report the real business of the Parliament, which is about delivering for the people out there in a way that will make a difference to their lives.

As someone who has worked for many years with victims of crime, and particularly with children who have been victims of abuse, I am delighted that we have made significant steps. Phil Gallie is not in the chamber at the moment, but I hope that he will reconsider the wording of his amendment. He accuses the Executive of taking "a lethargic approach", but I do not think that that is a fair assessment of the progress that has been made. There are always other things that we want to do and we always want to take further steps forward. Given the constructive comments that he made in his speech, I hope that Phil will consider withdrawing his amendment and supporting the Executive's motion.

I like the idea that there will be an emphasis on information for victims, support for victims and the participation of victims. However, there are a couple of areas of difficulty, which I hope the



minister can assure me will continue to be addressed. I understand from local victim support organisations in my constituency that there continues to be a problem with getting information out to victims of crime, partly because of an interpretation of the Data Protection Act 1998. I hope that guidance will be given so that it is not just the responsibility of Victim Support Scotland to seek out victims and so that all agencies involved in the process can have adequate training and support to allow them to give victims information and encourage them to use it.

The support and participation of victims is important. The action plan contains a critical statement:

"In Scotland, our legal tradition, based on an adversarial system of justice, puts the Crown in the place of the victim in criminal cases."

In a case in my constituency, a young man who was the victim of a violent crime felt that nothing could have been further from the truth. Although the facts of the matter were put across in the court case, he felt that under no circumstances could anyone representing the Crown ever be able to put across how he felt about the situation. He also felt that he had no opportunity to challenge some of the comments that were made by the defence, casting aspersions on his character, during the court case.

I recognise some of the points that Roseanna Cunningham made about how victim impact statements will be used. Nevertheless, it is vital that victims feel that their voice is heard and their words and feelings are taken into account. Victims do not want to influence sentencing and they do not intend to override the proper procedures, but they want their pain and suffering to be recognised and acknowledged. Johann Lamont eloquently described how people can feel when that does not happen.

I pay tribute to all the organisations and agencies that have worked for many years to highlight the plight of victims, including Victim Support Scotland, Scottish Women's Aid and Rape Crisis Scotland. In developing any strategy, we must recognise that supporting victims is everyone's responsibility. We cannot leave it solely to voluntary organisations to do that work. I am therefore glad that the Executive has produced a workable strategy. I am glad that the victim support programme will be rolled out into the sheriff courts. There have been some successful pilot schemes, one of them in my constituency, and I know from people who have used that service that it has been absolutely vital in providing them with support.

Information must be given to victims. I well recall working with young women who had suffered sexual abuse and hearing of their real fears that

one day they would walk down the street and bump into their abuser, who had been released from prison without anybody letting the victim know. I am glad that that issue will be addressed in the strategy.

16:15

**Bill Aitken (Glasgow) (Con):** As has already been said, we generally welcome much of what is contained in the Executive's proposals. Our submission would be that the proposals do not go far enough. They fall down under a number of headings, including the main heading of the Executive's general strategy on law and order, with which I will deal later, and the specific heading of information.

It is important that victims be apprised of what is happening at every stage. That should happen not only just after the accused person has been charged but throughout the process. It is of vital importance that, after sentencing or the penultimate court appearance, the victim is informed as to whether the accused person is at liberty as a result of parole or release or is at liberty but subject to a current warrant for their arrest, which might be the case if an accused person does not turn up on an occasion on which sentence has been deferred pending the production of background reports—that must be examined.

The most significant problem is delays. The delay in serving indictments in cases in which the accused person is not in custody is a matter for concern because most applications for bail are successful, including those in cases of homicide. That has to be examined closely. The Crown Office is not adopting the correct policy and prioritising cases in which there are vulnerable victims. It has to be remembered that in many parts of Scotland, witnesses are normally victims and victims are normally witnesses. It must be unsettling for people to have to live cheek by jowl with those who have been charged with assaulting them to their severe injury and permanent disfigurement. There are many examples of that happening and the situation must be examined. Such a case should be processed at the earliest opportunity.

**Gordon Jackson (Glasgow Govan) (Lab):** I accept what Bill Aitken says, but does he accept that this country probably has one of the fastest justice systems in the world? One will find few countries that deal with serious crime anything like as quickly as we do.

**Bill Aitken:** My experience of the legal system outwith the UK is limited, but I submit that it is unacceptable that it should take about eight to nine months to serve an indictment in a case of

attempted murder or assault to severe injury. I am sure that Gordon Jackson could give a number of examples of where that has occurred.

I would like to say that one of the ways in which we could ease the problem would be to cut the number of victims. I know that, in suggesting that, I am seeking the ideal world and that the matter is more complicated than the simplistic solutions would suggest. I suggest, however, that some of the messages that are being sent out by the Executive are not likely to cut the number of victims and are not likely significantly to cut crime—indeed, in some respects, they will contribute towards an increase in crime in the years ahead. The closure of prisons and the increased use of diversion from prosecution in summary cases send out a message that the Executive, the Government and society are more tolerant of crime than they should be.

It is clear, if one examines the career of any criminal, that what starts off as a young lad's indulging in things that he should not indulge in graduates quickly to the higher courts. I have had people appear before me in the district court who, five years later, have been facing a High Court murder indictment. The lesson that is to be learned is that if one is firm when dealing with the initial aspects of criminal behaviour, one hopes that the graduation process will not occur.

I would like to narrate a case that happened in my constituency, which encapsulates all that is wrong with the system. Before I begin, I should point out that the Executive intervened positively. Two elderly sisters living together had their door forced open by two young lads. They did not steal a lot but, in the course of a brief struggle, one of the ladies had her arm broken.

The case lay and lay, and only after my involvement and the positive intervention of the Lord Advocate was the case moved forward. I am told that the lady is now seriously ill in hospital, and that it seems unlikely that she will have her day in court. All the time that the case was outstanding, not one aspect of the information and support that we would seek to enforce was evident. That encapsulates the whole difficulty. The Executive's proposals should, in theory, reduce instances of such cases, but we are not yet going far enough. I commend Mr Gallie's amendment to the Parliament.

16:20

**Hugh Henry (Paisley South) (Lab):** I can understand the political reasons behind the Scottish National Party amendment's hair splitting, but that should not detract from the fine, thoughtful contribution made by Roseanna Cunningham. I hope that the Executive considers carefully some

of the points made in her speech.

In their amendment, the Conservatives yet again, and unsurprisingly, show that they are out of touch with just about everybody, including members of the many victim support groups who commented this week on the Executive's strategy.

It is taken as read that more needs to be done to help the victims of crime, and we recognise their suffering and the trauma. Roseanna Cunningham touched on some important issues, including the need for us to be extremely careful, when trying to help and protect victims, not to cause further injustice. We have had some high-profile cases—many of which have been in England, although some have been in Scotland—in which innocent people have been wrongly convicted. In some of the best-known cases, such as the Birmingham six and the Guildford four, if we had taken statements from the victims at the time, it would have compounded further some of the injustice had it not been handled properly.

We should realise that, in many such cases, the people who are sent to jail are also victims. I am about to write to the Minister for Justice about a case from my constituency. A constituent of mine was falsely accused of abusing a member of his family. His children were taken from him, he and his wife were locked up and the case was eventually dropped because there was no evidence whatever. That constituent felt that he was a victim because there were no apologies from the social work department or from the police. All he got, all the way through, was aggression. It nearly destroyed that man's marriage and caused a rift in his family, which will never be healed. We must consider what happens to such victims.

Having said all that, it is fundamentally true that not enough has been done over the years to help victims. Aside from the three principles that Jim Wallace mentioned, the justice system must protect the innocent. It must also help the victims and punish the guilty. I am glad that the Executive's strategy is part of the broader strategy that it is developing, in which issues of justice and crime are being given far more prominence and significance than has been the case for many years. We need to recognise the feelings of powerlessness and helplessness that victims face, and the fact that their confidence is totally destroyed by the trauma that they have experienced.

That means helping victims to articulate their experience, so that those in the court system and the justice system are aware of exactly what happened to them. However, we cannot leave it at that. There are many practical things that victims have to be helped with. We must help them to put their lives back together again and to deal with

members of their family, as they sometimes cannot articulate the problems that they are facing. We need to help them deal with insurance companies and glaziers, for example, in cases where doors and windows have to be replaced. We must help victims who are going through the very bureaucratic system when they are asked to give evidence.

I am glad that the Executive is proceeding as it is, but I urge the Minister for Justice, in taking this positive step forward, to recognise that there are sometimes other difficulties and to be careful that we do not create further injustices and problems.

16:25

**Euan Robson (Roxburgh and Berwickshire) (LD):** The debate is welcome, as is the publication of the Executive documents, which will make a considerable difference. After the evidence given to the Justice and Home Affairs Committee, no one could be in any doubt that the legal system has not recognised the role of victims. The Minister for Justice's words that

"we want a place for victims at the heart of the system."

are correct and most welcome.

The three pillars of the Scottish strategy identify the key areas; the first two are practical support and information. There is so much to be done at a practical level. In my previous professional career, I visited a number of sheriff courts around Scotland; if I had done so 100 years ago, I would have seen the same facilities. In some places, it is a matter not just of recognising cultural and language difficulties but of the sheer impossibility of hearing the proceedings. Not long ago, I dealt with a constituency case when we had to ask for a sound system so that those participating could hear the proceedings. As has been said, sometimes witnesses, victims and alleged perpetrators are all in one room. In one particular sheriff court I remember—north of the Forth—everyone was in one corridor together.

Simple things could be done, and the strategy marks them out. It will mean that in due course, as victims have more confidence in the process and as some of those simple things, as well as the more complicated things, are addressed, there will be more reporting of crime. It is important to ensure that victims have confidence in the system and are prepared to use it.

Written statements to parole boards by victims are perhaps the area that has caused the greatest concern since the publication of the documents. It is right to allow that participation, but there is a line that must not be crossed. I have heard some victims of horrendous crimes asking for a role in sentencing; that would not be appropriate. As

Roseanna Cunningham eloquently said, there are inconsistencies in sentencing, but it is equally the case that verbal presentations to the court could add further inconsistencies and would be counter-productive.

Much can be done by changing the atmosphere in courts. Hugh Henry mentioned victims' difficulties with such simple things as double-glazing disputes and other consumer matters that appear at first sight to be something for civil law. Not so—there are many occasions when such disputes are first the subject of criminal proceedings.

I recall a carbon monoxide poisoning case when there were breaches of statutory regulations. Provisions in sections 249 to 253 of the Criminal Procedure (Scotland) Act 1995 allow sheriffs in those circumstances to award compensation during the course of criminal proceedings. That is a particularly valuable statute but it is not much used, because when the conviction and the £200, £300 or £400 fine have been imposed, the victim must then seek civil redress and repeat the whole process. If sheriffs made more use of some of the tools that are at their disposal in the Criminal Procedure (Scotland) Act 1995, they could make a considerable difference for the victims of such crimes.

I have no hesitation in welcoming the strategy, which will be a developing programme in the years to come. It is a good start to which I am pleased to add my support.

16:30

**John Young (West of Scotland) (Con):** Victims undergo several traumas. They suffer the crime itself, which could be violence against the person or a break-in at their house. Sometimes, having a break-in is enough to cause victims an awful lot of nervous debility. That affects elderly people particularly, because they feel that the one place that they thought was secure and a sanctuary has been invaded by some strange outside forces. When that happens, they will never feel secure for the remaining few years of their lives. That can happen to younger people too, never mind older people.

Another type of victim, who is becoming more common, is the sufferer of violent assault, which may happen in the street and be caused by unknown people, one unknown individual or someone who is known to the victim. I have always felt that some of the giant housing schemes where crime is fairly rampant are the places where victims suffer the most.

When I was leader of the council in Glasgow 20-odd years ago, I recall being taken into the Blackhill area. That was during the daytime, but

the place was still pretty fearsome. We spoke to some people there, and I thought that the vast bulk were decent, ordinary people with the same ambitions as the rest of us, yet they had a fear of some gangs and some elements. That was another group of victims. It included people such as parents who were worried about their children, especially as they grew that bit older and became teenagers, because then they too were in danger of becoming victims.

I also remember talking to the then chief constable in the area about victims and getting convictions in the courts. He said that convictions often depended on witnesses, but that in some cases witnesses would not come forward because they thought that they would not receive adequate protection. I asked about resettling witnesses; he said that there was not enough money to resettle all the witnesses who would require it.

The issue is complex. I am not making some barbaric Tory utterance; underlying the issue is a feeling that the perpetrators are not always dealt with sufficiently severely. We have some lawyers in here and even a Queen's counsel or two, but the vast bulk of the population have never set foot in a court. We should not forget that. If those people must set foot in court, particularly as victims, the experience can be terrifying, because they are not used to the forum. Most have never spoken in front of a large number of people and, in particular, will not have suffered cross-examination, which quite often happens. That is an additional strain. I recall one individual who had to take a course of medication for nerves because of the experience.

I have appeared only once in a higher court as a witness—in the Court of Session, on behalf of Pat Lally. I was no victim. I do not know whether any victims were involved. Kenny Gibson was present too. We felt that much could have been done to improve the court procedure.

We probably all agree that victims undergo a vast number of strains and problems. We must try to take cognisance of that, because when the trial is over—irrespective of its outcome—the experience can live with victims for a long time, and in some cases for ever.

**The Deputy Presiding Officer (Mr George Reid):** We will proceed to the winding-up speeches. We are almost back on schedule.

16:35

**Paul Martin (Glasgow Springburn) (Lab):** The strategy document and the action plan clearly make the case that the Parliament cares about victims.

Phil Gallie has been somewhat unfair. I

subscribe to what my colleagues have said about his description of the Executive as being lethargic in its approach. If he examined the strategy document, he would see that it sets out over 14 bullet points the initiatives that it has taken to deliver for victims. However, a great deal of work requires to be done to ensure that the full package is brought together. It is clearly unfair to accuse the Scottish Executive of lethargy when one examines those points—quite apart from the package itself. In his closing speech, Phil Gallie should be more specific about the areas in which he believes there has been a lethargic approach.

We must consider training court staff to be able to deal with victims. In my experience of dealing with constituents who have been through the system, it is clear that they believe that there is nothing in place to ensure that officials are trained to deal with a difficult period for victims. In his closing speech, perhaps the minister could deal with the proposal of setting up a certificated training programme to ensure that those who work in the criminal justice system are qualified to deal with those issues.

There has recently been a great debate on whether victims should have the opportunity to provide evidence. I refer members to the case of my constituent, Elizabeth McGrath. Sadly, her partner, Michael McManus, was murdered on his way to Baird Street police office, where he worked as a caretaker. Michael was portrayed in the media as a workplace bully, which greatly concerned Elizabeth, as he was a hardworking individual. Many words have been spoken by police officers and by the people who worked with Michael about how hardworking he was. If Elizabeth had been given an opportunity to give evidence that had not been raised by the prosecution during the court trial, she would have been able to ensure that Michael was portrayed as that hardworking individual going about his daily business.

That example makes the case for giving victims the opportunity to give evidence during court proceedings. We must consider in further detail how to make progress on that proposal.

**Phil Gallie:** I advise Paul Martin that I will not be winding up the debate for the Conservatives. However, it is only fair that I give several examples in response to his comments.

We looked for action—not a review—on the matter that Paul Martin just raised. We wanted implementation now, and covered that issue in our manifesto. We could act on sentencing and automatic remission now without waiting, and we believe that those issues are missing from the strategy, which is why we believe that the Government is being lethargic.

**Paul Martin:** If Phil Gallie read the document, he would see that it makes clear the Scottish Executive's wish to take action on those issues. We cannot be accused of being lethargic for not going straight into the process without ensuring that the system that we introduce will be effective for victims—although we could be accused of being methodical. The system never worked for victims in the past. Roseanna Cunningham made the relevant point that that has been the case for centuries.

Victims are not provided with sufficient information during court trials. I am pushed for time, but I will mention the information that is provided to victims.

**The Deputy Presiding Officer:** Briefly.

**Paul Martin:** It is of particular concern to victims that they do not have access to court transcripts unless, as happened in a case about which I have been told, they pay £792 per day of evidence. The minister should ensure that victims have access to court transcripts, perhaps through the website that is being set up.

16:40

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I hate to disappoint, but we will maintain our position on the lethargy of the Executive on this matter. I know that some people might find that hard to believe, as Phil Gallie has made very positive comments about the strategy, but I think that we should be running instead of walking.

I welcome many of the details in the strategy, such as the increase in funding for Victim Support Scotland, which is long overdue and for which that organisation and everyone else involved in the system will be grateful.

I was very interested in Roseanna Cunningham's speech. It was heartwarming to hear the comparison between those who are willing to give victim impact statements and those who might not be. Sandy Brindley was excellent when she highlighted the differences in people's reactions. We cannot all have the same reaction to the same assault. Everyone is an individual and should be treated as such. The majority of victims will be in court only once in their lives and will have that opportunity only once. Roseanna Cunningham was right to point out that those people go to court with no legal rights.

Many members will know of cases in which victims have been referred to not by name but just as "the victim". They have to live through a very insensitive procedure. In considering the impact on victims and how services can be improved, I think that even naming them and acknowledging their existence has to be a step forward.

I agree with Roseanna Cunningham's cautionary comment on what is likely to happen. She has experience of court, as does the minister, and I, like several other members, have been in court in a minor capacity, but there are some members who have never seen what goes on in a court.

I have emphasised that we will not withdraw Phil Gallie's amendment, but we give reserved applause for what the minister has said. As Phil Gallie said, we have supported Victim Support Scotland since its inception and will not desert it now.

I was touched by Johann Lamont's comments about conditions for victims. From my experience of the court in which I worked, I know that it is difficult to provide facilities for victims and for those who are about to be tried. We put far too much emphasis on the people who are in court to defend themselves and not enough on those who have already been offended by the system and the alleged criminal.

Johann Lamont also rightly highlighted consistency of sentencing. She spoke about the sense of closure that was felt by the lady to whom she referred. That is valuable for many victims, who often do not feel that their difficulties have been recognised. Closure is a horrible American expression, but it is appropriate. If victims feel that their views have been taken into account at the end of a case, they feel a sense of closure and have an opportunity to stop and get on with the rest of their lives. There is no reason why every crime should have an impact that goes far beyond its seriousness. Closure is important.

We always rely on Gil Paterson to keep us up to date with what is happening elsewhere. I am sure that we will all value the opportunity to consider the Ontario experience.

Cathy Jamieson commented on the emptiness of the press gallery. Look at it—the same thing happens in every debate on a subject that is seen as a women's issue. This is not a women's issue: men are victims as well.

I am too constrained for time to comment on Bill Aitken's speech and I am sorry if Hugh Henry thinks that we are out of touch. Mr Ewing commented on the practicalities. All those things can be taken into account.

16:45

**Christine Grahame (South of Scotland) (SNP):** Consensus is breaking out, which is a nice way to end the week. I think that everyone here agrees that victims being given their proper place in the criminal justice system is long overdue. I would like to associate myself with Johann Lamont's words on the progress that has been

made through pure victim pressure and through the organisations that represent victims. For far too long, we have been treating victims—and I use that word in all its senses, to include the families that are affected—in a casual manner that did no credit to the justice system.

There has been a long history of non-communication. I say to Bill Aitken that the first time that I, as a civil lawyer, walked into a criminal court, I did not have a clue what was going on—not a sausage. Everybody was whispering at the desk. Anyone who came in, either as a witness or as an observer, had even less chance than I did of understanding what was happening. At least I was allowed to go to the desk. Then there were the negotiations and the whispers between the procurator fiscal, the sheriff and the clerk. Nobody told the witnesses who had turned up, or who had been sent home if there was an adjournment, anything.

All those problems could be remedied simply, by practical measures. I hope that the strategy paper addresses that. I note, Mr Wallace, that the word victim refers also to families of those who have been killed as a result of a criminal offence or a road accident. That is important.

I would like to emphasise a couple of points that were made by Roseanna Cunningham on communication. Communication should take account of cultural and linguistic difficulties. I suggest that it should also take account of the different levels of understanding—for whatever reasons; for example, stress—among our fellow men and women. One must be patient with people when explaining things to them. One must not drift into legalese, which is so easy for those of us in the profession. We talk about pleas in mitigation, but what does that mean to people who are involved in cases?

The minister spoke about financial support. I want to emphasise the importance of central core funding. Many organisations, such as the Scottish Rape Crisis Network and the refuges for victims of domestic violence that Gil Paterson referred to, have to grub around for several sources of funding—and they have to do so annually. Most of us—although perhaps I am wrong to speak for others in the chamber—know that that is the case. I have raised the issue of funding for refuges in my area with Jackie Baillie, the Minister for Social Justice. It would help if those refuges had secure funding, so that they could plan for the coming years.

Roseanna Cunningham also referred to the victims steering group. It will be important to find out what its standing will be in consultations, Mr Wallace, and how inclusive it will be.

Victim impact statements are very important in

this discussion. Like others, I have great reservations about them. I listened carefully to what Cathy Jamieson said. She feels that people just want to be heard and do not want to influence the sentencing, but that could be an indirect result of going down the route of such statements. They would be given in public, the press would get hold of them and there would perhaps—I say, perhaps—be impacts on the justice system that we would not want.

It is very important that victims are involved, but I go back to evidence that we heard at the Justice and Home Affairs Committee. I asked a question, honestly seeking information, and expected the Scottish Rape Crisis Network to echo what Victim Support Scotland had said to us on victim impact statements. Victim Support Scotland was generally in favour of them, but Sandy Brindley took me aback when she said that such statements would be of limited value and that rape crisis centres did not see them as a priority. She also said that there would be a hierarchy of impacts and that different people react in different ways. I was taken aback.

We have to address the issue, and not put it away for ever. In many cases, the victim is the key witness when a case goes to trial. I accept that there are difficulties if a case does not go to trial.

It would be churlish not to give a warm welcome to the initiative, but I would like the minister to address the issues that I have raised and tell us whether there is a time scale for assessing the impact of the strategy. How will it be monitored so that the justice system and the Parliament can assess whether it is progressing and evolving?

16:50

**Mr Jim Wallace:** I thank all members who have contributed to the debate. It has been useful and, as Christine Grahame said, consensus is breaking out. Where there have been differences, they have for the most part been raised to tease out the details or to make some interesting suggestions—as Gil Paterson did.

We all attach importance to the place of victims in our criminal justice system. We all agree that, for too long, that importance has not been recognised in practice. As Christine Grahame said, often—although not always—the victim is the key witness. Therefore, we depend on the co-operation of victims to bring people to justice. It is only right and proper that we put victims at the heart of the system.

It is not simply a matter of resources, although I was pleased to announce additional funding today. It is not even simply a question of having services in place. It is about treating the victims of crime with the respect and dignity that is their due

and recognising the role that they can play. We have not always succeeded in that. Where we have not succeeded, we must learn the lessons and strive to do better. The strategy brings with it better monitoring and greater transparency, all of which should make the learning process more effective.

Roseanna Cunningham mentioned resources, domestic abuse and her feeling that there is some inconsistency. Her points were echoed by Christine Grahame. It is only fair to recognise the resources that have been put in: £2 million for the Lord Advocate's victim liaison office; up to £1 million annually for the fully rolled out witness service; £25 million contributed by Scotland to the criminal injuries compensation scheme; the £18 million that has been put into the domestic abuse strategy. The domestic abuse strategy was debated in the Parliament quite recently, following the report from the Scottish partnership on domestic abuse. That is national funding.

**Roseanna Cunningham:** Will the minister accept that the real difficulty arises in the local authority funding decision-making process? We have heard plenty of examples of parts of the country where rape crisis centres and Women's Aid refuges have come under severe threat—even threat of closure—because of local decisions. That needs to be addressed as much as the national funding.

**Mr Wallace:** I know that Roseanna Cunningham does not begrudge the national funding. I should also make it clear that £3 million of new money has been provided to local authorities to work with their local partners to improve provision in their areas. Now that the Executive has managed to put local authority funding on a three-year basis, local authorities should find forward planning, which has not always been possible in the past, a little easier.

Roseanna Cunningham asked about the victims steering group, its status and the frequency of its meetings. The justice department is establishing a dedicated unit to support the victims steering group. The group currently meets three times a year and that will be reviewed as necessary. It is my intention to chair the group. Currently, Victim Support Scotland represents the interests of other voluntary groups, but we want to consider how wider views can be fed in. Although the victims steering group does not have executive powers, its agencies are autonomous. Earlier, I said that the group will have the important role of monitoring the development of the action plan. It is not a static action plan. We want to ensure that it develops and that the agencies that sign up to the strategy are delivering.

There has been considerable discussion about victim impact statements. Hugh Henry made the

fair point that in trying to achieve justice, we should not create other injustices. I think that it was Johann Lamont who made the point that the important thing is the victim having the opportunity to be heard. We want to consider this matter carefully. A pilot scheme is being implemented, which is why we cannot rush into this issue. As Phil Gallie said, and as this debate has shown, many sensibilities are involved and we will have to proceed carefully. There must be a clear understanding and clear expectations.

To answer Roseanna Cunningham's question on the point at which the statement would be made, it could be made at a number of points. A statement could be made at an early stage, but I would be the first to recognise that the impact on a victim can change over time, and therefore by the time the case comes to court, there could—

**Euan Robson:** Will the minister give way?

**Mr Wallace:** No, I want to answer as many questions as possible.

There should be an opportunity for the victim to update their statement. I was asked whether the statement would be available to the Parole Board. Currently, statements are available to the Parole Board. I suspect that many victims do not realise that. However, a statement may not reach the Parole Board until many years after the crime, and the victim may be able to give a lot of other relevant information at that stage. We want to ensure that the information is available at that time as well.

Phil Gallie asked why there should be a four-year limit. In fact, if he reads the action plan, he will see that we want to

"Work to extend the current system",

which provides

"information on the release of prisoners serving sentences of 4 years or more".

We want to extend that, taking into account the fact that some people serve sentences of less than four years, and the fact that, perhaps in the immediate aftermath of a trial, someone may say that they do not want to know any more about the matter, but when time has passed they may want to know when someone is being released. We want to improve mechanisms so that victims can get that information if they want it. It is important to emphasise that there may be cases when victims do not want to have further information, which has to be respected.

Bill Aitken said that statements could be given right through the process, up to the Parole Board. Cathy Jamieson asked about the impact of the Data Protection Act 1998 on referrals to Victim Support Scotland. We are aware of the problem.

We know that there is a view that the opt-out procedure may contravene the Data Protection Act 1998. It is our intention to work with Victim Support Scotland to make sure that information is available and that victims have access to help if they need it. Indeed, we are working closely with the Home Office on that point.

I reassure Euan Robson that the Scottish Court Service is trying to provide separate facilities for Crown and defence witnesses. Next year, £11 million will be available for court capital building and maintenance costs. I reassure Paul Martin that an increasing number of front-line staff in the criminal justice agencies are being trained in victim awareness.

In conclusion, after 18 years in government, it does not behove the Conservatives to describe us as lethargic when, within 18 months, we have produced this action plan. I hope that I have reassured the SNP that considerable resources are being provided. It is not just a question of resources, but they are available. The victims steering group has an important status in our view. I ask the SNP to withdraw its amendment. We all recognise the important role of victims in the criminal justice system and are jointly determined to ensure that victims get a better deal from it. We are intent on doing that with the strategy and the action plan, and I commend the motion, and the strategy and action plan, to the chamber.

**Roseanna Cunningham:** On a point of order, Presiding Officer. I am not sure whether this is a point of order as defined in standing orders, but the temperature in the chamber this afternoon has been dropping as the hours go by, to the point that it has become uncomfortable. I am well aware that that might be partly a function of the lack of bodies for the debate this afternoon, but could you check the situation, because it has been appalling?

**The Presiding Officer (Sir David Steel):** I undertake to look into that.

## Parliamentary Bureau Motion

**The Presiding Officer (Sir David Steel):** We come now to consideration of Parliamentary Bureau motion S1M-1563, in the name of Tom McCabe, on the designation of committees.

*Motion moved,*

That the Parliament agrees that the Justice 2 Committee is designated as the other Committee in consideration in the Convention Rights (Compliance) (Scotland) Bill—  
[*Tavish Scott.*]

**The Presiding Officer:** No one has asked to speak against the motion; we will take it at decision time.



## Points of Order

17:01

**The Presiding Officer (Sir David Steel):** I said earlier that I would come back to the question of today's ministerial statement. I said this afternoon that I accept responsibility for everything that was said by my deputy in the chair. That remains the position. Unfortunately, George Reid, inadvertently and in all good faith, gave information to the chamber that was not correct.

On 2 November, the Presiding Officers agreed the statement that I made and that I quoted earlier. This morning, while Patricia Ferguson was in the chair, I reviewed the press coverage with George Reid and we came to the view that the sanction outlined in November should be applied. We also agreed to consult Patricia Ferguson when she left the chair. Unhappily, and unknown to George Reid, I was involved in another meeting at that time and, due to a breakdown in communication, Patricia Ferguson was not consulted. Mr Reid therefore made the statement as agreed and I take full responsibility for what happened.

On the matter of apparent prior knowledge of the ruling, I am completely baffled by how it occurred. I am satisfied, on the basis of my inquiries, that no Presiding Officer and no member of staff relayed any information.

**Hugh Henry (Paisley South) (Lab):** On a point of order, Presiding Officer. Like many members, I am not happy about the first part of your answer. On the second part, an investigation is going on into leaks from committees. Would it be competent—as you and the other Presiding Officers are also members of the Parliament—to use that same procedure to investigate the leaks, which clearly occurred? The press were aware of your ruling in advance and, as a result, many members in the chamber were also aware of what was about to happen. There should be an investigation. Can we use the procedure that applies to committee leaks? If not, what other procedures are available to ensure a proper investigation?

**The Presiding Officer:** I want to be as helpful as possible, Mr Henry. The code of conduct refers to committee proceedings, not to what the Presiding Officers are doing. However, as I have heard from various quarters that there was prior knowledge of the ruling and we do not know how that happened, if anyone can enlighten us on it, I would be very grateful. I am happy to continue inquiries.

**Hugh Henry:** Notwithstanding what you say, Presiding Officer, I am asking what procedure is

available to allow an investigation to be undertaken into how this happened.

**The Presiding Officer:** I have already investigated the matter as far as I could so far; I am willing to continue that investigation, if I can be helped by others who may have more information than I have already ascertained.

**Michael Russell (South of Scotland) (SNP):** On a point of order, Presiding Officer. Given the intensity of the desire to investigate this matter, will you rule that there should be an intense investigation into how the material from this morning's statement appeared in the newspapers. That is the issue.

**The Presiding Officer:** That is not the point that we are discussing at the moment. I have already ruled on the wider issue.

**David McLetchie (Lothians) (Con):** On a point of order, Presiding Officer. My point follows on from what Mr Russell said. There is a deliberate attempt to muddy the issue. The issue is the gross discourtesy exhibited to Parliament by Scottish Executive ministers. I asked the First Minister about that at question time today. Would it be in order for you to invite the First Minister to explain how the material got into the press, to extend an apology to the Parliament and to take steps to ensure that there is no repetition of this practice?

**The Presiding Officer:** If I may say so, what the First Minister said this afternoon was extremely helpful. All of us—including me and my office—should move on and learn from this episode.

**The Minister for Parliament (Mr Tom McCabe):** On a point of order, Presiding Officer. It is clear that there is no consensus on this issue. Are you acknowledging in your statement that the information on the ruling was available to individuals before your deputy made his ruling?

**The Presiding Officer:** What I said, very carefully, concerned the matter of apparent prior knowledge. It appears to me that there was prior knowledge—although I have no definite proof of it—as it appears to you and many others that there was. I continue to be concerned about that.

**Mr McCabe:** Let us have some clarity, Presiding Officer. It does not “appear” to me or my colleagues; I can confirm to you, as I confirmed to the Deputy Presiding Officer, that individuals had knowledge of the ruling before it was made.

**The Presiding Officer:** That is a matter of great concern to me, as it is to you, but I have not been able to establish how it occurred. I am willing to continue to look into the matter if others who may have further knowledge will help me.

Let us move to decision time, as I have 10 questions—

**Johann Lamont (Glasgow Pollok) (Lab):** On a point of order, Presiding Officer. I would like further clarification on the consequences of the misinformation that we were given this morning. Because of that misinformation, there was a drive not to hear the minister's statement. I expressed my concern at the time about the fact that the people who suffered as a result of anxieties about leaks from the Scottish Executive were the back-bench members, who did not have access to the statement and were not allowed to hear it. I would like you to reflect on that and on the fact that the justification for our not hearing the minister's statement was based on misinformation.

**The Presiding Officer:** On the matter of misinformation, I accept responsibility. It is not fair to blame Mr Reid, as he was acting entirely as we had agreed.

On the second point, I have said that we will discuss the matter in the Parliamentary Bureau next week, to see how we can arrange for the chamber to have a substantive discussion on the issues that we missed out on this morning.

I ask you to bear in mind the fact that the main issue was the Presiding Officer's attempt to protect the rights of the Parliament.

**Johann Lamont** *rose*—

**The Presiding Officer:** Order. You must sit down. I am still speaking.

I am aware that, because of my decision, back-bench members lost an opportunity to participate. That must be rectified. Therefore, I am asking the Parliamentary Bureau to consider the matter next week. We will do so as quickly as possible.

**Johann Lamont:** On a point of order, Presiding Officer. I asked you to clarify, in dealing with discourtesies to the Parliament, that not only was information allegedly provided before the debate, but a further discourtesy was paid to the Parliament when the statement was not allowed to be made, which meant that back-bench members such as me were unable to ask questions.

**The Presiding Officer:** We could argue about this matter for ever. I made my ruling this morning. Some members may not like it, but that was the ruling that I made. In my opinion, it was in the best interests of the Parliament.

## Decision Time

17:06

**The Presiding Officer (Sir David Steel):** There are 10 questions to be put as a result of today's business.

The first question is, that amendment S1M-1548.2, in the name of Rhona Brankin, which seeks to amend motion S1M-1548, in the name of Mr Jamie McGrigor, on fisheries, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (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)  
 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 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)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**ABSTENTIONS**

Sheridan, Tommy (Glasgow) (SSP)

**The Presiding Officer:** The result of the division is: For 61, Against 50, Abstentions 1.

*Amendment agreed to.*

**The Presiding Officer:** Because amendment S1M-1548.2 is agreed to, Mr Lochhead's amendment falls.

The third question is, that motion S1M-1548, in the name of Mr Jamie McGrigor, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Adam, Brian (North-East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeish, Henry (Central Fife) (Lab)

McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

**The Presiding Officer:** The result of the division is: For 93, Against 18, Abstentions 1.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes that the Scottish Executive, as part of the UK delegation, is currently involved in negotiations on a cod recovery plan with the European Commission, is aiming to secure the best possible deal for

Scottish fishermen whilst ensuring a sustainable fishing industry, and is fully involving the industry in these discussions.

**The Presiding Officer:** The fourth question is, that amendment S1M-1547.1, in the name of Sarah Boyack, which seeks to amend motion S1M-1547, in the name of Murray Tosh, on the route action plan, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (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)  
 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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)  
 Scott, Tavish (Shetland) (LD)

Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 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)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 64, Against 49, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The fifth question is, that motion S1M-1547, in the name of Murray Tosh, on the route action plan, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (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)  
 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 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)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 64, Against 49, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the strategic importance of the ports of Stranraer and Cairnryan and the A75 corridor, in linking Northern Ireland and Scotland with the rest of the United Kingdom and the Republic of Ireland and in developing priority Trans-European Network links; applauds the efforts of Dumfries and Galloway Council and the North Channel Partnership to highlight the strategic importance of the corridor as well as its economic importance to South West Scotland; welcomes the Executive's decision in the Spending Review 2000 to increase expenditure on transport by £500 million in the period to March 2004, recognises the progressive improvement of the A75 most recently through the scheme

at The Glen completed in 1999 and the measures covering the next 10 years set out in the *Route Action Plan*, and notes that the Executive has already completed the short term measures and is now implementing the medium term priorities in that Plan.

**The Presiding Officer:** The sixth question is, that motion S1M-1528, in the name of Mr Jim Wallace, on the International Criminal Court Bill, which is UK legislation, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, 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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (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, 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, 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 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)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (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)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 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)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 80, Against 33, Abstentions 0.

#### *Motion agreed to.*

That the Parliament endorses the principle of establishing the International Criminal Court in the legal systems of the United Kingdom and agrees that the provisions within the International Criminal Court Bill that relate to devolved matters should be considered by the UK

Parliament.

**The Presiding Officer:** The seventh question is, that amendment S1M-1556.1, in the name of Roseanna Cunningham, which seeks to amend motion S1M-1556, in the name of Jim Wallace, on the Scottish strategy for victims, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (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)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 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)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, 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)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (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, 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, 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 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)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 34, Against 79, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The eighth question is, that amendment S1M-1556.2, in the name of Phil Gallie, which seeks to amend motion S1M-1556, in the name of Jim Wallace, on the Scottish strategy for victims, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

**AGAINST**

Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (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)  
 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)  
 Macmillan, Maureen (Highlands and Islands) (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)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)



Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (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)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (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)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (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)  
 Salmond, Mr Alex (Banff and Buchan) (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)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 18, Against 64, Abstentions 31.

*Amendment disagreed to.*

**The Presiding Officer:** The ninth question is, that motion S1M-1556, in the name of Jim Wallace, on the Scottish strategy for victims, be agreed to.

*Motion agreed to.*

That the Parliament endorses the principles of the *Scottish Strategy for Victims*; commends the development of the strategy which gives proper recognition for victims of crime and their needs; welcomes its emphasis on partnership working between criminal justice agencies to achieve the Executive's objectives of better support and information for victims, and welcomes the commitment to action and real improvements set out in the *Justice Department's Action Plan*.

**The Presiding Officer:** The 10<sup>th</sup> and final question is, that motion S1M-1563, in the name of Tom McCabe, on the designation of committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Justice 2 Committee is designated as the other Committee in consideration in the Convention Rights (Compliance) (Scotland) Bill.

## Hepatitis C

**The Presiding Officer (Sir David Steel):** The final item of business is a members' business debate on motion S1M-1454, in the name of Alex Neil, on hepatitis C.

*Motion debated,*

That the Parliament notes with concern that there are currently 10,000 people carrying hepatitis C in Scotland and that there may be 50,000 undiagnosed cases; acknowledges that hepatitis C can be treated in a cost-effective manner through a comprehensive system of education, screening and holistic treatment, and recognises the work of C-Level, Capital C and other such groups in their attempts to gain adequate funding so that they might tackle the issue.

17:15

**Alex Neil (Central Scotland) (SNP):** I welcome members of Capital C to the gallery. Capital C is an Edinburgh-based voluntary organisation that raises awareness about hepatitis C; it is looking for funding so that it can take its message to an even wider audience. It has asked me to point out that, last year, it had what it thought was a successful discussion with members of the Health and Community Care Committee. It looks forward to hearing the response from committee members who attended that meeting.

I am sure that members from all parties will join me in recognising the work of Capital C and organisations such as C-Level in Glasgow. Capital C is organising the first national conference in Scotland on hepatitis C, which will take place on 28 March at the Festival Theatre in Edinburgh. I am sure that all members wish the organisation every success with that conference, which I encourage them all to attend.

Hepatitis C is a sleeping giant in Scotland. It is a substantial problem—10,000 people in Scotland are diagnosed as having hepatitis C and there are an estimated 50,000 undiagnosed cases.

HIV/AIDS, which has rightly been recognised for almost 20 years as a public health matter of major importance, currently affects 1,877 people in Scotland. That is substantially fewer than the diagnosed cases of hepatitis C in Scotland, let alone those cases that are still to be diagnosed. That puts the scale of the problem into perspective; hepatitis C affects about 25 times more people than HIV/AIDS does.

Despite that, the Scottish public are unaware of the nature and scale of the problem. Hepatitis C is a silent disease. The virus has a long incubation period; it can take 10 to 15 years before the victim shows symptoms of the disease. That is one reason why it is easy to ignore the problem or to

sweep it under the carpet. By the time that the size of the problem becomes apparent in about 20 years' time, it may be too late to tackle it as effectively as we could if we took preventive measures now.

What is Scotland doing to find the 50,000 undiagnosed cases? Unfortunately, it is not doing a lot.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Will Alex Neil clarify one point? The Scottish Centre for Infection and Environmental Health figures show that there are 10,161 confirmed cases. The centre says that the total number of cases is about 40,000—a several-fold underestimate. Alex Neil is saying that there are 50,000 undiagnosed cases, which would take the total up to 60,000. Does he mean 40,000?

**Alex Neil:** No. The most recent estimates that I have seen take the figure of undiagnosed cases up to 50,000. The substantive point remains the same, irrespective of whether the figure is 40,000 or 50,000. We must take preventive action now rather than do what we have done in other situations, when we have waited until it is too late and have ended up with a huge bill in terms of suffering and of financing medical treatment.

I am not here to grieve about the Executive. I welcome the additional £1 million that the Executive has given to health boards in Scotland in the current financial year; it has increased their budget from £6.1 million to £7.1 million for prevention work, primarily on AIDS and hepatitis C.

In its drugs inquiry, the Social Inclusion, Housing and Voluntary Sector Committee did some useful work in highlighting the risk of hepatitis C, especially to those who inject drugs intravenously. However, as the Minister for Health and Community Care, Susan Deacon, recently admitted in a parliamentary reply to me, there is still no national screening programme. In refusing to implement such a programme, the Executive has taken the advice of people such as the deputy chief medical officer, Dr Andrew Fraser. Dr Fraser is on record as saying:

"There is little point in screening for the virus if there is little you can do for the patient".

He has also said:

"We must know more about the disease before we progress to some form of screening."

Like, I suspect, many people outside the chamber, I do not agree with those arguments.

The data collected by SCIEH, along with the information kept by the health boards, tell us a great deal about hepatitis C. We know that 87 per cent of people diagnosed with hepatitis C are between 15 and 44 and that 56 per cent of them

have injected drugs. However, a significant minority—44 per cent—have been infected in other ways. The only way of finding out how people have become infected is to run a national screening programme.

We know something else about hepatitis C—it is spreading fast. The number of people diagnosed with the virus has doubled in the past four years alone. Even if we did not have all that information, not knowing about hepatitis C is no excuse for not doing enough.

The whole point behind a national screening programme and raising public awareness is to tell people that hepatitis C can be prevented. Although there might not yet be a vaccine, if people know what the disease is and how they can avoid being put at risk, the number of cases will fall.

Scotland can and should undertake a screening programme for the disease and implement a substantial public awareness and education programme about it. If we do not do both those things, we must be prepared to put up our hands in 15 to 20 years' time, when the extent of the problem can no longer be ignored, and accept our part of the blame. Countries such as the US and France are already taking effective action. It is estimated that the costs of treating those who are currently undiagnosed could be as high as £200 million, which is much more than the cost of implementing the Sutherland report.

The message of this debate must be that it is time for Scotland to wake up to the problem of hepatitis C. It is time for action; it is time to introduce a national screening programme; and it is time for a substantial investment in public awareness and education. I hope that the minister will address those issues. This is not a party political issue; it is a human issue. It is a major issue about the health of the nation. It merits the Parliament's attention and deserves urgent action by the Executive and others.

17:23

**Mr Keith Raffan (Mid Scotland and Fife) (LD):**

First, I apologise to the chamber as I will not be present for the winding-up speech; I have to go for a medical check-up. I hasten to add that I am all right. However, I will read the minister's response with great interest.

Alex Neil has covered the size and scale of the epidemic, and I do not want to repeat what he said. I think that the figures are 40,000 or 40,000-plus; however, we are facing a very serious public health problem. As the general manager of one of the three health boards in my regional constituency said, it is a time bomb under the national health service not just in terms of the suffering for those infected by hep C but in terms

of the resource implications of the problem. We must develop a national strategy. Now that we have the very detailed special needs assessment programme report that was presented to the minister in August, I want the Executive to implement a national strategy that covers prevention, screening and treatment. There is an unacceptable unevenness on all three issues throughout the different health board areas.

As Alex Neil said, we must increase awareness of prevention. We must also promote needle and syringe exchange; it must be as good in Fife as it is in Ayrshire and Arran. We must have outreach services, particularly to smaller communities and to rural areas. We must ensure that methadone maintenance is available to heroin addicts, as that would mean that they would be taking methadone rather than injecting. We must promote screening of high-risk groups. I differ from Alex Neil in my emphasis on this. I think that screening must be available for high-risk groups and for all others who want it. We must promote it and it must be equally available in all health board areas.

Central to our concerns must be treatment and management of the disease. All who suffer from hepatitis C must have access to the combination therapy of interferon alpha and ribavirin. I do not deny that that has serious resource implications for the Executive. A course of treatment can cost from £5,000 to £10,000 per case, but it is essential that the Scottish Executive provide the necessary resources for exactly the reasons that Alex Neil outlined. If it does not invest in treatment now, not only will it allow great suffering among those who are infected, it will have to pay far more in 15 to 20 years' time, when two out of three of those sufferers are likely, if untreated, to develop liver cancer or cirrhosis. That would lead to a demand for liver transplants, which we would be unable to meet.

We urgently need development of a national strategy. We have had the Scottish needs assessment programme report; we now need a strategy and action from the Executive. Otherwise, we could be faced with a disease that has a far more devastating impact on those who suffer from it, and on NHS resources, than HIV/AIDS.

17:26

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Members who have read the Scottish Parliament information centre report on hepatitis C will know that it refers to petition PE185 from a Mr Thomas McKissock. Mr McKissock is one of my constituents and I assisted him in preparing his petition, which asked the Health and Community Care Committee to conduct an inquiry into the plight of those who have contracted hepatitis C from contaminated blood products.

Much of the focus has been on people who suffer from haemophilia. Mr McKissock is not a haemophiliac; he contracted the virus through treatment in the national health service during what was thought to be fairly routine surgery. The problem, as I understand it, is that the number of people in Scotland who might have been infected in similar circumstances has not been assessed.

Through the petition and through subsequent input to the Health and Community Care Committee's inquiry, we aimed to persuade the Executive to address compensation. Written answers at Westminster have asked the Department of Health to assess whether there ought to be specific compensation payments for people in such circumstances, but the idea has been ruled out: ministers said that sufferers should continue to seek benefits

"through the benefits system in the same way as other NHS patients who have suffered non negligent harm."—[*Official Report, House of Commons*, 6 May 1999; Vol 330, c 454W.].

Part of the problem with Mr McKissock's case is that it predates the screening of blood supplies. The question is who, if anyone, was negligent. No one involved at that stage could be proved negligent, but nor was my constituent negligent. He is now a very ill man, and surely his quality of life and the way he has to live should be recognised. As I said in the debate on victim support, people do not necessarily want financial compensation; they are seeking some recognition that the system went badly wrong for them and that they have suffered as a result. I know that Mr McKissock and others like him will welcome the thrust of today's debate and would encourage the Executive to look at treatment and prevention so that problems of hepatitis C, eloquently outlined by Alex Neil, can be addressed.

I ask the minister to consider the issue and tell us whether we can get information about the number of people who are suffering from hepatitis C in circumstances similar to those of Mr McKissock. Do we know the extent of the problem? If they are only a small number, can we at least provide some sort of recognition and compensation to make their plight easier in what will, in essence, be the last days of their lives?

17:29

**Dorothy-Grace Elder (Glasgow) (SNP):** I am glad that Cathy Jamieson referred to compensation. I want to speak on behalf of people who are suffering from haemophilia.

Winding the clock back about 19 years, I was one of those who made the first ever Scottish documentary on AIDS—at a time of hyped-up terror in the community. At that time, many in

Scotland—doctors, nurses, blood transfusion centre experts—were pleading for heat treatment for blood products and the Thatcher Government turned them down. That measure would have cost only a few hundred thousand pounds at the time, but the Thatcher Government was importing American blood, which can contain skid row blood—blood for sale. It did that for a while out of cheapness. At that time, hepatitis C was not being identified. Susan Deacon said a few weeks ago that hepatitis C was not identified as such until the late 1980s or early 1990s. That is true, but what was being detected was non-A and non-B hepatitis. When something as big as AIDS is identified, we can expect that there will be some other problem there as well.

The responsibility rests with the state and politicians, not with doctors. That is why I was annoyed when I heard that the inquiry would be into negligence—it was to be skewed to deal with the doctors and the blood transfusion centre workers and so on as if they had been negligent. No one believed that they had been negligent—the negligence was entirely political. That continues to this day. The Government in Scotland and the Labour Government in England were not negligent—they are innocent—but they bear the responsibility of the state; the historic responsibility of one Government to compensate innocent people for something that has happened to them through the actions of the state.

The Government has accepted responsibility in other cases and it has paid out compensation. There is no reason why it cannot pay compensation to hepatitis-C infected haemophiliacs in Scotland. There are not many of them, but their lives are a daily tragedy. That money could be paid on an ex gratia basis—no more years of those people's lives need tick away. The Executive has a moral duty to do so and I appeal to the Deputy Minister for Health and Community Care to take that message back to the Executive.

17:32

**Mary Scanlon (Highlands and Islands) (Con):**

I thank Alex Neil for securing this debate. One of the strengths of the Scottish Parliament is that we can address issues such as hepatitis C and work to raise awareness and address serious problems in Scotland.

I will not repeat the comments that were made by the depute chief medical officer, but if we do not screen because we do not know about a disease, we are going nowhere. Whether we move forward on one front or another, we must move forward in some way. Surely a screening programme would be the first step towards identifying and measuring the problems that exist

and the problems that we might have to address. Equally, further research should be done to ensure that there is greater understanding of the disease and that the appropriate support, advice and treatments are made available. As other members have said, the head-in-the-sand approach will get us nowhere. I feel that it is more appropriate to set out proper guidelines than the plethora of confusing information that many people download from the internet.

I was alarmed to read today that nine out of 10 patients with acute hepatitis have no symptoms. That must be a serious worry. Were they aware, they could adapt their lifestyles and get treatment to address the problem. It is reassuring that half of the patients will benefit from treatment. There is undoubtedly scope for a public health campaign. We need to depart from the view that hepatitis C is caught and spread only by drug users. With an increase in body piercing and tattooing, more and more people should be informed of the dangers involved in what would seem to be quite an innocent practice.

Given that it is believed that between 50 and 80 per cent of drug-using prisoners are hepatitis C sufferers, would this not be an ideal starting point for a programme of screening, drug rehabilitation and counselling aimed at stopping the problem spreading even more widely? It would also give us an excellent opportunity to test the effectiveness of herbal remedies, acupuncture and other treatments and advice on lifestyle changes—which tend to crop up in any information that we come across about hepatitis C.

I understand that a treatment known as SHARP—substitute harm reduction prescribing—has been developed by a prison doctor in Scotland. Given that the Executive's health plan makes a commitment

“to put more resources into tackling the modern epidemics of HIV, Hepatitis C and Chlamydia”

could some of those resources be allocated to prisons in the first instance, and could progress be made to develop a Scotland-wide strategy to include trials of innovations in treatment?

Finally, I ask the minister to outline the Scottish Executive's response to the Scottish needs assessment programme report, which was published last summer—the Executive was to state its conclusions.

17:36

**Dr Richard Simpson (Ochil) (Lab):** I, too, congratulate Alex Neil on getting this debate, which is on an important topic. I will not reiterate all the elements that have been covered by other members. It is generally accepted that we are dealing with an unknown quantity. There are

10,000 known cases, but various numbers have been cited in the chamber and it is anyone's guess how high the actual figure might be. In any case, hepatitis C will give rise to a major cost for the health service in the not-too-distant future.

There are several strands that we must follow in tackling the problem. The first stage was the publication, last year, of the SNAP report. That is a necessary prerequisite to proceeding with a step-by-step, rational strategy.

The motion mentions a screening programme. The problem is what is meant by a screening programme. A mass screening programme would not be suitable. What would be appropriate, however, is a system whereby members of high-risk groups are readily and easily able to obtain the necessary information about their particular circumstances.

I have worked in a prison setting. Testing can be—and is—done in prisons, and support can be provided to individuals with the condition.

I understand that the main reason for liver transplants in the United States is hepatitis C. We are already moving in the same direction; the need for transplants will pose a major problem.

It is already generally evident in NHS accounts that the provision of funds for negligence claims, or to cover similar problems, has risen enormously over the past four or five years. Although that is not particular to the subject of hepatitis C, I believe—in the context to which Cathy Jamieson and Dorothy-Grace Elder referred—that there will soon come a time when we should ask the Executive to consider fault in our health system.

The time is coming when we need to consider the adoption of a different system: that of no-fault compensation. The present system is too difficult and the courts' involvement makes for far too long a process for dealing with compensation. It is very expensive and it prevents people admitting risk, admitting that things have gone wrong and admitting near-misses. The time is coming when we will have to debate that.

I do not think that a mass screening programme is appropriate, but we need to have high-risk screening. I am sure that the minister will say this in his reply, but I think that, in taking this issue forward, we will need to prepare a programme that matches the growing need in this area.

17:39

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** I congratulate Alex Neil on securing a debate on such an important matter and welcome Capital C to the gallery. It is a group that I am well aware of, as it lobbied me on the issue some years ago, as

an Edinburgh MP. As a result, I had a meeting with Professor Peter Hayes. Progress has been made since then, not least because of the group set up under the Scottish needs assessment programme, known as SNAP, and its report. That expert group comprises doctors and other health professionals, including Professor Hayes. SNAP was asked to undertake the review by the deputy chief medical officer—the person Alex Neil referred to in a different context—reflecting our concern about the developing problem and the comparative lack of knowledge of many aspects of the infection.

The SNAP group's aims were to describe the emerging epidemic; to collate current knowledge on prevention, investigation and treatment; to describe the current status of the services available to meet the challenge; to make estimated projections of the implications in the Scottish population and of the services required; and to make recommendations. A copy of the SNAP report is available in the Scottish Parliament information centre and I commend it to members.

The SNAP group identified the transmission routes for hepatitis C. Injecting drug use and sharing needles and equipment has been by far the most common route in Scotland. Other routes, which are much less common in Scotland, are contaminated blood and blood components, prior to the introduction of screening for hepatitis C, as mentioned by Cathy Jamieson in relation to her constituent; unprotected sexual intercourse with a hepatitis C-positive partner; from mother to child during pregnancy; from patients to health care workers through needle-stick injury; and from contaminated equipment used in skin and body piercing. I repeat that of those routes, injecting drug use is by far the most significant and injecting drug users are the main vulnerable group to be targeted by prevention efforts.

The SNAP report makes 20 recommendations, most of which are directed at health boards. I should explain to members that the purpose of SNAP reports is to provide boards with a review of an area of health care and to give them a template against which they can reassess their services and reconfigure them as necessary. SNAP issues its reports in draft to health boards as well as to the Executive and other health and voluntary interests. SNAP then issues the report findings after taking account of comments. The hepatitis C report was issued in final form in September last year. The key issue now is for health boards to implement its recommendations. Those recommendations cover all aspects of the response to hepatitis C, including prevention, detection, treatment, surveillance and research. That underlines that progress will have to be made simultaneously across a wide front.

**Mary Scanlon:** In reply to my question S1W-7523, the Minister for Health and Community Care said:

"It is expected that the report will be published in the summer, when the Executive will give its conclusions urgent consideration."—[*Official Report, Written Answers*, 15 June 2000; Vol 7, p 115.]

I appreciate what the deputy minister is saying about health boards, but is there scope for an Executive national strategy?

**Malcolm Chisholm:** I do not think that there is a gap between the SNAP report and the national strategy, which Mary Scanlon suggests. SNAP is an expert group; we accept its advice and recommendations, which are at the heart of the national strategy.

The proposal in the motion is for a screening programme. The SNAP group considered that question explicitly, but concluded:

"systematic population screening of high risk groups is not justified at present, but counselling with the opportunity for testing should be offered to people in high risk groups as an integral part of discussion on the management of their risky behaviour."

The expert advisory group on hepatitis, which is a UK body, has also not seen fit to recommend a screening programme.

**Alex Neil:** Does the deputy minister accept that a lot of the people who are vulnerable are unaware of the services that are available? I chaired the organisation that ran the national AIDS helpline, which was very important in making people aware of AIDS. Will the deputy minister consider introducing a similar helpline for potential victims of hepatitis C?

**Malcolm Chisholm:** I cannot give an instant reply to that, but we will reflect on the idea.

In the light of increasing evidence that the newest drug therapies are proving effective, I agree that efforts should be made to detect those with long-standing infection who do not inject drugs or have ceased doing so, and to offer them treatment. In France—which Alex Neil referred to—such targeting of vulnerable groups, I think, occurs.

The SNAP report recommended that a national workshop on the prevention of transmission among injecting drug users should be convened. That was held in November. The event was useful, but the discussions confirmed that no quick fixes are on offer.

Progress must be made to reduce the amount of drug injecting and sharing of injecting equipment. In December, Iain Gray announced national targets for those reductions. The Executive will now require local targets to be set. Success in meeting targets will require renewed health

promotion efforts and provision of information in appropriate formats to high-risk groups. An obvious opportunity for that is provided by needle and syringe exchanges, to which Keith Raffan referred. The provision of clean equipment also tends to discourage equipment sharing. The SNAP report and the HIV health promotion strategy report, which was published last week, recommend that health boards review and, if necessary, enhance needle exchange provision in their areas.

SNAP also recommended that consideration be given to introducing regulation of body piercing. Mary Scanlon referred to that. I am glad to say that I shall formally announce tomorrow the issue of the Executive's consultation paper on that subject.

I have only one minute left, so I will be brief. The Executive is providing record levels of funding to health boards through their general allocations. As promised in "Our National Health", we have decided to increase by £7 million over the next four years the resources provided for boards' HIV prevention activities.

We have told boards that, as the HIV health promotion strategy report recommended, they may apply those resources to the prevention of other blood-borne viruses, of which hepatitis C is the most significant at present.

The recently announced £100 million package for tackling drug misuse will include £6.3 million over three years for local and national public awareness initiatives. There will be full consultation to ensure that we have the best know-how on improving the quality of information and the messages that we convey on drugs prevention and education.

I reiterate that the issue is important for the Executive. We endorse the findings of the SNAP report and are determined that they should be implemented throughout Scotland.

*Meeting closed at 17:47.*





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