

MEETING OF THE PARLIAMENT

Wednesday 30 January 2002
(*Afternoon*)

Session 1

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Scottish Parliament

Wednesday 30 January 2002

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): To lead our time for reflection this week, we welcome the Rev Tilly Wilson, who is a Church of Scotland minister in Dysart, working with travelling people.

Rev Tilly Wilson (Church of Scotland Minister Working with Travelling People): In Ephesians 2, we read:

“And he came and preached peace to you who were far off and peace to those who were near; for through him we both have access in one Spirit to the Father. So then you are no longer strangers and sojourners, but you are fellow citizens with the saints and members of the household of God, built upon the foundation of the apostles and prophets, Christ Jesus himself being the cornerstone, in whom the whole structure is joined together and grows into a holy temple in the Lord.”

Today we recall the Holocaust, in which 6 million Jews, 3 million Gypsies and many others died. For many people in Scotland, it brings feelings of sadness, sympathy for suffering victims, and a certain degree of revulsion that such a thing could happen. Yet those feelings are somewhat blunted by the passing of time and the knowledge that it all happened in another country, to people unrelated to them.

For me, as a Gypsy Traveller, the remembering is more personal and painful, although I was not even born at the time. That is because I belong to a people whose corporate sense of belonging crosses boundaries of time and place and whose memories are passed down from one generation to another and so become part of everyone’s collective experience.

For many years before I became a Christian, I carried around the baggage of the centuries of persecution and discrimination suffered by my people. It was part of my consciousness. Combined with other things, it led to a certain amount of distrust—even fear—and a sense of alienation from those not belonging to the travelling community. Fortunately, I no longer feel that way. So why the change of heart? It is simply that I now believe, as the reading from Ephesians indicated, that no matter who we are or what our background, we are made one in Christ Jesus. On this day, when we remember the hurt and pain associated with the Holocaust, we also remember

those who, in the years following—sometimes at great risk to themselves—worked to ease suffering and bring peace and reconciliation to those whose lives were torn apart by hate and war. I look forward to that time when no one feels that they are an outcast or a stranger and everyone feels that they belong together as part of the one family of mankind under God.

Let us pray.

Lord God, we pray for your peace in our world and in our lives. Bless all gathered here today and grant the gifts needed for the tasks in hand: wisdom, patience, dedication, integrity, vision and humility, so that each may fulfil their calling faithfully, mindful of all and mindful of you, through Jesus Christ our Lord,

Amen.

Fur Farming (Prohibition) (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): As there are no Parliamentary Bureau motions today, we will proceed to the next item of business, which is a debate on motion S1M-2353, in the name of Ross Finnie, on the general principles of the Fur Farming (Prohibition) (Scotland) Bill. I invite members who would like to take part in the debate to press their request-to-speak buttons so that we can work out a speaking order. I call on Ross Finnie to speak to and move the motion.

14:35

The Minister for Environment and Rural Development (Ross Finnie): One of the Deputy Presiding Officers told me that I would have to speak slowly if the time for the debate is to be taken up. However, on entering the chamber, I was encouraged to hear that the turnstiles had been closed an hour before. The security guard said that fur would not be flying this afternoon.

The business before us is a debate on the Fur Farming (Prohibition) (Scotland) Bill. The proposed legislation is designed to ban the keeping of animals solely or primarily for the commercial value of their fur. Most members will be aware that there are no fur farms in Scotland—the last closed in 1993. That is true in respect of mink, as mink fur farms can operate only under licence. Animals such as arctic fox, racoon and dog may be farmed for their fur, but since the announcement on 3 December 1999 that we intended to introduce a bill to ban fur farming in Scotland we have received no representations to indicate that any fur farms exist.

The fur farming industry in this country began in the late 1920s. Until controls were introduced in 1962, the industry was dogged by escapes from its farms. Mink have bred in the wild and, despite public expenditure and concerted efforts by the Scottish agriculture department during the 1960s, it was recognised that mink had become too well established and widespread to continue with an eradication programme. Escaped mink brought environmental damage to indigenous wildlife and damage to stock and to breeding birds.

The Executive's justification for introducing the bill rests on public morality grounds. I continue to believe in those arguments. Keeping an animal for no justifiable public benefit ought to concern the public. At the Rural Development Committee, I pointed out the stark contrast between doing that and breeding animals that provide food for the food chain.

Ben Wallace (North-East Scotland) (Con): I am grateful to the minister for giving way. I am interested in his argument concerning public morality. Of course, he is not so naive as to think that all cattle provide leather. In this country, much leather is provided from calves that are not bred for food, but are on farms to be used for leather. According to the minister's line of argument, he should be moving to banning those.

Ross Finnie: Not quite. Of course, I have not finished my line of argument—I was giving the principal reason for introducing the bill.

I listened with great care to what the Rural Development Committee debated and reported at stage 1 of the bill. I have not moved my ground on the moral argument, but I have taken cognisance of what has been sensibly proposed by the committee, which I proposed without the same emphasis. On animal welfare, the committee thought, in respect of the important conflict between the keeping of animals for fur farming and animal welfare problems, that fur farming,

“by definition and in certain specific practices, does involve unnecessary suffering for the animals.”

That is a cogent argument. The committee went on to talk about the environmental impact of escaped fur farm animals. Again the committee accepted that the environmental impact problems extend beyond non-native species and again supported primary legislation for those reasons.

For those three principal reasons, I come before the Parliament to introduce the bill. We had fairly extensive consultation before reaching this stage and 86 organisations were approached, although the consultation elicited a fairly low level of response. Only two groups representing the fur trade objected to the proposals. Some of the views expressed in support of banning fur farming went beyond the principle of a ban. They raised issues that are mentioned in the committee's report.

I have indicated that the purpose of the bill is to ban the keeping of animals solely or primarily for the commercial value of their fur. Provisions included in the bill that follow on from that purpose cover the making and implementation of forfeiture orders if someone is convicted of an offence. Such orders will allow animals to be removed and destroyed. There is an entry and enforcement power, to allow authorised personnel to enter premises if it is suspected that an offence has been committed. A similar power is included to enable a forfeiture order to be carried out.

Finally, the bill provides for the establishment of a compensation scheme and for disputes over entitlement to compensation or the amount of compensation to be considered by the Lands Tribunal. Whether compensation regulations are made will depend on whether claims are submitted

to the Executive. I stress—as I did in my opening remarks—that the Executive is unaware of any existing businesses that the bill would affect. The measure is an enabling measure, and we are required to put in place the necessary powers for a compensation scheme to comply with the European convention on human rights.

Phil Gallie (South of Scotland) (Con): I thank the minister for giving way. I am interested in the minister's earlier comments on environmental effects and, in particular, the fact that various Governments have given up on the eradication programme for mink. Mink are still a nuisance in the country. Will the minister advise me as to what practices are used to hunt and kill mink?

Ross Finnie: Jamie McGrigor might be in a better position to explain that than I am. He seems to have suffered from that damage more than anyone else in the chamber.

I am not aware of what practices are employed to eradicate mink. I know that mink cause and have wrought considerable environmental damage, not being a native species. It is a matter of regret that we were unable to contain the expansion of mink, particularly in the north-west of the country.

I remind members that a ban on fur farming will take effect in England and Wales no later than 2003. Therefore, if we are persuaded by the argument and fail to introduce a bill outlawing fur farming in this session, there is the prospect that a fur farming industry in Scotland will be resurrected by default. That would be regrettable.

Mr Jamie McGrigor (Highlands and Islands) (Con): I refer to the point about the damage being done by mink. There is an eradication programme in the Western Isles, which would greatly benefit from the use of hounds. It has been shown in Iceland that that is the only way in which to eradicate mink. Iceland has dealt with the problem in that way.

Mr Alasdair Morrison (Western Isles) (Lab): Nonsense.

Ross Finnie: In case members did not hear that sedentary intervention, Mr Morrison said that that was nonsense.

I know that we are not short of time, but I do not think that even the Presiding Officer would wish us to enter into a debate that is yet to come. I know that there is a sense of anticipation of that debate—there will be an opportunity to discuss that matter further.

It would be perverse for us to pay compensation to fur farming businesses in one part of our territory only to allow them to relocate and start afresh elsewhere in the United Kingdom, and that could happen.

For those reasons, the bill is short and it is necessary. We advance three grounds for the bill: public morality, the particular issue of animal welfare and the environmental impact on other species. I commend the bill to the Parliament.

I move,

That the Parliament agrees to the general principles of the Fur Farming (Prohibition) (Scotland) Bill.

14:45

Richard Lochhead (North-East Scotland) (SNP): I welcome the bill and I support its general principles. Many of us think that we should stop there. The bill has taken up more than its fair share of parliamentary time. The bill deals with a hypothetical situation—

Mr Brian Monteith (Mid Scotland and Fife) (Con): Is the member saying that he does not want to have a debate in which he will hear other issues and other views? Is there one view only on the matter?

Richard Lochhead: The issue is the use of parliamentary time. We need to ensure that we match parliamentary time with the priorities of the people of Scotland. A question mark hangs over the length of the debate; I will move on to talk about that in a second.

This morning, the minister spent two hours giving evidence to the Justice 2 Committee on the Land Reform (Scotland) Bill. I am sure that he would rather concentrate on more important issues in the one and a half hours that are available for the debate which, as I said earlier, is on a hypothetical issue. If that were the case, many members would share his sentiments.

The people of Scotland did not wait 300 years for the establishment of the Scottish Parliament in order to pass legislation to ban things that do not exist. If the minister was stuck for ideas, he could have used today's legislative time to introduce a ban on tobacco advertising or, from his own portfolio, he could have introduced legislation to give tenant farmers the right to buy, as was discussed at the Justice 2 Committee meeting this morning. He could also have introduced legislation—for which it appears he does not have time—to do more to tackle wildlife crime in Scotland.

Ross Finnie: Is Richard Lochhead saying that he is content to have fur farming banned in England, but not in Scotland? If so, the SNP's position is perverse. Richard Lochhead pretends to support the principles of the bill, but that is political rhetoric. The reverse is true—he is content for the bill not to come before the Scottish Parliament and he wishes fur farming to be resurrected in Scotland.

Richard Lochhead: The minister misses the point. The SNP is trying to convey that the people of Scotland have many pressing issues and they want them dealt with by the Scottish Parliament. We do not question the sentiments behind the legislation—as I have indicated, the SNP supports the bill—but we question the use of parliamentary resources and the time that has been allocated to the subject.

Sarah Boyack (Edinburgh Central) (Lab): Will the member give way?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Richard Lochhead: I will take a last intervention from Mike Rumbles.

Mr Rumbles: Is the SNP saying that it would prefer a Sewel motion?

Richard Lochhead: Of course the SNP is not saying that. The time that has been allocated to the bill could have been used to debate many other issues. We did not need to have one and a half hours devoted to a bill that the people of Scotland do not think is a priority. Perhaps, for once in his life, Mike Rumbles could pay attention to the priorities of the people of Scotland.

As the minister indicated, there were only 22 responses to the 86 letters that were sent out in the consultation period. That indicates a low level of interest in the bill.

Few people would argue with the Scottish Executive's stated moral objection, which is, and I quote from the Rural Development Committee's report,

"to the breeding of animals solely or primarily for slaughter for the value of their fur."

Many decent people share that moral objection. That is why the SNP, when faced with the bill, supports it and its general principles.

During the Rural Development Committee's deliberations, I was surprised to discover that the Executive, although it introduced the bill, does not know whether there are any fur farms in Scotland at the moment. That seems a bizarre state of affairs. Surely, good legislation should be based on good, accurate information.

Scotland has a widespread and varied agricultural industry. Many farmers rear animals for food. That purpose has a clear public benefit. The SNP shares the opposition to rearing animals simply for their fur to be enjoyed by a few people. That is especially the case when cruelty is involved, and that is the case with the way that mink and other animals are treated. I will quote again from the Rural Development Committee's stage 1 report:

"Respect for Animals, the Scottish Society for the Prevention of Cruelty to Animals, and others argued that farmed animals were essentially wild species, and not subject to the many generations of domestication of other livestock species."

The Rural Development Committee's report goes on to say that those groups presented evidence

"to indicate that confining mink and other fur animals in a caged farming regime was cruel by definition, and resulted in distressed and self-injurious behaviour."

Fur farming is cruel and the SNP is happy to see that it does not happen in Scotland.

Another issue that was brought to the committee's attention was that of escaped fur farm animals. That has caused enormous difficulty in some parts of the country. In its submission to the Rural Development Committee, which is included in the report, Scottish Natural Heritage says that it supports legislation to

"prevent the establishment of further mink fur farms in Scotland. Feral mink present a very significant threat to ground nesting birds where the former are present and are also strongly implicated in the severe decline of the native water vole. In addition, introduced species generally are one of the most serious threats to biodiversity and the commercial keeping of any non-native animals for commercial fur production greatly increases the risk of both accidental and deliberate releases into the wild."

Mr Monteith: Will the member give way?

Richard Lochhead: No, I would like to finish my speech.

The SNP supports this legislation for many reasons but, given the other pressing matters that the Scottish Parliament has to address, we question the Executive's priorities. We do not think that the agenda of this Parliament should be dictated by what happens in London. We question the time and resources that have been devoted to it, but we are happy to agree to the general principles of the bill, given that it has been laid before us.

14:51

Alex Fergusson (South of Scotland) (Con): Some months ago, I received an elaborate and expensively produced form from the Inland Revenue. Having got over the slight palpitations that such forms inevitably produce, I was reduced to a state of sheer incredulity when I discovered that it was a demand—complete with a tear-off slip that was to be returned, I was informed, without the aid of paper clips or other enclosures—for a cheque for the princely sum of £0.00.

I cannot think of a much better example of over-elaborate Government machinery being swung into action to achieve an end result of absolutely nothing. Today's debate on the Fur Farming

(Prohibition) (Scotland) Bill is another fine example of that. A full Government bill, with all the weight of a parliamentary committee report behind it, has been introduced to ban an activity that does not even exist in Scotland. As the minister pointed out, there have been no fur farms in Scotland since 1993.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the member agree that one of the reasons for passing the bill is to close a loophole that might allow the activity to take place in Scotland in the future?

Alex Fergusson: I welcome the fact that Elaine Smith has been restored to full health—we have not seen her in the chamber for some time.

I totally understand the reasons why the bill was introduced and I will deal with them presently.

There are two reasons why there have been no fur farms in Scotland since 1993: first, the economic circumstances for their successful continuation did not exist; and, secondly, public opinion—reinforced rather too often by illegal action—was firmly against them. The Conservatives would prefer that to remain the case and believe that market and social forces should be the factors that govern whether fur farms exist.

We are not entirely persuaded by the Executive's arguments that the legislation is necessary. The matter would have been more simply dealt with by means of a Sewel motion, which would have been entirely acceptable in this instance and would have allowed us to debate something more meaningful today.

Ross Finnie: Hear, hear.

Alex Fergusson: I am delighted to hear the minister agreeing with that.

We are not persuaded that the arguments on welfare or moral grounds stack up in any overwhelming way. It is generally accepted by anyone other than the most prejudiced that if animals are not cared for in a welfare-friendly way, they will not produce the required product. That is every bit as true for animals farmed for their fur as it is for animals farmed for meat, wool or milk—there is no distinction. I suspect that even the Scottish Executive would agree with that. Therefore, the argument becomes a moral one. It seems to me that the Executive is indulging in cherry picking. It appears to be saying, "Okay, even though there is no fur farming, we'll ban it because we don't like it, but we're quite happy for other countries, even EU countries, to carry on with what we believe to be a morally outrageous practice." I have genuine difficulty in accepting the justification for a ban on moral grounds and find myself agreeing—not for the first time—with the

Labour peer, Baroness Mallalieu, who said:

"Ultimately, what is the moral difference between rearing an animal to eat it or to wear it? Mr Morley says that there is one, but to the animal there is none."—[*Official Report, House of Lords*, 19 July 2000; Vol 615, c 1138.]

I cannot accept a welfare need for the bill and I have difficulty accepting a moral need for it. It is surely worth noting that, in Denmark—a country that I understand to be perfectly moral and welfare-friendly—fur is the third largest agricultural export and provides considerable rural employment. European fur farms provide a market for 365,000 tonnes of fish by-product, much of which comes from Scotland.

As always, I like to give the Scottish Executive credit where it is due and I compliment it warmly on its generous agreement to compensate the non-existent Scottish fur farmers for the loss of their non-existent businesses. What magnanimity the Executive is able to show when the bill that it will receive for compensation will be exactly the same as my recent income tax demand—absolutely nothing.

That is in sad contrast to the mean-minded decision of the Executive to oppose an amendment to the Protection of Wild Mammals (Scotland) Bill that would have compensated those who will lose their jobs and houses as a direct result of that bill's being passed. What is the difference? It is simple: no one in rural Scotland will be directly affected by banning non-existent fur farms; many in rural Scotland will be affected by the Protection of Wild Mammals (Scotland) Bill. Real people will lose their income and accommodation, but they, apparently, neither need nor deserve compensation.

The Fur Farming (Prohibition) (Scotland) Bill is a typically unnecessary piece of banning legislation. "If we don't like it, we'll ban it," seems to be the motto of the Executive. The Conservative party does not think that the Executive has presented its case for the bill with any degree of conviction.

Had even one fur farm still been operating in Scotland, the Conservatives would have opposed the bill, but the truth is that there is no such fur farm. Therefore, I will abstain at this stage of the bill's consideration and will neither oppose nor support the bill, because I consider it to be unnecessary on welfare and moral grounds and because the result of the bill could and should have been achieved by a Sewel motion.

The Presiding Officer: Mr Monteith's and Ms Boyack's names are on the screen. Is that because you wanted to intervene or because you want to speak in the debate?

Mr Monteith: I am not speaking.

Sarah Boyack: It is because I attempted to intervene.

The Presiding Officer: That is helpful. I am afraid that the screens do not distinguish between the two.

14:57

Rhoda Grant (Highlands and Islands) (Lab): I welcome the opportunity to contribute to the debate. Although I would have been happy for the matter to be dealt with by a Sewel motion, it is still important and should be given time in the Parliament.

The bill should not be contentious because, as we have heard, there are no fur farms in Scotland, but we need the bill and we need to debate it, because it will close a loophole. England and Wales are banning fur farming. Fur farms exist there and the bill will prevent them from relocating to Scotland.

As a member of the Labour party, I support the bill also because it deals with a problem that may arise, not something that we are already in the middle of. I congratulate the Executive on taking steps to ensure that a problem is dealt with before it happens.

The Rural Development Committee examined the bill during our deliberations on the Protection of Wild Mammals (Scotland) Bill. In retrospect, that was quite an achievement, because the committee's work load was extremely heavy. In spite of that, the report that we produced on the Fur Farming (Prohibition) (Scotland) Bill examined all the issues. I pay tribute to the clerks for the work that they carried out on the report while they had another heavy work load.

I will comment on a number of issues. First, I will comment on the moral justification for the bill. There was considerable debate about the Executive's objection to the principle of breeding animals for their subsequent slaughter for the value of their fur, which is essentially a fashion accessory. I and other members do not believe that those who support fur farming provided sufficient evidence for it achieving any public benefit. The Executive is right to make a moral differentiation between rearing animals for food and rearing them for fashion. Leather and sheepskin are by-products of the farming industry.

Mr McGrigor: On the point about food, mink are in fact eaten by human beings in China and they also provide an enormous amount of food for the fish farming industry.

Rhoda Grant: We have heard comments from around the chamber that dogs, too, are eaten in China, but I will not ask the Scottish Parliamentary Corporate Body to ensure that dogs are on the

Parliament restaurant's menu.

Leather and sheepskin are by-products of the farming industry. Once the animals have been slaughtered for their meat, it is right to use those by-products.

The Rural Development Committee's report makes it clear that there is more than a moral argument for banning fur farming. That argument should not be the sole justification for the bill, but should go hand in hand with other concerns, such as welfare.

The committee, again, received conflicting evidence on the welfare issue. The report makes it clear that those who are involved in the activity are subject to a regulatory framework, but that does not address concerns about the nature of the activity and the methods of slaughter. Committee members received submissions on commonly used slaughter methods and those appeared to be cruel and difficult to justify for the sake of fashion.

In its written submission, the Scottish Society for the Prevention of Cruelty to Animals said about mink:

"In the wild they are solitary, tend to travel long distances and use several den sites, and swim and dive regularly. Farm mink, on the other hand, are kept in small cages, cannot cover territory and cannot have access to water."

The European Council directive 98/58/EC concerning the protection of animals kept for farming purposes points out that animals kept for farming should have the freedom to express normal behaviour, adequate space and facilities and company of the animals' own kind. For that reason the welfare issues are extremely important.

Thirdly, I want to touch on the environmental issues. We are all aware of the damage that escaped mink can cause in the local environment to such creatures as ground-nesting birds and other creatures that live side by side with them. A lot of money has been invested in mink eradication programmes, which cost the taxpayer. We must ensure that, by outlawing fur farming in Scotland, those problems do not occur.

Scotland does not currently have fur farms, but I believe that the Executive is right to introduce the bill. If we do not pass the bill, we will create a loophole.

Ben Wallace: Can the member tell me how many representations the committee had, during its investigation, from potential fur farmers who would take advantage of the loophole?

Rhoda Grant: We had few representations from fur farmers who stated that they wished to use the loophole to move their businesses north, but it would be difficult for them to say that they planned to move their businesses north when a ban was implemented in England and Wales, because they

would accept compensation from the taxpayer, which they would then use to move their businesses to another part of the UK. It would be out of order for taxpayers in Scotland to pay compensation to people so that they could then move their businesses to Scotland.

We must close the loophole and ensure that the harmful practice of fur farming does not come to Scotland. Scotland can be proud of its commitment to welfare in farming—which the Rural Development Committee is aware of. The welfare commitment of farmers in our country is above and beyond that in other countries. To allow fur farming would damage that image. I am pleased that the Fur Farming (Prohibition) (Scotland) Bill is going through Parliament.

15:04

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As a Liberal, I firmly believe that Parliament should not ban anything unless it is demonstrated clearly that the activity that we propose to ban is harmful. It was strange to hear the minister and Rhoda Grant talk about there being no public benefit in fur farming. It is strange that we should consider banning something because there is no public benefit in it, rather than consider banning it because it is harmful. I think that their argument is a big mistake.

I have no truck whatever with the Executive's so-called moral reasons for banning fur farming. If we are banning fur farming for moral reasons, we should ban the importation of fur. That is quite clear. We are not proposing to do that, so I can conclude only that the Executive's position is flawed and illogical.

The Executive's policy memorandum states:

"The Bill is grounded on a moral objection to the keeping of animals to exploit them solely or primarily for the value of their fur or for breeding progeny for such slaughter."

The first sentence of the Rural Development Committee report's conclusion reads:

"The Committee concludes that the Executive has not adequately justified the introduction of the Bill on moral grounds alone, and considers that a moral objection is, in itself, a weak basis for the Bill."

Therefore, I was pleased that the Minister for Environment and Rural Development outlined two other objections to fur farming.

I will support the bill on the straightforward ground that the evidence given to the Rural Development Committee made it clear that escaped animals cause great damage to the environment. It is on that ground alone that I will support the bill.

I will turn to the Executive's position on compensation for those whom the bill would affect.

The Executive is not aware of any fur farms in Scotland but, to comply with the European convention on human rights, it is making provision for compensation. Indeed, the whole of section 5 is devoted to "Compensation for affected businesses". That is another example of completely baffling logic on the part of the Scottish Executive. The Executive opposed my amendments on compensation at stage 2 of the Protection of Wild Mammals (Scotland) Bill—the minister who was present at the Rural Development Committee meeting to which I refer is here now. Why did it oppose them? On the ground that compensation would cost money.

Have I got this right? I hope that the minister will correct me if I am wrong. In the Fur Farming (Prohibition) (Scotland) Bill, the Executive supports compensation for ECHR reasons when there is nobody to compensate, but it opposes compensation in relation to the Protection of Wild Mammals (Scotland) Bill, because it will cost money. Is the Executive saying that the ECHR applies to the former bill but not to the latter? That is simply an untenable position for the Executive to take. I would be most appreciative if, when winding up, the minister could draw a distinction between the two bills to explain that anomaly. I would be keen to find out the Executive's thinking, because I cannot fathom it out.

I hope that the minister is noting this: I would be happy to withdraw my stage 3 amendment to the Protection of Wild Mammals (Scotland) Bill on compensation if the Executive is able to come up with an alternative scheme, just like the one set out in the bill that is before us. I await the Executive's response with interest.

15:07

Alex Johnstone (North-East Scotland) (Con): Sadly, this contribution will be short, because I am aware that the Presiding Officer seeks to allow as many members as possible to speak in the debate.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): There are limits.

Alex Johnstone: That aside, the issues surrounding the bill are complex and have already been developed to some extent by members. Some might suggest that I have developed a reputation in the Parliament in relation to small, furry animals, but I assure them that that is not the motivation for raising these subjects again. The concern is that the decision to introduce the bill has been made on what are, essentially, moral grounds. We must question whether those grounds are appropriate or adequate to lead us to proceed with the bill.

Welfare has been raised time and again and

concern for the welfare of animals that are farmed for whatever purpose is entirely appropriate. However, if we were genuinely dealing with a welfare issue, welfare legislation would have been the correct approach. There is already a raft of welfare legislation, including the Mink Keeping Order 1997, the Welfare of Animals (Slaughter or Killing) Regulations 1995, the European Convention for the Protection of Animals kept for Farming Purposes, as amended in 1991, and the European Union directive on farm animal welfare. Those are all designed to ensure that mink—and any other animals—do not suffer cruelty.

We have been presented with the moral argument for supporting the bill, yet I suspect that the reason for the moral argument being pushed is simply that those who believe that fur farming should be banned are unwilling or unable to develop a constructive argument—on other, more secure grounds—in support of the bill.

The current tendency on the part of the Executive to move to ban things of which it disapproves is becoming increasingly obvious. It is something of an irony that we have arrived at a situation in which those who are currently in power seek to ban what they do not like, and do so on dubious grounds.

Conservative members have to represent the liberal views of the majority—

Sarah Boyack: Will the member give way?

Alex Johnstone: I am afraid that I am about to close.

The Deputy Presiding Officer (Mr Murray Tosh): I am relaxed about allowing an intervention.

Alex Johnstone: I am on the verge of closing, but I will take an intervention from Sarah Boyack.

Sarah Boyack: Is the member aware that in other European countries, such as Austria, Germany, the Netherlands, Sweden and England, there are restrictions on fur farming? The issue is being discussed not only in Scotland, but across Europe.

Alex Johnstone: We seem to be working on slightly different levels.

Alasdair Morgan: Different planets.

Alex Johnstone: I am concerned that if we make decisions based on a strictly moral judgment, that morality will either be applied in other situations or be adjusted to apply to other situations in ways that could be damaging to the economy of Scotland. By accepting the notion that the bill is proposed largely or exclusively on moral grounds, we lay ourselves open, in the longer term, to further attacks on perfectly legitimate activities. That is why we are putting down a

marker today that we are concerned about the judgment that lies behind the bill.

Mr Rumbles: Will the member take an intervention?

Alasdair Morgan: Will the member give way?

Alex Johnstone: I will take an intervention from Alasdair Morgan.

Alasdair Morgan: I am conscious that the member is in his last hour. [*Laughter.*] He talked about how liberal his attitudes are compared with those of the rest of us. Will we see those liberal attitudes again when we discuss the land access provisions of the Land Reform (Scotland) Bill?

Alex Johnstone: We will have a serious and constructive debate on that subject when the opportunity arises and I will be happy, when required, to have that debate in another forum. Today we are talking about why the Fur Farming (Prohibition) (Scotland) Bill is said to be necessary.

Mr Rumbles: I agree with Alex Johnstone's criticisms of the so-called moral basis on which the Executive has introduced the bill. However, in its report the Rural Development Committee stated:

"the Committee accepted that the environmental impact problems extend beyond non-native species, and therefore supports primary legislation for a total prohibition."

Does Alex Johnstone accept that escapees from fur farms would cause real damage if such farms were to become established in Scotland, and that we should ban fur farming for environmental reasons?

Alex Johnstone: I am happy to accept the passage that the member has just cited as part of the report of the Rural Development Committee.

We agree with much that has been said in the debate, by members from more than one party. However, in the motives that lie behind the bill we see elements that, in the longer term, could endanger activity in rural Scotland that is currently perfectly legitimate. My main concern is that we risk setting a precedent for the future.

The Deputy Presiding Officer: I call John Farquhar Munro, who has 13 minutes.

15:13

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I thought that I should keep my speech brief, in the interests of more important debates later in the afternoon.

Mr Monteith: On a point of order, Presiding Officer. Might it be possible to ask Mr Munro to speak in Gaelic and then to provide us with a translation of what he said, so that he takes up the time that has been allotted to him?

The Deputy Presiding Officer: That is possible, but we request a certain amount of prior notice so that we can make arrangements for simultaneous interpretation.

John Farquhar Munro: As members have said, we are not aware of the existence of a fur farming industry in Scotland and there is no need to start one now. Fur has no use other than to satisfy the needs of a very small market in the fashion industry. That is the only purpose of producing fur from mink. It is not as if mink are reared as a source of food, as one of our Tory colleagues said. He compared the situation with that regarding leather, which we take from the hide of cattle that are produced as a source of food for the population. It is an appropriate distinction to draw. One of the largest mink farms in Scotland was located in Appin. I would have thought that if the market had been sustainable and viable, the farm would have continued in existence.

If the bill is passed, there will be no fur farming industry in Scotland in future. That does not mean that Scotland has not already suffered from the escape of mink, about which we have heard many stories. Throughout the country, and in the Western Isles and on the west coast in particular, indigenous wildlife, nesting birds, fish and otters have been affected by mink. Mink directly compete with otters for food and habitat.

I welcome the moves that are being taken in the Western Isles to eradicate the problem, which has been mentioned. A significant cost—in excess of £300,000 a year—is involved in the project to eradicate mink from the Uists, Benbecula and South Harris. I draw attention to that point to demonstrate the significant future costs of attempting to control the problem of the proliferation of escaped mink in those areas. I understand that the campaign to eradicate the mink and to control the problem continues and that the Scottish Executive has allocated to it around £1.65 million over five years.

During the debate and elsewhere we have heard the different reasons why it is believed that fur farming should be prohibited in Scotland. Most members agree that it would make little sense to permit fur farming in Scotland, either now or in the future. We would only set ourselves up for the inevitability of more escapes or worse. For example, in the past few years there have been incidents in England of mink being released deliberately. Although I do not think that there have been deliberate releases of mink in Scotland, some smaller farms have abandoned their fur farming projects, which has allowed mink to escape into the wild.

If we pass the bill, we will not prevent those who want to purchase fur from doing so. The fur trade will continue, but that is a matter of personal

choice. Nevertheless, if we pass the bill, we will make a statement about our attitude to fur farming and about where Scotland is and where we want to be. That is why I am prepared to support the general principles of the bill.

15:18

Ben Wallace (North-East Scotland) (Con): Let us consider the context of today's debate. The NHS is on the brink, transport is in chaos and farming is in crisis, yet today we are debating a bill to ban something else—this time, fur farming. The bill comes courtesy of the SNP, which decided not to support a Sewel motion on the subject and so to take up important parliamentary time. We now know where the SNP's priorities lie—banning fur farming is the No 1 priority, while independence for Scotland is priority No 13 or No 14 in the party's manifesto. The electorate will get a pretty good idea of where the SNP stands from that.

I strongly disagree with a number of the points about the moral argument that were made in the Rural Development Committee's report. Mike Rumbles articulated his objections well, but it is interesting to note that the bill was introduced by a Liberal Democrat minister. Ross Finnie has decided that fur farming is morally wrong but that using the skins of animals is not. Not only the fur but the skin is removed. My father worked in the shoe industry for 23 years and anyone who thinks that shoes, belts, boots and other leather goods are produced only from the hide of cattle that are culled for consumption is more than naive.

Many animals, in this country and abroad, are killed for their skins. If the minister wants to maintain that argument, I expect him to arrive next week wearing nothing made from animal products. He should bear in mind the need to be consistent. If he holds that moral belief, what representations did he make to Europe about the many European countries that continue to allow fur farming?

If we need to discuss a bill on animal welfare, why are we not discussing one that tightens up the welfare of all farmed animals and pets? The reason is that it is easier to ban.

On the environmental impact of the bill, banning fur farming will not do much to curb the current levels of mink. In fact, the reason why we have so many mink is that they were let out by the Animal Liberation Front. Let us remember that so many mink are out and about in the country because of the misguided people who, in the cause of animal welfare, decided that the mink would be better off in our environment. That is an important point.

There is no purpose whatever in introducing such a bill in Scotland. The welfare issue has not been proved. There is no threat of swarms of people coming up to open fur farms in Scotland.

As was rightly pointed out, public opinion is such that few people want to wear fur. Artificial substitutes have decimated the market, which means that fur farming is not particularly economically viable. From what I can tell, nobody wrote to the Rural Development Committee to say that they would take advantage of the loophole.

We have a bill to close a loophole because of a threat that does not exist. The Parliament is now more content to ban things than it is to get on and discuss the problems in the health service and in education that are important to the electorate.

The bill shows where the Parliament's priorities seem to be and that is a great disappointment. I shall not back the bill.

15:22

Elaine Smith (Coatbridge and Chryston) (Lab): It is clear that most members in the chamber, along with more than 70 per cent of the Scottish electorate, want a ban on fur farming in this country. Most of the evidence that the Rural Development Committee received supported the prohibition of fur farming.

Mr Monteith: I am interested in the member's sudden idea that the people should have what they want. If the member were in Westminster, would she support the return of hanging for capital offences?

Elaine Smith: As usual, the Tories try to muddy the waters. Today, we are talking about fur farming. Polls consistently show that 76 per cent of the population say that they want a ban on fur farming.

As far as we can tell, there does not seem to be any fur farming activity in Scotland. That is a fair point to make. However, there are three main reasons why the bill is important—it is not only the moral argument. First, the bill closes the loophole in the UK's overall position on fur farming. Secondly, the bill helps to safeguard the environment. Thirdly, the bill is grounded in the moral objection against the raising and killing of animals to meet the fickle needs of fashion and garment industries.

In England and Wales, the Labour party's manifesto commitment to end fur farming has been met by the passage through both Houses of Parliament of the required legislation which, I believe, takes effect from 1 January 2003. As has been explained, we know of no fur farms in Scotland, but those who are engaged in the activity south of the border must be tempted to consider moving to Scotland to continue their activities. The bill will prevent that from happening and will bring us into line not only with legislation in England and Wales but with similar legislation in

Germany, Austria, the Netherlands and Sweden.

Let me return to the point that Ben Wallace made to Rhoda Grant. During our committee deliberations, I asked Robert Morgan of the British Fur Trade Association about the impact that a ban would have on his members. He said:

"If the Parliament continues to allow fur farming in Scotland, it is possible that you could re-establish fur farming in Scotland. That is our interest."—[*Official Report, Rural Development Committee, 27 November 2001; c 2472.*]

That answers Ben Wallace's question.

Environmental aspects are addressed by the proposed prohibition. In the Western Isles, escaped mink have caused havoc among the local fauna and extreme efforts have been made to exterminate them. In the south of England, where misguided animal liberation activists have intentionally and illegally freed captive mink, the predators have decimated local wildlife. I do not condone that activity but, if the farms from which the mink were freed were not there, the mink would not be roaming about.

I will quote from SNH:

"As introduced species are one of the most serious threats to biodiversity worldwide, SNH could not endorse the keeping of large concentrations of such non-native species for commercial purposes."

RSPB Scotland says:

"In the experience of RSPB Scotland, mink have regularly escaped from fur farms in the past, and have then become a considerable problem once in the wild, where they predate on biodiversity which has not evolved to deal with this alien predator. In the light of this experience, RSPB Scotland welcomes measures to prohibit the keeping of mink at fur farms in Scotland."

Finally, I turn to the moral ground. Animals farmed for their fur are seldom raised in the lap of luxury. They are kept confined in small cages. According to the SSPCA, it is unlikely that, over the 80 years during which mink have been farmed, they have adapted to the restrictions on their normal, far-ranging natural lifestyle. The same can be said of foxes.

The SSPCA says:

"In evidence to the Rural Development Committee, the British Fur Trade Association suggested that good physical condition (or at least sufficiently good condition to produce a saleable pelt) was an indicator of good welfare. However, many animals are productive despite living in farm conditions that are inimical to their welfare, battery hens being a prime example."

Their confinement has been observed to produce many cases of self-mutilation and killing of young. The slaughter of animals, which is usually by gas or electrocution, is done in such a way as frequently to cause unnecessary distress.

I could again quote the SSPCA. No, I could not, Presiding Officer, because I seem to have lost that particular quotation. I am trying to pad this out a bit and I have notes all over the place. I apologise for that. However, the SSPCA describes the way that animals are killed so that the pelts are saleable.

We are not talking about the raising and slaughtering of food animals, where the benefits outweigh the problem of the need to kill. Primarily, fur farming provides the raw materials, literally, for the fashion and garment industries. At the Rural Development Committee, pictures of minced mink on a plate were passed round, to make the point that it might become part of our staple diet. However, at the committee, I asked Mark Glover:

“How do you feel about the suggestion that was made earlier about eating mink? Will that happen in Britain?”

His answer was:

“No. In the 15 or so years that I have been involved in this issue, I have seen some publicity attempts by the fur trade, but that one takes the biscuit—although that is probably the wrong thing to say.”—[*Official Report, Rural Development Committee, 27 November 2001; c 2470-71.*]

I really do not think that it will catch on in Britain.

No one will lose financially because of the bill. A compensation clause will not be needed as the industry does not exist in Scotland at the moment. As far as we know, the British Fur Trade Association has only one member in Scotland. A representative of the association, Robert Morgan, was invited to the Rural Development Committee and I asked him how many members there were. He said that there were 45 in Britain, but when pushed, he said:

“I think that there is one member in Scotland. I cannot think of any more than that. Our members are not fur farmers, they are fur traders and retailers.”—[*Official Report, Rural Development Committee, 27 November 2001; c 2471.*]

There will not be a huge financial loss to anyone as a result of this bill.

The bill is necessary. The prohibition makes perfect sense. It will close the loophole created by Westminster legislation whereby fur farms could relocate to Scotland. That is a real possibility. The prohibition is based on the moral objection to the keeping or breeding of animals to exploit them solely or primarily for the value of their fur. As I have said, polls across the UK have shown that 76 per cent of the British population agree with a ban on fur farming. Escaped mink can cause considerable damage to indigenous wildlife, so the prohibition of fur farming is likely to have environmental benefits. Lastly, but perhaps most important, this bill fulfils a Labour pledge in the 1997 manifesto to ban fur farming. It is another example of Labour delivering on Labour's promises.

15:30

Mr Jamie McGrigor (Highlands and Islands)

(Con): It seems odd to be summing up a debate about a bill that seeks to ban something that does not exist and to compensate people who also do not exist. It appears to be much ado about nothing. The other two half-hour debates this afternoon—on the Adoption and Children Bill and the Police Reform Bill—are on UK issues, which have been dealt with by Sewel motions. I see no reason why the Fur Farming (Prohibition) (Scotland) Bill should not have been dealt with in the same way.

My colleague Alex Fergusson has rightly drawn attention to the fact that the bill contains a section on compensation for fur farmers who might lose their living, yet if the Protection of Wild Mammals (Scotland) Bill is agreed to by the Parliament, there is absolutely no provision for people who will lose their living. We should spend more time discussing the plight of real people, who will lose real jobs, and compensation for those people, rather than waste time introducing legislation for compensation that will never be used or needed.

There is no justifiable reason for the introduction of the bill. The policy memorandum states that the bill is

“grounded on a moral objection to the keeping of animals to exploit them solely or primarily for the value of their fur”.

However, it does not say whose moral objection that is.

In June 2000, the European Commission recommended that the British Government should wait until the EU common rules on fur farming had been established. Over the past five years, fur sales in the UK have risen substantially and more and more fur is being sold through fashion retail outlets as well as specialist fur traders.

Donald Gorrie (Central Scotland) (LD): Mr McGrigor and the Tories have a different opinion from the rest of the Parliament on some issues. It might be that their view would be that of the majority in respect of fur farming. Surely it is an issue on which the Scots could have a different view from the English and it is correct to test the view of the Parliament rather than merely go along with the English proposition, as we do with Sewel motions.

Mr McGrigor: I gather from the minister that it was the SNP's fault that we are not debating a Sewel motion this afternoon. However, I should point out that Mr Gorrie's argument appears also to apply to the other two debates.

Fur sales rose by 30 per cent in the 1999-2000 season, so it does not appear that the general public think that it is morally wrong to buy and wear fur. Do they really think that it is morally

wrong that animals should be raised to produce the product?

Elaine Smith might want to learn that a poll carried out in December 2001 by Scottish Opinion for the British Fur Trade Association—after the Rural Development Committee had taken evidence on fur farming—found that 86 per cent of Scots supported farming for any purpose, provided that there was good animal welfare. I could well understand a ban on the ground of bad animal welfare, but the moral issue takes us into the realms of the specific political agendas of pressure groups, which might damage substantially other businesses and forms of farming.

My main argument against mink farming would be the legacy left to rural Scotland of escaped mink from previous farms. Those mink now damage wild fisheries, fish farms and colonies of ground-nesting birds. Both Richard Lochhead and Mike Rumbles raised that argument. It is a sensible argument, but like that based on animal welfare, it is about farming methods and practices rather than the necessity of a complete ban. We do not ban prisons because prisoners escape; we tighten up security.

Alasdair Morgan: At least there is a fairly reasonable chance of recapturing an escaped prisoner. As many members have pointed out, it is virtually impossible to eradicate mink once they have escaped.

Mr McGrigor: I hope that Mr Morgan is not suggesting that we eradicate escaped prisoners. I have already said that the methods available for the eradication of mink would be helped greatly if hounds could be used, rather than having civil servants crawl around looking for mink droppings.

If damage is the issue, we should be debating SNH's declared intention, despite much evidence against it, to introduce the European beaver to the Highlands, which is an area that has never had beaver before. The beaver was killed out long ago in more southern areas, because it is a destructive pest to farms, forests, fisheries and waterways. If anyone wants proof of that, they should contact the environment ministers of Bavaria, Denmark and Norway, where beavers are a problem. SNH would be better using money to promote otter watching or an animal that is indigenous to Scotland that could give pleasure to thousands.

Issues that are damaging to Scotland should be debated, but fur farming is obviously not one of them. Fur farming is neither a moral nor a welfare issue here. It should have been dealt with by a Sewel motion instead of wasting an hour and a half of precious parliamentary time and much committee time, which could have been better used to debate issues of practical significance to the Scottish people.

15:36

Stewart Stevenson (Banff and Buchan) (SNP): I find myself in a rather alarming position today. First, Phil Gallie got up—I paraphrase him—and said, "Mink are a menace." I agree with Phil on that. Following the argument that we used to have in my logic and metaphysics class, mink are a menace, Phil Gallie is a menace, therefore Phil Gallie is a mink. If Phil Gallie is included, we should work towards eliminating mink that are loose in our communities.

Ross Finnie had an extremely entertaining morning, I presume, because he has come to the chamber a little friskier than usual. I hope that he gets as much out of further debates in committee on land reform as he clearly got this morning. He set out to tease SNP members on our attitude to the Fur Farming (Prohibition) (Scotland) Bill. However, at least that gives me the opportunity to quote myself—and there is no better authority. I see that Ross Finnie is yawning. Presiding Officer, would it be in order to cross the chamber and deal with him?

On 4 December I clearly indicated, as can be seen at column 2525 of the Rural Development Committee *Official Report*, the support of the SNP for the substantive proposals that are encapsulated in the bill. The Minister for Environment and Rural Development, Alex Fergusson and others made much of the fact that we are debating this issue at all, as did my colleague Richard Lochhead, and addressed the issue of Sewel motions. We should note that rather than Sewel motions being exceptional, we have had 31 Sewel motions but we have passed only 30 bills in this Parliament. Such motions are becoming the norm, and the Scottish Parliament is diminished because of it.

We have a principled attitude to Sewel motions. We oppose them, because we believe that all matters that affect Scotland, and which it is competent for us to debate, should be debated here. We also take the pragmatic attitude that when it is necessary and expeditious and in the interests of the people of Scotland, we will cede on occasion to Westminster if that progresses things.

Bristow Muldoon (Livingston) (Lab): Will the member give way?

Stewart Stevenson: In a minute.

In reality, it would have been much more interesting this afternoon to debate the substance of the Adoption and Children Bill or the Police Reform Bill than to debate fur farming. Nonetheless, we are debating fur farming.

Ross Finnie: Will the member give way?

Stewart Stevenson: The minister's colleague intervened first. I will come back to the minister.

Bristow Muldoon: Could Stewart Stevenson explain why it is not expeditious to agree to a Sewel motion for this bill?

Richard Lochhead: He did that.

Bristow Muldoon: No, he has not explained that.

Stewart Stevenson: This Parliament should debate and decide on anything that it is competent for us to do. It is not our choice that we are spending 90 minutes on this subject. That is the key point.

Ross Finnie: An absolute nonsense is being perpetrated in the Parliament this afternoon. Richard Lochhead, the SNP spokesman, accused me indirectly of causing there to be an hour-and-a-half debate on a subject that does not deserve it. However, when this matter came before us, it was the SNP business managers who did not want there to be a Sewel motion on this bill. The only people responsible for the Parliament giving an hour and a half to the debate are the SNP members, and it is hypocrisy for Mr Stevenson to claim otherwise.

Stewart Stevenson: I thank the minister for his comment, but I return to the core principle that we are not debating important issues such as the adoption of children or police reform; we are debating fur farming in Scotland, which affects no one. The SNP would insist on debating everything. The principal position is perfectly clear and I suspect that even my colleagues in the Conservative party can understand that.

I shall move on and turn to Jamie McGrigor. He said that mink are eaten and that that is a legitimisation of farming for mink. I cannot help feeling that at the core of that argument is the idea that we should eat any living being.

Ben Wallace: Will the member take an intervention?

Stewart Stevenson: In a second.

I suggest therefore that perhaps Jamie McGrigor is advocating that we even approve of cannibalism as it is still practised in some parts of the world. I suspect that his moral argument does not stretch that far.

Ben Wallace: I am grateful to the member for giving way. Given his experience and large number of jobs, has Mr Stevenson got vast experience of mink farming? He seems to speak with such authority.

Stewart Stevenson: No, I do not have vast experience of mink farming, but I recognise that society, the world and our morals evolve over time. I suspect that my Conservative colleagues do not recognise that. My mother had a fox fur stole. Today that is entirely unacceptable and I

oppose it. I confess that, 20 years ago, I bought my wife a mink coat. Today I would not do that. Morals have evolved.

Mr McGrigor: The figures I quoted earlier show that, last year alone, demand for fur rose by 30 per cent through retail outlets and furriers. That completely contradicts what Mr Stevenson has just said.

Stewart Stevenson: My colleagues are saying, "Not in Banff and Buchan," and that is clearly true. I do note, however, that the Scottish Parliament information centre briefing gives the information that only 2 per cent of the population are in favour of farming exclusively for the sake of having fur.

Alex Johnstone: Mr Stevenson said quite clearly that morals evolve. I agree with him. However, does he accept that, if we allow the bill to be introduced for what is primarily a moral argument, by allowing morals to evolve in that way we could threaten activities that are legitimate in rural Scotland today because morals might subsequently evolve to make those activities immoral to the Executive?

Stewart Stevenson: I think that the point that is being made is whether it is proper that we debate the evolution of morals, and I say that it is proper. It is clear that, according to the Parliament, the time of mink farming has passed.

I turn to the substance of the bill and ask whether it is necessary for the Parliament to proceed on the subject at all, or at the pace it has done it and with the urgency that it has shown. As a result of the English legislation, there is the danger that the fur farms could migrate to Scotland, but that danger is relatively remote. We have no indication that it is going to happen. Suppose that, after the English legislation had been enacted, we had heard that that migration was going to happen, how long would it have taken us to respond and to legislate? Would it have taken days or weeks? It would certainly not have been months if it was a matter of urgency. There is therefore no need to propose such a bill at the present time.

There is one interesting point about the bill and about the debate. There has been the most effective campaign in favour of the bill that I have ever seen. The campaign has achieved its objectives without a single picket outside Parliament, without a single letter to ministers, without a petition to Parliament. If only all campaigns could be so simple, we could do so much.

We have talked a bit about morals. I come from the position that mink are pests, as Phil Gallie said. They are a threat to the environment, and even if we gentlemen and ladies feel uncomfortable about the moral argument, the

environmental argument is unassailable. John Farquhar Munro said that we have been unable to eliminate mink from the Western Isles. The Executive has put £1.65 million aside to do so.

The SNP will support the bill.

The Deputy Presiding Officer: I call Ross Finnie to wind up the debate.

15:45

Ross Finnie: I am obliged, Presiding Officer.

I say to the SNP in the spirit of the Burns season and “Holy Willie’s Prayer” that if ever two speeches from opening and closing spokesmen reeked of cant and hypocrisy, they did. It is outrageous for Richard Lochhead to berate the Executive for taking up an hour and a half of the chamber’s time—a time that I did not set—because we wanted to debate the bill, when SNP business managers adamantly refused a Sewel motion when the issue was raised in the Westminster Parliament. You cannot have your cake and eat it. The SNP is responsible for bringing the motion to the chamber.

Stewart Stevenson *rose—*

Richard Lochhead *rose—*

Ross Finnie: Let me finish. I will give way soon.

The proposition that we would have spent our time better discussing the evolution of morals, as Stewart Stevenson said, is a remarkable testament to the SNP’s priorities.

Richard Lochhead: The minister misses the point that the SNP wants the Parliament to put at the top of its agenda the priorities of the people of Scotland, not the priorities of the London Parliament, whether through Sewel motions or replicating legislation that is passed down there.

Ross Finnie: I respect the right of members to decide which motions to debate, but if the SNP’s argument is that we could have dealt with the motion on the bill without taking up an hour and a half of the Parliament’s time, it should not point fingers at me—it should look at the person who was responsible.

The Conservatives’ position was slightly different, because, from time to time, their spokesman seemed to accept that a Sewel motion would be preferable. The logic of that position is that the spokesman was committed to the principle that legislation was necessary. However, after the Conservatives’ spokesman established that position, several Conservative speakers deviated from that, and some did not want the bill to be passed. Of course, we had the usual difficulty with Jamie McGrigor. In his charming and inimitable style, he delivered a speech that he prepared four days ago. It bore no relation to the debate or to the

points that the minister made in introducing the debate, but it was charming and helpful nevertheless.

Members ought to take care when we introduce an argument to the Parliament in debate. We made it clear that we have taken account of proceedings and that we introduce the bill not only on moral grounds, as we did initially, but because we have accepted the environmental argument that was put by the Rural Development Committee and the EU’s Scientific Committee on Animal Health and Animal Welfare.

Mr Monteith: Will the minister give way?

Ross Finnie: I will give way to the late entrant.

Mr Monteith: At least some people turn up to hear your dulcet tones, Mr Mainwaring.

Does the minister accept my assurance that Mr McGrigor has never prepared a speech four days in advance? He takes due note of what happens during a debate before preparing his speech.

Ross Finnie: It must be the way he tells them.

Several Conservative members and Mike Rumbles advanced an argument about compensation. The argument that because one regime makes provision for compensation, another apparently comparable regime should also do so, is flawed. Not all legislation impacts on the person in the same way. We should consider that very carefully. The correct approach is to take each piece of legislation and examine its effect in relation to the ECHR considerations that every piece of legislation must comply with.

As regards the specific question about compensation, the advice that we had was that the degree of control that is to be exercised by the Fur Farming (Prohibition) (Scotland) Bill is greater than that of the Protection of Wild Mammals (Scotland) Bill. Against that test, fur farms, factories and businesses would inevitably be required to close, and any specialised equipment would become unusable.

Mr Rumbles: Will the minister give way on that point?

Ross Finnie: I would be happy to take an intervention from the member once I have made my point, as he and other members have asked a very serious question.

As the control of use will have particularly severe consequences for such property owners, it is considered that the inclusion of compensation provisions is necessary. Irrespective of whether closures would happen, in presenting a bill for consideration by the Presiding Officer, we are required to investigate that test. We believed that a compensation provision was necessary to achieve that balance. However, it is important to

stress that there is no automatic presumption in favour of compensation.

The effect of the Protection of Wild Mammals (Scotland) Bill is to control the use of land that is used for fox hunting. The effect on the businesses and persons who are involved in hunting is more indirect. There is an interesting but nevertheless important legal distinction to be drawn, which is that that bill does not result in the immediate expropriation of all the property under the control of those people or, indeed, all the property on which the bill impacts. I respect people who hold a different view, but I do not want them to assume that we simply come to conclusions on whether to include a compensation clause without taking serious legal advice.

Mr Rumbles: The minister said that the legal advice that he received concerned a test to differentiate between direct and indirect loss to property owners. I am sure that he has read my amendment to the Protection of Wild Mammals (Scotland) Bill, which refers to direct loss and which follows precisely the argument that he has just made.

Ross Finnie: I think that I have made a rational and reasonable response to an important point. One must look carefully at the degree and exercise of control and at the way in which legislation would impact on that control. That is the distinction. We will return to this argument, but I want to assure all members that we do not come to conclusions about compensation on the basis that we may have to pay out money. I think that it was Alex Fergusson who suggested that that was the case, although I do not want to do him a disservice. I assure the chamber that we reach such conclusions on the basis of a rational examination of the legal issues.

Alex Fergusson: It is accepted that a number of people will lose their jobs if the Protection of Wild Mammals (Scotland) Bill is passed as it stands at present. Does the member accept that the legal niceties to which he referred will mean very little to those who will, it appears, receive no compensation when they lose their jobs?

The Deputy Presiding Officer: I ask members to keep to the Fur Farming (Prohibition) (Scotland) Bill. Although I agree that there is a principle to be debated, we should not stray too far from the bill that we are discussing.

Ross Finnie: I shall make a very brief response. I do not think that it is appropriate to get involved in discussing individual cases. Members must understand that, across a range of legislation, we must look carefully at the expropriation of assets, which is, after all, the fundamental principle upon which compensation can be pursued in any instance and across a range of issues. We must

consider that and apply that test. That may not be of great comfort to some members, but it would be a dangerous precedent for a Government to indicate that there would be a provision for compensation without regard to the legal principles in domestic law or in relation to the ECHR.

I return to the task in hand. On balance, the vast majority of members support the principles of the bill, although I admit that they do so for different and varying reasons. It is unfortunate that we have had to devote so much time to it, but there is a risk.

Finally, of course people have not written to the Rural Development Committee to say that they are going to move their farming businesses north. What effect would that have other than to stiffen the resolve of any member who was rational enough to think about the matter to vote to ban it, even if they had originally thought otherwise? The proposition simply does not hold good.

Ben Wallace: Will the minister give way?

Ross Finnie: No. Ben Wallace was keen to move his business, but he may not be fortunate.

We have had a debate and there are moral, environmental and animal welfare reasons for the bill. Members have reached agreement and I hope that we can move quickly and vote for the bill at stage 1. I hope also that we can get through the other stages more quickly.

Adoption and Children Bill

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S1M-2649, in the name of Cathy Jamieson, on the Adoption and Children Bill, which is UK legislation.

15:56

The Minister for Education and Young People (Cathy Jamieson): This afternoon, I request members' support for an important legislative change. Who Cares? Scotland recently conducted a small sample survey of a group of young people who had been looked after away from home, in order to assess their experience of the care system. The fact that adoption was discussed with only one child was revealing. The longer a child is looked after in care and the greater the number of placement moves, the less likely it is that that child is able to reach their full potential in later life. Children need a stable and permanent environment to thrive.

In Scotland, a significant number of children who are looked after away from home cannot return to their birth families and await placement with new permanent families. There are possibly around 500 such children, about half of whom await adoption. Against that background, my predecessor, Jack McConnell, set up a review of adoption policy last April.

It is interesting that a number of members who claim to be absolutely enthralled by the opportunity to debate the subject seem to be leaving the chamber. I hope that members will take account of the importance of the issue—I am sure that they will.

Just before Christmas, the adoption policy review group reported to me on the first phase of the review. I am examining the detail of the report and want to reflect further before discussing the full range of issues that are covered. I assure members that I am keen to take the review forward as soon as possible and that I intend to publish the report with my response as soon as I can.

One recommendation in the report needs to be acted on urgently if we are to give young people who are currently in care the best possible chance of some form of permanence. Members will remember that the review group was asked to consider the case for participation in the register that is being put on a statutory footing through the Adoption and Children Bill. The register's main purposes will be to improve the matching process and to tackle delays in finding suitable families in order to offer permanency for children.

The current system does not give our children and young people the best chance of permanence. Although some authorities belong to consortia, we have no Scotland-wide provision to match children with adoptive families. I see the proposals as part of a package of measures aimed at making improvements throughout Scotland. Currently, the opportunities for potential matches between families and children are not maximised.

After careful consideration of the options and public consultation, the adoption policy review group concluded that participation in the register would assist in improving the life chances of looked-after children. There were concerns about moving children outwith local or Scottish boundaries. However, with the operation of the register, there will still be an opportunity for children who await adoption in Scotland to be found local families, as matching through the register is not planned to start immediately.

A register will be of particular benefit to children such as disabled children and children from ethnic minorities for whom it might otherwise be harder to find placements and good matches. I worked with children and young people for years and know the situations in which they can find themselves.

The "Be My Parent" process identified children such as the 20-month-old child of mixed ethnic identity who had a severe skin condition and required an adoptive placement and the six-year-old with a need for specialist support services for whom a placement outwith the immediate local area had to be found. Those are real children with real needs. They are the Parliament's real priorities, which so many members talked about during the previous debate.

We intend that the operation of the register will be straightforward. In the pilot scheme in England and Wales, three months was allowed for a local match and a further three months for a regional one if the agency was a member of a consortium. For families, the periods were six months and a further three months respectively. Children were registered for adoption and registered adopters were placed on the register as soon as they were approved, but the information went live only when the adoption agency asked for it.

Once the information went live, the best options for national matches were identified and assessed by social workers at the register before the agencies dealing with the children or families were contacted with the match details. Agencies were then sent the information to consider whether a link would be pursued. If the link was not pursued, the information would go live again on the register. The pilot scheme is being evaluated.

To enable us to join the register now, the Adoption and Children Bill must be amended to

allow us to be in at the beginning of the process. To enable that to be done, I seek the chamber's support for the Sewel motion. I make no apologies for asking the chamber to support a third Sewel motion on the issue. The two previous Sewel motions on the UK bill have meant that we can tighten up provisions on inter-country adoption to protect children and babies and preserve children's rights in relation to legal processes. The amendments that the chamber agreed should be sought were made at the House of Commons committee stage of the bill, which has just finished. We could not consider the register earlier, as I did not wish to prejudge the findings of the review group.

We now have an opportunity to help such children again and to give them a better chance of permanency. We need to take this opportunity to join the register. We need to do that at the House of Commons report stage, as it is unlikely that there will be another Westminster legislative slot in the near future.

The Adoption and Children Bill sets out the framework for the adoption register, but Scotland will be firmly in the driving seat in relation to what happens here and will have equal responsibility with England and Wales in determining the operation of the register. That will enable us to take full account of the different legal system in Scotland and to ensure that, once again, we do what is best for Scotland's children.

I move,

That the Parliament accepts the need for Scotland, along with England and Wales, to participate in the Adoption and Children Act Register to be established by the Adoption and Children Bill and agrees that the relevant provisions to achieve this end in the Bill should be considered by the UK Parliament.

16:02

Irene McGugan (North-East Scotland) (SNP):

The minister cannot fail to be aware that the SNP has no great enthusiasm for Sewel motions. As she acknowledged, this is the third Sewel motion on the Adoption and Children Bill. It is not unreasonable to expect the Scottish Parliament to generate its own legislation on relevant matters. As time is short in this debate, I will not make any further comment on that, although I cannot promise the same for other SNP contributors.

As in the previous two debates on the reform of UK adoption law, we support the intent behind the motion, while deploring the process. We recognise that the new procedures will, if they are effectively implemented, be of significant benefit to the many children and families involved in the adoption process in Scotland. The proposed register should enhance co-ordination nationally, which is important, and it should speed up the matching

process. The important factor is the ability to match more children, without undue delay, with a safe and loving family who will support them throughout their childhood and beyond.

A local placement will often, rightly, be the preferred option, not least if links to birth families are to be sustained. In those cases, current arrangements will suffice and should not be compromised by the bill. I recall from previous experience what a complicated and time-consuming process it is to cast the net wider when such a placement is not possible or desirable. A national register would be a tool of significant assistance. The fact that the time taken between decision making and matching can be monitored will also help agencies to improve their performance.

I approve of the in-built safeguards, which will prohibit information exchange without consent and deny public access. I also welcome the encouragement given to voluntary adoption agencies to make use of the register.

The minister confirmed that the adoption policy review group has recommended that Scotland should participate in the register that will be established by the Adoption and Children Bill. I am particularly interested in the group's other recommendations as well and hope that in the not-too-distant future we can have a longer debate, particular to Scotland, about the whole issue. As they stand, the measures will go only so far in bringing about the changes that we need to increase the number of successful adoptions. I hope that a mechanism will be put in place to enable the wishes of the Scottish Parliament to be reflected in the operation of the register.

16:05

Mrs Lyndsay McIntosh (Central Scotland)

(Con): I reaffirm my party's position on the bill, as stated during the debates of 4 April and 24 October last year, which is that thousands of children could and should be adopted more quickly. Every week makes a difference to the rest of their lives. Their welfare goes beyond party disagreements and calculations. I understand why the SNP objects to Sewel motions, but on this occasion I have no such difficulty.

It is important that, when seeking suitable adoptive parents, we do not compromise the needs of the children. However, a balance needs to be struck. In seeking to provide stability and security, we must ensure that the least upset is caused to the parties involved. If the bill provides for a right of appeal for those whose adoption application has been turned down previously, that could widen access for those who might be considered adoptive parents.

The interests of the child must be put first. I welcome the fact that the bill makes it an offence to bring a child into the country for the purposes of adoption where the potential adopter has not undergone the required police checks to establish their suitability. We do not want a repeat of the cases that Irene McGugan and others mentioned in the previous debate, including that of the Kilshaws.

I assure members that our colleagues in Westminster did their utmost during the passage of the bill to outline areas where lingering doubts arose. We support the bill and wish it every success.

The Deputy Presiding Officer: I call Ian Jenkins. Members may take a little more time, if they so wish.

16:07

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): It will not be necessary to detain the chamber for any length of time. It is clear that there is broad agreement that the terms of the motion are sensible, practical and correct in principle. I welcome the minister's clear commitment to looked-after children.

The proposals for the register will lead to a unified approach towards adoption across the United Kingdom. They recognise the importance of the place of adoption services in the spectrum of care for children and young people. As has been said, adoption is a sensitive area and it is important to have proper principles and procedures behind adoption decisions. The interests of the child must be at the heart of those procedures. The register will help.

Some members worry about the proliferation of Sewel motions. We need to treat such motions on a case-by-case basis. I have no doubt that the merits of the motion are such that we should have no qualms about the UK Parliament considering the matter.

Members from all parts of the chamber will know of cases in which adoption procedures have been difficult. A recent series of television documentaries demonstrated the complex ramifications of adoption. The programmes examined the way in which adoptive families are selected and the procedures for support when things prove difficult. We have to recognise that each adoption procedure deals with the future of individual youngsters and families. The decisions are life changing. Our legislation must safeguard and protect the youngsters' interests and must recognise the importance of adoption decisions. The register and other provisions in the bill will endeavour to put in place sensible safeguards and measures to maximise the available matches for

youngsters.

It is important that there should not be substantial discrepancies between Scotland and England. We should take advantage of the resources that are available without boundaries. Potential adoptive families and children who are in line for adoption do not fit easily or readily into boxes. The proposed register is important, as it seeks to protect children. Given that safeguards for children are being put in place, it would be perverse to place barriers, obstacles or hurdles in the way of the best interests of the child.

I support the motion. I look forward to seeing shortly the report that the minister promised.

The Deputy Presiding Officer: We move into the open debate. Speeches may be up to five minutes long.

16:09

Scott Barrie (Dunfermline West) (Lab): It is ironic that, when we think that we have only two minutes, we are told that we have five minutes, whereas when we think that we have five minutes, we seem to get two minutes.

The Deputy Presiding Officer: Five minutes is not compulsory.

Scott Barrie: I welcome the Sewel motion. We should remember that another Sewel motion on this subject would not have been necessary if it had not been for the UK general election last year. We have already discussed the matter and I do not think that much more needs to be said than was said in the previous debates.

I agree with the minister that it would be a wasted opportunity if we did not take advantage of the Westminster bill by extending it to Scotland. We have always had separate adoption legislation in Scotland, which largely reflects our different legal system. As a placing social worker and, before I was elected to the Scottish Parliament, as the chair of Fife Council's fostering and adoption panel, I was involved in the adoption process and I know how difficult it is to match the individual needs of some children with the requirements of an adoption placement.

It is ironic that, in the debate on the Fur Farming (Prohibition) (Scotland) Bill, Richard Lochhead criticised the Scottish Executive for introducing legislation that was a London priority and that, in this debate, allusions have been made to the fact that the Executive can be criticised for introducing a Sewel motion that will allow Westminster to legislate on this important matter. I do not think that the process by which the law is implemented matters to children in Scotland; what matters is what is in the best interests of the child. In this case, what is in the best interests of the child is

the provision of a national register that will meet the needs of a specific group of children for whom we cannot find appropriate adoption placements in Scotland.

What would the system be like if we did not have the national register? I remember how long it took local authorities to go through the British Agencies for Adoption and Fostering, not to mention the expense that that process incurred. The BAAF was the only organisation that had a national locus and that could locate the placement that was required to match the specific needs of some of the children.

One of the main criticisms of our adoption process is the length of time that it takes to place a child once the decision has been made that adoption is in that child's best interests. In too many cases, we missed the boat because, by the time an appropriate placement was found, the child had passed the optimum age for adoption. If we are serious about providing for some of the most vulnerable children in our society, a national register is the way to go.

The Children (Scotland) Act 1995 places a duty on local authorities that are considering a placement to take into account the linguistic, cultural and racial background of the child. It is not always possible—particularly in the smaller local authorities—to get the exact match that the law asks for. As people become more mobile, the exact match that reflects the child's needs and that meets the requirements of the law might be found in another part of the UK. It would be wrong if we did not take this opportunity to ensure that that can happen.

A national register is clearly the sensible way to go forward. I congratulate the minister on recognising that and am glad that we are doing something about the matter at long last.

16:13

Michael Russell (South of Scotland) (SNP): When Ian Jenkins said that there was broad agreement about the Sewel motion, he was right in so far as there is agreement that this topic needs to be dealt with. However, there is no broad agreement on the use of a Sewel motion, of which today's is the 31st, I think. Increasingly, the Executive does not want the Scottish Parliament to do its job; it wants the Parliament's job to be done for it. If Scott Barrie holds the view that he expressed on that subject, he should not have bothered to get himself elected.

Scott Barrie *rose—*

Michael Russell: Not yet; I have not even started.

The First Minister has argued that we should do

less but do it better. However, Sewel motions simply give us less to do. They take away decision making from Scotland and hand it to someone else. The Sewel motion is a flawed procedure.

Cathy Jamieson: Does Michael Russell accept that, as I clearly outlined in my opening remarks, we are using the Sewel motion as a device to get the best results for the children of Scotland, that we will continue to be actively involved in the delivery and implementation of this policy for the children of Scotland and that the use of the Sewel motion in no way lessens the value of what we are doing?

Michael Russell: I certainly accept that the minister's intentions are honourable. I hope that she will extend the same courtesy to me. I will not accept the calumny, which we hear often and of which we saw some sign from Labour members this afternoon, that because we oppose the means by which the bill is dealt with, we oppose its substance. We do not. We oppose the means by which it is dealt with and we are right to do so.

The First Minister (Mr Jack McConnell) *indicated disagreement.*

Michael Russell: Mr McConnell keeps shaking his head. I wish that he would think about his responsibility to the electors of Scotland and about what the Parliament is for.

Sewel motions came about in the first year of the Parliament. There were four in that year. The then Minister for Parliament negotiated them with me, as I was the SNP business manager. They were supposed to be exceptions, not the rule. However, there are now more than 30 of them; they are becoming almost weekly occurrences. The Administration is not pushing hard enough to devise Scottish solutions to Scottish problems. The Administration is not taking the Parliament seriously enough. The Administration lacks ambition to think through the implications of what it is doing.

I will give an example: the Tobacco Advertising and Promotion Bill. The chamber blithely, and, I have to say—

The Deputy Presiding Officer (Mr George Reid): You have made your point, Mr Russell. You should begin to move on.

Michael Russell: To be fair, Presiding Officer, I am making a substantive point about the use of Sewel motions. On occasions such as our consideration of the Tobacco Advertising and Promotion Bill, we have given away the right to legislate only to find that legislation has not then been passed. That also happened with aspects of the Anti-terrorism, Crime and Security Bill.

The Deputy Presiding Officer: Mr Russell, you must now get back to the motion on the Adoption

and Children Bill.

Michael Russell: If we cannot debate the flaws in the Sewel motion procedure when a Sewel motion is before us, we are not addressing the substantive issue.

Scott Barrie *rose*—

Michael Russell: If I am not allowed to make my points, I will be brief. I do not want to hear any more interventions.

If the Parliament will not look out for the job that it is elected to do, no wonder the people of Scotland are getting tired of it and the Administration.

16:17

Donald Gorrie (Central Scotland) (LD): I wish to make brief and, I hope, constructive points about Sewel motions. If you think that I should not, Presiding Officer, I will not.

The Deputy Presiding Officer: I will take a brief comment, but I would rather get back to the subject of adoption. If members want to deal with Sewel motions, they can lodge a motion on the subject.

Donald Gorrie: I support the bill fully. However, there are some problems with Sewel motions. First, we pass a Sewel motion before the Westminster scheme grinds into action. Westminster members may then amend the bill quite severely and, if they do, we are stuck with it. We are signing a blank cheque and should give some thought to that. Secondly, I will propose that the Procedures Committee consider the possibility—

The Deputy Minister for Justice (Dr Richard Simpson): I point out to Donald Gorrie that, if Westminster amends a provision that relates to a devolved issue, that provision must be brought back to the Parliament. That is clear.

Donald Gorrie: If that is the case, I withdraw my first point.

The overall point is that there is concern about Sewel motions. We should consider having a fast-track system so that we can address the issues. I suspect that knowledge of the Adoption and Children Bill in the Parliament is pretty slim. If it were a proper Scottish bill, a lot more thought would be given to it.

We need to address that issue. I do not necessarily accept all Mike Russell's arguments, but there is an issue to address and I hope that we will do so. I support the bill strongly.

16:18

Mr Frank McAveety (Glasgow Shettleston) (Lab): For those of us who argued for a Scottish Parliament in forums such as the Scottish Constitutional Convention, in which those members who have been most vociferous this afternoon did not even participate that effectively, it is shocking that the vast majority of Mike Russell's speech did not mention children but concentrated on the constitutional arrangement. I say to Mike Russell that children face enough barriers to adoption without our putting up another one at the border through constitutional arrangements.

Michael Russell: Will Frank McAveety give way?

Mr McAveety: I will give way in a minute, but I want to elaborate first.

The central issue is how we adapt legislation to meet the needs of needy children not only in Scotland but throughout the United Kingdom. We have been modifying a particularly clunky adoption system for a long time. We need to find much more effective ways of refining that system, so that children are placed with more suitable adoptive parents.

Like other members, I have gone through the process of being a prospective adoptive parent and have experienced the agony and pain that is involved in the waiting process. Quite frankly, I do not think that families in Scotland will be concerned about whether a Sewel motion brought an end to the delay or whether that was delivered through the Scottish Parliament.

Michael Russell: Will the member give way?

Mr McAveety: No, I will not give way. I am quite angry, because of all the issues that we should care about—

Michael Russell: The member said that he would give way. What he has said is a total misrepresentation.

Mr McAveety: The misrepresentation is to claim that Labour members do not care about the institution of the Scottish Parliament. That is wrong. We are not labouring the issue by claiming that the constitutional arrangement involving Sewel motions is more important than the primary interests of children. We are trying to identify ways of modifying—

Michael Russell: That is a misrepresentation.

Mr McAveety: If Mr Russell would like a monologue, we can have it outside the chamber.

I am happy to say that the debate in future will be about how we adapt the policy through Sewel amendments, when that is appropriate. As the

minister identified in her key contribution, we will then examine the overall review of Scottish policy on adoption and looked-after children so that we shape the policy to the particular Scottish interests that really matter.

Instead of being obsessed about his location in these islands, Mr Russell should be concerned with how to do the best for children. I am delighted that we have the chance to do that.

I thought that it was important to stress my frustration and anger at Mike Russell's contribution before moving on to the core of my speech. Adoption has been neglected for too long. It is a pity that some folk have not raised the issue to a reasonable level of debate. How do we maximise the recruitment of families to ensure that children who, for whatever reason, have not been placed can find the opportunity to be placed?

The main reason for the Adoption and Children Bill is the internationalisation of adoption, which has taken place largely as a result of the development of the internet and the increase in the incidence of infertility, which has made many families unable to have children. Furthermore, barriers to placement have already been put up, some at local authority level. I hope that we will consider age restrictions and other restrictive factors in the overall review.

To make the register work effectively, we will need the consent of local authorities and adoptive agencies in that process. I hope that there will be cross-border co-operation. As Scott Barrie indicated, because of the mobility of children or the individuals who look after them, it is important to find ways of making the relevant connections across the UK. I welcome the motion, which—with due respect to Mr Russell—is not about constitutional arrangements; it is about children. I hope that Mr Russell will reflect on that.

16:23

The Minister for Parliamentary Business (Patricia Ferguson): I thank Lyndsay McIntosh for her support for the motion. I thank Irene McGugan for her comments, although I am not sure that I can say the same for her colleague's comments.

The Sewel convention has led to this important debate. My colleague Cathy Jamieson has outlined some of the reasons for that. Frank McAveety added to the debate his personal experience and his knowledge of what has happened to parents and children in the past.

The point about the Adoption and Children Bill is that it will allow us to be part of a UK-wide register. It will allow children to be placed into adoptive situations more quickly. By reducing the time that

people have to wait to adopt children, the register will help to prevent the kind of heartache to which Frank McAveety so eloquently referred.

It is worth saying that, although Sewel motions have not been the subject of this debate, they were largely the subject of the debate on fur farming. Sewel motions are used in the Scottish Parliament for three reasons. First, they are used in situations in which it is more effective to legislate on a UK basis, to bring us into a UK-wide regime. Secondly, they are used where we believe that the provisions in a Westminster bill should be brought into effect in Scotland, but where there is limited time in the Scottish Parliament. Thirdly—

Michael Russell: On a point of order, Presiding Officer. I was not allowed to go into the wider issue of Sewel motions in my speech. You stopped me twice. The Minister for Parliamentary Business, however, is being allowed to do so. Is there an inconsistency?

The Deputy Presiding Officer: There is no inconsistency as yet, Mr Russell. You spent two minutes and 48 seconds of your five minutes dealing with the issue; in the same way, I am watching how the Minister for Parliamentary Business divides her time.

Patricia Ferguson: I am sure that you are, Presiding Officer—I had taken that on board.

It is worth trying to respond to some of the serious points that Mr Russell made. In making them, he was calling into question the Executive's judgment in bringing forward an important item in this manner. That has to be put on the record, because this is an important issue. It must not be overshadowed by any discussion on the constitutional arrangements or on the individual mechanisms that are being used in this case.

Richard Lochhead (North-East Scotland) (SNP): In her remarks about Sewel motions, the minister referred to a lack of legislative time in the Parliament. Is she aware that there has just been a one-and-a-half-hour debate on the Fur Farming (Prohibition) (Scotland) Bill—which will ban something that does not even happen in Scotland—during which many speakers admitted that they were padding out their speeches to fill the time?

The Deputy Presiding Officer: Minister, you said that you would set the record straight and I think that you have done so. I wonder whether we could get back to the subject fairly quickly.

Patricia Ferguson: I will certainly do so, but, to answer Mr Lochhead's point, I think that it is worth mentioning that, in the press today, Mr Russell commented on our education system. I took the opportunity to find out how many debates the SNP has called for on education. In the past eight

months, there has been only one such debate. That is the significance that the SNP attaches to issues of importance to children. The difference is that the Labour party and the coalition are introducing legislation and discussing issues that matter to the people of Scotland, particularly to a vulnerable group of young people.

Michael Russell: Could the minister tell us how many debates on education the Executive has secured, specifically on the key issues of attainment and assessment in education, which the Executive is avoiding?

Patricia Ferguson: Yes. In fact, the Executive—

Michael Russell: As expressed as a percentage of the time allocated.

Patricia Ferguson: I always understood that the parliamentary process allows the member who is on his or her feet—and not members who are sitting down—to speak. Then again, we are not surprised at Mr Russell's attitude.

The Executive has not only introduced legislation on the issues that are of importance to Scotland and its people, particularly its young people, in education and in other areas; it has addressed those issues through measures other than legislation. Legislation from this chamber is not always required to make a difference, which is what the Executive is intent on doing. We will use whatever processes work, including Sewel motions, to deliver for the people of Scotland.

Mr Russell got his arithmetic slightly wrong. Even if we include the two that are to be passed today, there will have been only 30 Sewel motions to date. Perhaps education is something that the SNP should not major on.

Scott Barrie made some interesting comments based on his time as chair of the adoption panel in Fife and I know that he takes the issue very much to heart. I think that his contribution assisted us greatly in developing the ideas that the Sewel motion sets out.

Much has been said about Sewel motions and about the way in which we do business. We make no apologies for what we are doing. Through an important bill, we are helping a vulnerable group of young people. We will help them by using a Sewel motion if that is the best method to effect change.

Police Reform Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-2650, in the name of Jim Wallace, on the Police Reform Bill, which is UK legislation.

16:29

The Deputy Minister for Justice (Dr Richard Simpson): I hope that the debate will be on the bill's substance, and that we will move away from a debate on Sewel motions, which we should perhaps have on another occasion.

The Sewel motion that is before us is highly focused, because it deals with a limited number of aspects of the Home Office's Police Reform Bill. It is an important piece of proposed legislation which, since it was published last week, has attracted considerable publicity. The main items that are covered in the motion relate purely to Scotland, although most items in the Police Reform Bill are not relevant to us.

The Scottish Executive has its own police reform agenda, which it is pursuing separately and in its own time. Progress has already been made on several components of that Scottish agenda. We have consulted on new ways of addressing police complaints and on regulation of the private security industry in Scotland. We have launched a review of the common police services and are developing the principles and practice of best value within the Scottish police forces.

The Westminster bill contains four provisions that are in devolved areas, but which we wish to extend to Scotland. They are relatively minor provisions and are separate from the Home Secretary's wider reform programme.

The first item is a consequence of the creation in England and Wales of a new independent police complaints commission. Quite rightly, it will be possible for Scottish officers to be seconded to that body. That being the case, it is necessary to make a consequential amendment to the Police (Scotland) Act 1967 to ensure that Scottish officers' terms and conditions of service are preserved while they are on secondment to the new commission. Technically, that is a devolved matter, but it is part and parcel of wider proposals that are not devolved.

The second item relates to inspections in Scotland of the Ministry of Defence police, which is a reserved body. Inspections of the MDP are carried out by Her Majesty's inspectorate of constabulary for England and Wales. The bill will require the latter to consult HM inspectorate of constabulary for Scotland before carrying out such

inspections in Scotland. That already happens, but the bill would put that procedure on a statutory footing.

The third item is the abolition of the requirement for police officers to be British, Irish or Commonwealth citizens. We regard the current bar as unnecessary, as do the police associations in Scotland. We also think that it could be damaging were the rules in relation to that to vary throughout the UK.

The fourth item has regard to our European Union obligations, following the framework decision on joint investigation teams and in line with the European convention on mutual assistance in criminal matters. The bill would put officers from other member states on the same footing as our officers as regards offences that are committed against them. It would also extend the liabilities of chief constables in Scotland to include damage that is caused by an officer from another member state who is operating in a team that is investigating in Scotland. However, the amount of the liability would be recoverable from the other member state. Reciprocal provisions will apply throughout the European Union.

I spent this morning at the headquarters of Fife constabulary, where I discussed—among other things—the policing of the new ferry port at Rosyth. Close co-operation with Zeebrugge will be necessary in management of the port. During my visit it was stressed that the motion that we are debating was timely in respect of joint policing, particularly when the Zeebrugge police come to Rosyth to work on joint issues.

The motion relates to limited but important changes in areas where Scottish devolved interests can most efficiently be served by our working with the UK Parliament. If the provisions that I have described are amended in any way at Westminster, those changes will have to be referred back to this Parliament, which is entirely appropriate.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Will the minister give way?

Dr Simpson: I have finished.

I move,

That the Parliament agrees that the provisions within the Police Reform Bill which relate to devolved matters, including provisions relating to the terms and conditions of service of constables seconded to the Independent Police Complaints Commission, the inspection of the Ministry of Defence Police in Scotland, the removal of the nationality bar for police officers, extending (pursuant to certain international agreements) the liabilities of chief constables in relation to foreign officials from other member states carrying out investigations in Scotland and extending offence provisions in relation to such foreign officials, should be considered by the UK Parliament.

16:33

Roseanna Cunningham (Perth) (SNP): It is always very interesting to discuss Sewel motions relating to the justice brief, as there have been more Sewel motions in justice policy than in any other policy area. That is an extraordinary irony. Regardless of what the Executive claims, it seems that it is intent on delivering a dumbed-down Parliament by playing constitutional ping-pong from week to week. If it does not matter where we legislate, why did we create the Scottish Parliament in the first place? However, I recall that vast numbers of Labour and Conservative members did not want the Scottish Parliament in the first place, hence their derisive attitude.

I do not know whether we are at the 30th, the 31st or the 32nd Sewel motion.

Dr Simpson: I point out to Roseanna Cunningham that we have had to create two justice committees in order to handle the legislative work load. We have not increased the number of ministers who are responsible for justice and we have not substantially increased the size of the support system. Using Sewel motions judiciously allows us to get on with important legislation in the Parliament, without overburdening it.

The Deputy Presiding Officer: I advise Ms Cunningham that I will allow her—as I allowed Mr Russell—a fair crack. However, I expect her to address the other issues—

Roseanna Cunningham: I have comments to make on the substance of the motion, but first I want to make my point. Justice policy is almost entirely devolved, so it seems extraordinary that most Sewel motions have been applied to it.

Michael Russell (South of Scotland) (SNP): What are we paying the minister for?

Roseanna Cunningham: I have no idea.

I wonder what happens when Westminster runs out of time. Which Parliament will Westminster MPs get to legislate for them when they run out of time? If the establishment of the Scottish Parliament meant devolution of responsibility from Westminster, the widespread use of Sewel motions represents an abrogation of that responsibility but, of course, abrogation of responsibility is what the Executive is about.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Is not it the case that Roseanna Cunningham whinged more than anyone else about the volume of work that was imposed on the Justice and Home Affairs Committee when she was that committee's convener? Has she consulted Christine Grahame on whether she wants more work for the Justice 1 Committee? Has she consulted Pauline McNeill—

Roseanna Cunningham *rose*—

Mr Wallace: I have the floor.

Has she consulted Pauline McNeill on whether she wants more bills for the Justice 2 Committee?

Roseanna Cunningham: Perhaps we could start to behave like a Parliament and meet a little more frequently when we have more work to do, instead of passing work on to someone else.

The passage of the Police Reform Bill is a failure of democracy and is not in the interests of the Scottish people. For a start, it is a House of Lords bill. Perhaps the new Liberal Democrats or Labour lite—or whatever they call themselves—want to describe the House of Lords as a democratic institution, but it is certainly not democratic in my book. Although there is a Scottish Executive memorandum about the apparent effects on Scotland of the bill, the official explanatory notes on the bill are not yet available from the Home Office. It is extraordinary that we are discussing a bill for which we cannot obtain the explanatory notes from the bill's originating body. It does not seem as if we will send the bill to be dealt with by a particularly efficient body.

In the meantime, in tandem with the Police Reform Bill, Westminster plans to make more changes to policing, which will affect the pay and conditions of our police officers. For some reason, the power to make such changes is not devolved. The white paper "Policing a New Century" was published in December 2001, but with a closing date for responses of 21 January, public involvement and the democratic process lose out again.

I will address the proposals in the bill one by one. Secondment of Scottish officers to the independent police complaints commission for England and Wales, the nationality requirements for police officers and the provisions on liabilities of law enforcement officers from elsewhere in Europe are unexceptionable provisions, but why must Westminster make those changes for us? The inspection of the Ministry of Defence police in Scotland has been handed over in the past to HMIC for England and Wales, although an inspection has not been carried out since before devolution. The bill requires that HM inspectorate of constabulary in Scotland be consulted during such inspections but, given that those officers operate in Scotland and in England and Wales, should not they be subject to inspections by joint teams? MOD inspection reports are published only after they are edited for national security purposes, but there is no requirement to inform the Scottish ministers about unpublished matters of concern. Why are Scottish ministers not to be trusted? Perhaps the MOD is concerned that there might be among the Scottish ministers a chiel

taking notes who will rush to publish his memoirs as soon as he leaves the job.

The bill will grant wide powers to the Home Secretary to modify the functions and structure of the Police Information Technology Organisation. The appropriate order is to be made after consultation with Scottish ministers, but it will not be laid in draft before the Scottish Parliament. How will the Scottish Parliament scrutinise the work of Scottish ministers? I see that the Minister for Justice is smirking—it is clear that he has joined the Labour party in his desire to avoid as much scrutiny as possible.

Many of us fought long and hard to win the limited control that we have. I want to move on. The only thing that I whinge about is the failure of the Parliament to deliver for Scotland—the ministers in the chamber are culpable in that failure.

16:39

Lord James Douglas-Hamilton (Lothians) (Con): The provisions of the Police Reform Bill that will affect Scotland—because they cover reserved matters or because the Executive wants to opt into them—are largely technical in nature and appear to focus on applying a consistent line north and south of the border. The minister went into the details of those provisions and Conservative members feel that it is right that such matters are discussed, and legislated for, by the United Kingdom Parliament on a UK basis. Consequently, we will support the Executive's motion.

The motion offers us the opportunity to save a considerable amount of parliamentary time for more pressing matters. Matters as technical as those in the bill should have a common standard throughout the United Kingdom. They should therefore be debated in the United Kingdom Parliament. That is not a failing of devolution, but a means to ensure that certain matters are consistent throughout the UK. An added bonus is that that leads to a freeing-up of our parliamentary time to discuss other legislation.

We were not surprised to see in today's press that the SNP is crying out at the number of Sewel motions on Westminster bills that are considered at Holyrood. Indeed, the speech that Mr Mike Russell gave only a few minutes ago simply echoed the complaints that he makes today in *The Scotsman*.

If I may say so, it is ridiculous that we should spend so much time investigating, reporting on and debating—as we did a few moments ago—a bill to ban fur farms, when there is not a single fur farm in Scotland. I understand well the reason why that was done, but technical details such as those

in the Police Reform Bill should be dealt with by the UK Parliament. We would be guilty of clogging up the Parliament with further legislation if we were to have separate police bills. That would divert us from consideration of matters that are of real importance and pressing concern to the Scottish public, such as the state of public services.

I stress that the Conservatives strongly accepted the settled will of the Scottish people as expressed in the referendum, but we want an effective working relationship between this Parliament and the United Kingdom Parliament. Although we support the motion, we have always argued that it is important that the centre should not wield too much power. True devolution means that local police forces should be accountable, and capable of responding to local needs. Equally, it is important to curb the bureaucracy that the police face daily, although I realise that the Administration is trying to address that. At Westminster, we are likely strongly to oppose too much power being given to the Home Secretary; we will wish to preserve chief constables' independence.

We support the Executive's motion to allow the United Kingdom Parliament the opportunity to legislate for us on the technicalities in the bill.

16:42

Donald Gorrie (Central Scotland) (LD): There is a genuine technical issue, which should be considered, about how the Parliament should best use its time and energies on bills and Sewel motions. With all due respect, the sort of extreme remarks that have been made by some SNP members do not help. It is not at all good to attribute to people who take a different view from them a lack of patriotism or enthusiasm for the Parliament. I hope that we will consider the issue in a sensible and mature manner.

It seems reasonable that we should agree to the provisions of the Police Reform Bill. However, because the UK bill contains some contentious provisions, there is a slight presentational danger of public confusion. People might get the idea that the contentious provisions will apply to Scotland. We must make it clear that we are agreeing merely to some fairly technical issues that concern Scotland. We should make it clear that we will not be indulging in the heavy debates on the reform of the police that will take place at Westminster, because we shall reform our police in our own way and not in the English way. That important point must be made.

As I understand it, the bill also contains provisions—such as those that refer to the treatment of road accident victims—that will affect

people in Scotland and which are reserved matters. Therefore, there are three sets of issues: how we deal with Sewel motions; how the English run their police affairs, which is the main issue; and a few points, on which Westminster has the right to legislate, that will affect citizens in Scotland.

The Deputy Presiding Officer: We now move to open debate. I call Gordon Jackson. You have up to four minutes.

16:44

Gordon Jackson (Glasgow Govan) (Lab): On this occasion, Donald Gorrie is right that there are two main issues. The first concerns whether the bill is good legislation that should be welcomed. The second is the much more contentious matter of the use of the Sewel motion to achieve that objective. Michael Russell suggested that the two matters were entirely separate, but they are not and it is misleading to put them in a watertight compartment.

There can be no argument about the merits of the proposed legislation. Some parts of it were discussed in this Parliament, but the previous bill fell because of the dissolution of the Westminster Parliament. We are doing clearly desirable things. It cannot be anything other than a good thing that Scottish police officers can be seconded to serve in the complaints system south of the border—that is a recommendation of the value and experience of our police forces. It would be churlish in the extreme not to share that experience with people south of the border.

The removal of nationality restrictions throughout the UK is also—I feel strongly about this—greatly to be welcomed. It would be strange and undesirable if recruitment in Scotland were to be hindered in comparison with the rest of the United Kingdom. If that happened, we would be debating the much more important issue of groups being banned from serving in the police in Scotland, despite their being able to serve south of the border. When our police forces are doing everything possible to promote diversity in recruitment, that would make no sense.

What about the use of the Sewel motion? I have been listening to Michael Russell—

Alasdair Morgan: Will the member give way?

Gordon Jackson: No, I want to go on. I do not have long.

Alasdair Morgan: Just briefly.

Gordon Jackson: Well, okay—it will give me time for a seat.

Alasdair Morgan: I want to ask about one of the provisions of the bill that the member did not

mention—the inspections of the Ministry of Defence police. Does a question arise because of considerations of freedom of information? My colleagues suggest that joint inspections might be more appropriate. Under the mechanism that is proposed, inspections will be subject to the English and Welsh Freedom of Information Act 2000, but not to the broader provisions of the Freedom of Information (Scotland) Bill. Will the member consider that?

Gordon Jackson: I do not think that that is of very great importance. We have already decided to use the mechanisms in the bill; we are merely re-enacting that decision because of the Westminster Parliament's dissolution.

What Michael Russell said in the previous debate was interesting. He argued from statistics—as I believe his colleagues did in the press this morning—that the Scottish Parliament passes more legislation through Sewel motions than it passes Scottish legislation. I must say to Michael that that is just a cheap distortion of reality. The use—

Michael Russell: Here are the figures.

Gordon Jackson: Let me finish. The use of a Sewel motion for specific points in UK bills—no matter how often we do it—cannot be legitimately compared with the substantial legislation that we enact in this Parliament. It is time for a bit of common sense. We should enact substantial legislation as and when time permits. As Michael said, that would be doing our job. I do not accept the criticism that to use a Sewel motion is not to do our job.

If we want to make changes over and above the changes that we have time to make here, and if Westminster is in the process of making such changes, it cannot be wrong to use a Sewel motion for that purpose. Does Michael Russell seriously suggest that it would be better not to have the legislation, or that we should use up our own much-needed time in other ways?

Michael Russell: Will the member give way?

Gordon Jackson: No, I am finishing.

If we did so, we would be cutting off our nose to spite our face. We would be saying, "We'll do without the legislation. We don't have time to do it ourselves, but we won't have it because we're not going to let Westminster do it." That would be a petty nationalistic policy of the worst kind.

The Deputy Presiding Officer: All right, Mr Jackson. You will remember the constraints that I put on speakers. If you have more to say on Sewel motions, please try to tie it in with police matters.

Gordon Jackson: The Police Reform Bill is good. It is petty and nationalistic to say that we

should not use a Westminster bill to do desirable things. SNP members can do better than they have done. They are not to be commended for their petty approach.

16:49

Bill Aitken (Glasgow) (Con): It is perhaps unfortunate that so much of the debate has outlined the problems of Sewel motions, rather than focused on the merit of the bill—I note your strictures on that subject, Presiding Officer.

It is important to stress the fact that there is a requirement, particularly in justice matters, for consistency. Many of the problems that we face are international and it is important that our approach is consistent, particularly in the United Kingdom.

Surely no one can argue against many aspects of the bill. Let us take, for example, the National Criminal Intelligence Service. The bill will require the Home Secretary to consult Scottish ministers before issuing or revising a code of practice for the director general of the NCIS, and before issuing any directions in connection with that body's operations. Can any member suggest seriously that that is inappropriate?

The bill will allow the Home Secretary to make an order to modify the functions and structure of the cross-border public authority, the Police Information Technology Organisation. Can any member suggest seriously that that is not appropriate? The bill also contains provisions that are important at a time when there is greater concern and consideration about the effects of drunken driving. The matter of blood tests is now being dealt with nationally, which enables such tests to be established as a principle of Scots law much more speedily and effectively than would otherwise be the case.

Michael Russell: I congratulate Bill Aitken on his cogent argument that all decisions should be made by the European Parliament in Brussels. It is unusual to hear such an argument from a Tory—a group that opposed the Scottish Parliament. Are the Tories now saying that it is all to be done by Brussels?

Bill Aitken: As Mr Russell well knows, that is not what I am saying. I am saying—this will amplify the argument that Lord James Douglas-Hamilton made—that we believe in proper devolution. At the same time, there is a clear case for a consistent approach, across the board, to matters such as those that are dealt with in the Police Reform Bill. If there were inconsistencies—for example in the laws that relate to drug misuse—between what happens south of the border and here, substantial difficulties might arise.

Roseanna Cunningham was correct to say that there have been many Sewel motions relating to justice matters. However, that demonstrates the degree of consistency that must be applied in relation to crime enforcement where the crime extends beyond the borders of Scotland. On that basis, there is clear merit in the bill. There is equal merit in the way in which the matter is being dealt with. We support the motion.

The Deputy Presiding Officer: Order. There is too much ambient noise. If members want to conduct private conversations they should do so out in the corridors.

16:53

Paul Martin (Glasgow Springburn) (Lab): I remind members of an incident that took place near Ruchazie on Monday: three men were shot in close proximity to a primary school and a sheltered housing complex. That is why we should be discussing and debating this issue today, instead of being caught up in arguments about constitutional arrangements and Sewel motions. The fact that such incidents are not uncommon in areas such as Ruchazie and have been part of such communities for decades shows us why we need to get down to the real debate—the need to review the police force and the issue raised by the Sewel motion.

When the Parliament met in Glasgow in May 2000, I called for a top-to-bottom review of policing in Scotland. I raised that matter in response to the unacceptable level of crime in Glasgow and other parts of the west of Scotland. I felt that our communities were being forced to accept that crime was and always would be part of their local communities. I stand by my call for a top-to-bottom review of policing, and welcome the principles that are set out in the motion.

Mr Kenneth Gibson (Glasgow) (SNP): Does Paul Martin agree with the SNP that we should have an extra 1,000 police officers on the beat in Scotland?

The Deputy Presiding Officer: Members must get back to the subject under consideration.

Paul Martin: This is not the first time that Kenny Gibson has raised that point and it will not be the last. The issue is to do with making best use of the resources that are available to police officers. There are 638 police officers in E division in my constituency, yet we have incidents such as the one that occurred in Ruchazie.

Roseanna Cunningham: On a point of order, Presiding Officer. Although members did not like what I had to say about Sewel motions, at least my comments related to the substance of the motion. I have listened to Mr Martin's speech and

do not have the faintest idea how it relates to the motion.

The Deputy Presiding Officer: I indicated that point a few minutes ago. If Paul Martin could ease his way back to the subject, that would be helpful.

Paul Martin: I am sorry, but I make no excuse for raising issues that relate to my constituents and the serious issues that face our communities day in, day out. The issue is the review of the police force—

The Deputy Presiding Officer: But you must raise those issues within the terms of the motion that is before the chamber.

Paul Martin: The Sewel motion is clear that the issue is the reform of the police force and how that affects devolved issues in Scotland. It is perfectly legitimate for me to raise issues from my constituency.

The Deputy Presiding Officer: You are running out of time anyway. You have another minute.

Paul Martin: SNP members do not want to hear about the issues that face people in Ruchazie and other parts of the west of Scotland. Perhaps we can address the issue in a members' business debate. It is difficult for SNP members to hear that.

In conclusion, it is clear that communities such as Ruchazie and Sighthill have developed a subconscious tolerance of the level of crime in their communities. We have to reverse that trend. The Sewel motion that is before us will allow us to move in that direction.

16:57

Dr Simpson: I would have liked to start summing up by thanking members for their speeches, but that comment would be far too general. Some speeches bore no relevance to the debate. At least Paul Martin addressed police issues in respect of his constituency, which was far closer to the mark than Roseanna Cunningham's speech. When she did address the issue, she did not even know that pay and conditions is a devolved issue. It just so happens that at present the Executive, the police forces and the Police Federation choose to continue to act jointly with our colleagues in England and Wales and to have a centralised system.

Brian Adam (North-East Scotland) (SNP): Will the minister give way?

Dr Simpson: No, I do not have time.

The motion allows us to ensure that police officers who are seconded to the independent police complaints commission will continue to have their salaries paid appropriately and will have the correct terms and conditions. The SNP has

had a number of opportunities to debate justice issues, but it has chosen to do so only twice in the past year, which shows the low priority that it places on this issue.

Donald Gorrie made the excellent point that we must make it clear that most of the Police Reform Bill is about radical reforms in England and Wales that will not apply in Scotland. I thank Lord James Douglas-Hamilton for making the point that we will proceed with our reforms in our own time.

Roseanna Cunningham: A Labour-Tory alliance.

Dr Simpson: Is Roseanna Cunningham really suggesting that we should not proceed with police reforms in Scotland in our own time in this chamber in a separate bill? That is what she is suggesting.

Roseanna Cunningham: No, I am not.

Dr Simpson: HM inspectorate of constabulary in Scotland is content with the arrangement that pertains to the Ministry of Defence police. We are merely putting that into operation through the Sewel motion. That move is entirely appropriate. Are the SNP members suggesting that that is not an appropriate use of our time?

Gordon Jackson mentioned nationality. Are SNP members suggesting that we should have different arrangements in Scotland or that we should spend lengthy periods debating a small technical requirement that police officers should be British, Irish or Commonwealth citizens? Nationality should be no bar to being in the police force in Scotland. If we left the matter as it stood, that barrier would remain.

The Sewel motion fulfils our obligation to the European Union by ensuring that, in Scotland, members of joint investigating teams who are from other European Union states will have the same rights and responsibilities as our police officers. Are SNP members suggesting that a Sewel motion is not the best way in which to deal with that technical amendment, which corresponds to European Union law? I believe that it is the best way.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Sir David Steel): The next item of business is the consideration of Parliamentary Bureau motions. I ask Euan Robson to move motions S1M-2659, on suspension of standing orders, and S1M-2660, on a change to decision time.

Motions moved,

That the Parliament agrees that Rule 5.6.1(c) of the Standing Orders be suspended for the duration of the Meeting of the Parliament on Wednesday 13 February 2002.

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 13 February 2002 shall begin at 7.00 pm.—[*Euan Robson.*]

Decision Time

17:02

The Presiding Officer (Sir David Steel): There are five questions to be put as a result of today's business.

The first question is, that motion S1M-2353, in the name of Ross Finnie, on the general principles of the Fur Farming (Prohibition) Scotland Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 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)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 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, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)

McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (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)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Wallace, Ben (North-East Scotland) (Con)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (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)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

The Presiding Officer: Will members please be quiet during divisions?

The result of the division is: For 96, Against 2, Abstentions 16.

Motion agreed to.

That the Parliament agrees to the general principles of the Fur Farming (Prohibition) (Scotland) Bill.

The Presiding Officer: The second question is, that motion S1M-2649, in the name of Cathy Jamieson, on the Adoption and Children Bill—UK legislation—be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 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)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 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)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)

McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

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, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (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)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 85, Against 0, Abstentions 29.

Motion agreed to.

That the Parliament accepts the need for Scotland, along with England and Wales, to participate in the Adoption and Children Act Register to be established by the Adoption and Children Bill and agrees that the relevant provisions to achieve this end in the Bill should be considered by the UK Parliament.

The Presiding Officer: The third question is, that motion S1M-2650, in the name of Jim Wallace, on the Police Reform Bill—UK legislation—be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 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)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 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)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 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, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (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)
 Wilson, Andrew (Central Scotland) (SNP)

[*Interruption.*]

The Presiding Officer: Order. I will not announce the result until there is order in the

chamber.

The result of the division is: For 83, Against 31, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the provisions within the Police Reform Bill which relate to devolved matters, including provisions relating to the terms and conditions of service of constables seconded to the Independent Police Complaints Commission, the inspection of the Ministry of Defence Police in Scotland, the removal of the nationality bar for police officers, extending (pursuant to certain international agreements) the liabilities of chief constables in relation to foreign officials from other member states carrying out investigations in Scotland and extending offence provisions in relation to such foreign officials, should be considered by the UK Parliament.

The Presiding Officer: The fourth question is, that motion S1M-2659, in the name of Patricia Ferguson, on the suspension of standing orders, be agreed to.

Motion agreed to.

That the Parliament agrees that Rule 5.6.1(c) of the Standing Orders be suspended for the duration of the Meeting of the Parliament on Wednesday 13 February 2002.

The Presiding Officer: The fifth question is, that motion S1M-2660, in the name of Patricia Ferguson, on a change to decision time, be agreed to.

Motion agreed to.

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 13 February 2002 shall begin at 7.00 pm.

Pollution Inventory

The Deputy Presiding Officer (Mr Murray Tosh): I invite members who are leaving the chamber to do so as quickly and quietly as they can.

The final item of business is a members' business debate on motion S1M-2302, in the name of Dr Sylvia Jackson, on the introduction of a pollution inventory. The debate will be concluded without any question being put.

I think that we can risk opening the debate now.

Motion debated,

That the Parliament congratulates the Scottish Executive on its proposals to cut particle air pollution by more than 50% by 2010; notes the detrimental effects on health that air pollution can have; recognises the need for the introduction of a pollution inventory system in order to make information on releases of pollutants from industrial processes available to the public in a clear, easily understandable and accessible format, and believes that the Scottish Executive should support the progressive introduction of a pollution release and transfer register as required under the United Nations Economic Commission for Europe's Aarhus convention.

17:08

Dr Sylvia Jackson (Stirling) (Lab): I thank Friends of the Earth for circulating its report "Counting Chemicals", which is most informative. I also thank Melanie Swan, who is a politics student, and the Scottish Environment Protection Agency's representatives Bob Sargent and Fiona Birkinshaw for their contributions to that report.

When I refer to pollution release and transfer registers, I will call them simply PRTRs. Other countries use different terms—for example, Australia calls such a document a national pollution inventory—but they all relate to the same issue.

What are the key issues raised by the introduction of a register or inventory in Scotland? Under the Pollution Prevention and Control (Scotland) Regulations 2000, which implement a European Union directive, from 2003 SEPA must produce an inventory of 50 chemicals from regulated processes. However, that inventory does not have to be available on the internet.

Under the Aarhus convention—the document that I mentioned contains more information on it—such an inventory would most likely have to cover 131 chemicals, and another 113 chemicals would be optional. An inventory would have to be updated annually, whereas the EU directive will initially require an inventory to be updated only every three years. The Aarhus convention would also require an inventory to be available on the

internet.

Scotland is moving in the right direction. We should be pleased that we are holding many environment debates—I think that even Robin Harper would be pleased with the number of such debates recently. However, we must move quickly and go far enough. We need a system that covers at least the 244 Aarhus chemicals, reports annually and is available on an easy-to-use internet site.

What good is a register or inventory? It lets SEPA know how much of each substance was released. By comparison, the present arrangements mean that SEPA knows only whether certain limits have been breached. Importantly, a register empowers communities, by letting them see what their local factory is up to, whether emissions are increasing or decreasing and how the site compares to other similar processes elsewhere.

A register can raise the alarm when companies are performing badly and allay concerns when they are doing well. Cathy Peattie is not here this evening, but several months ago a newspaper report raised the alarm about cancer scares connected with releases around Grangemouth, which is in her constituency. A register would have been useful in that situation.

A register can help good companies by highlighting their year-on-year improvements in performance and their position in the top part of the league table for their industry. A register will help SEPA and the Scottish Executive by allowing an accurate check on chemicals that are subject to national and international reduction agreements.

I would now like to quote from a statement by Bill Clinton. I know that we do not always agree with everything that he does and says, but this is very apt. He said:

“since the Community Right to Know Act has been on the books”,

in the United States,

“reported reductions in toxic emissions are about 43 per cent for the whole country. Now that’s a law worth passing. No new bureaucracy; just power to the people through basic knowledge. This has kept millions of pounds of chemicals out of our lives. It has helped people to stay healthy and live longer ... it’s also helped to spur innovation to help businesses work smarter and cleaner and become more profitable, not less profitable.”

What, then, are the objections? They are often about the cost to the Government, to SEPA and to industry. However, most large companies already collect the information that is needed and many small companies will be allowed to provide estimates of their emissions based on their use of specific substances. On the basis of Australian figures, it is projected that the cost of the inventory

procedure will range from £75 to £3,800. As every other country in Europe will be introducing such a system, there will be no competitive disadvantage.

What about league tables? Some firms might argue that a register would lead to league tables, which might damage their competitive position. It could be said that a company at the bottom of a league table deserves to go out of business. Good companies have nothing to fear from a register.

Why should we bother with a register? Scotland is obliged to produce a register under the PPC regulations and European directive and will be required to do much more under the Aarhus convention, when it comes into force, although we do not yet know the details of the obligations. As we have to do it anyway, let us do it right.

Finally, I have a few comments on the report on the way forward, which I mentioned earlier. The report states that the biggest challenge to SEPA now appears to be the creation of the public access database system. SEPA is aware of the need to construct a user-friendly format, and I gather that it is still waiting to hear about funding from the Executive. Perhaps the minister will say a little about that when he winds up. However, we should be aware that Bob Sargent, speaking on behalf of SEPA, has said that he does not envisage SEPA going beyond the minimum requirements. SEPA’s immediate aims are to get a database operating and to make it a public access tool that is available on the web and which leads to a map-based system that can be accessed by key word, postcode or company name.

John Young (West of Scotland) (Con): I accept that Sylvia Jackson is probably the most professionally qualified person in the chamber on this matter. As a mere layman, I wonder what her feeling is about how easily understandable and accessible such a database would be to the public. I support those aims, but does she envisage any aspects in which it would be almost impossible to meet them?

Dr Jackson: I do not think so. As I was going to say, England and Wales have already gone quite a long way towards establishing a register and there do not appear to be great difficulties. My question for the minister is whether there might be a joint initiative with England and Wales so that we can build on that expertise and move forward with them. Not only would that get the inventory up and running quicker, but it would give us a common system in England, Wales and Scotland, which would be very useful.

I whole-heartedly support a joint approach with the Environment Agency in England and Wales and would welcome the minister’s comments on that. England and Wales are ahead of us and it seems sensible to build on their expertise as soon

as possible. However, it is important not to restrict the register. We should consider what the Aarhus convention asks. We should develop a register that will empower communities to know what emissions there are locally and what effect they have on health—such data can also be on the database—and that will allow people to take action where necessary.

17:15

Bruce Crawford (Mid Scotland and Fife) (SNP): I congratulate Sylvia Jackson on securing the debate. She has long advocated her proposals and has trailed them for some time. She has done sterling work in that area.

The main purpose of the motion is to apply pressure on the Executive to introduce a pollution release and transfer register, which is right. I shall follow Sylvia Jackson's convention and use the acronym PRTR.

I hope that Sylvia Jackson will discover from the minister that a door is ready to be pushed open and that the Executive's position is to push forward at speed. It would be incredible if the Executive was not prepared to introduce a register. As Sylvia Jackson said, information for England has been on the internet since May 1999. Why on earth are we so far behind in Scotland? Why has there not been more progress to date? As Sylvia Jackson said, we have made some progress. We have an integrated pollution control system, but we need to go further and introduce a PRTR.

I will return to the motion's substantive point shortly, but it would be wrong not to comment on the motion's introductory sentence, which

"congratulates the Scottish Executive on its proposals to cut particle air pollution".

That seems all good, well and reasonable. However, if one digs underneath that, one finds that the congratulations are perhaps somewhat misplaced. In a press release following the previous minister's statement on air pollution, Friends of the Earth Scotland stated:

"The new target on particulates is still not as tough as the one Labour inherited from the Conservatives in 1997 ... A real target to protect health should be something tough that we need to work hard to meet. The proposed standard is unambitious because it will be met with little effort and long before the 2010 target date".

That is what we face. The targets that have been set by the Executive are far too lenient, because they are already being met in most of Scotland's cities and large towns.

We need to challenge the Executive on the introduction of a PRTR and to reconsider its air pollution targets. The Executive should introduce

more meaningful, stretching and demanding targets.

The Executive has the perfect opportunity to enshrine in statute the requirement for a pollution register. On 17 January, during the debate on the Freedom of Information (Scotland) Bill, I asked the Minister for Justice to incorporate article 5 of the Aarhus convention into the bill. If that was done—and I hope that it will be—it would ensure that a full and easily accessible pollution register would be required by law and would have to be produced. I hope that the minister will confirm that that will happen, as I have received no confirmation from the Minister for Justice.

Why are the proposals necessary? It is not simply a matter of providing MSPs or councillors with appropriate information about pollution levels, or providing non-governmental organisations with more information with which to beat the Government about the head. It is much more important than that—it is about the fundamental rights of individuals and communities to access information about matters that affect their health, their environment and their quality of life. That is what this is about—a fundamental point of human rights.

I refer to an example from Westfield in Fife, where I was last week. The community held a public meeting about a proposal regarding a possible landfill site together with a recycling facility. The people of that community would have grabbed the opportunity for such a site with both hands 10 years ago, because it would have meant jobs. Quite rightly, they are now asking what a landfill element means. They have heard in the press about all the health scares that landfill will bring about and they are asking whether they want jobs at that cost.

If people had access to information about the real impacts of landfill on their communities and on their lives, that would enable them to make clear decisions about what they want to do in their communities. That is a prime example of why we need to have the register. We have to give people the information and empower them so that they can make the decisions that will affect their quality of life in the future.

I congratulate Sylvia Jackson on securing the debate today.

17:21

John Scott (Ayr) (Con): In speaking in the debate, I give a cautious welcome to Sylvia Jackson's motion and commend her for bringing it before the Parliament. That is not because it would be difficult to disagree with Sylvia Jackson and her eloquent argument, but because there is a need for pollution release and transfer registers.

However, Sylvia Jackson will not be disappointed to know that the element of caution on my part comes from the increased cost to industry that the proposals would bring.

There is no doubt that the argument for PRTRs is well made; that is evidenced by their adoption all over the world. The Aarhus convention of 1998 and EC directive 96/61/EEC on integrated pollution prevention and control are moving us towards the development of PRTRs and a publicly accessible register, which has to be a good thing.

As Sylvia Jackson pointed out, Scotland lags behind the rest of the world in that respect, and lags significantly behind England and Wales. The fact that Scotland is using only the integrated pollution control system tells its own story. Of course, the upgraded integrated pollution prevention and control system, which will be introduced in 2003 and will report on only 50 substances, will be important. However, that only emphasises how far behind we are, worldwide, in best practice and in making such information publicly available.

In America, as has been said, the toxic relief inventory system website reports on more than 600 substances. As Sylvia Jackson said, Australia has a successful national pollution inventory. Sylvia Jackson also pointed out—we all seem to be referring to the same briefing paper—that, significantly, the first-year costs to industry of setting up the inventory ranged from £75 to £3,800. Nonetheless, a PRTR in Scotland will, and must, come about as a result of the Aarhus convention and the EC directive; in honesty, it cannot come quickly enough.

SEPA's broad shoulders will have to be broadened further. The Scottish Executive will have to provide new funding to support data gathering and auditing and the development of a public access database. I look forward to the minister's comments on that.

If we are to catch up with England and Wales, never mind the rest of the world, SEPA will have to establish protocols and research programmes and the Executive will have to establish criteria and time scales for compliance. I see yet more work looming for the Transport and the Environment Committee.

A lot of hard work lies ahead, but I welcome SEPA's realistic attitude—attributed to Bob Sargent by Friends of the Earth Scotland—that it does not intend to collect data over and above what will be required to compile our PRTR. That attitude is in contrast to the attitude of the Environment Agency in England, which apparently records more pollutants at lower thresholds than is required by IPPC. Nonetheless, there is a possibility of SEPA working in conjunction with the

Environment Agency, which would, in effect, allow Scotland to catch up with our colleagues in England and Wales.

If costs to industry can be kept to a minimum, I look forward to the development of a publicly accessible PRTR—with data collected annually—which operates under clear and consistent rules and is backed up with the minimum of regulation. I look forward to the minister's comments on those matters.

17:24

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I warmly congratulate Sylvia Jackson on securing the debate.

I congratulate previous speakers, who made thoughtful and eloquent speeches on an important subject. While I warmly support what has been said so far, I will take a different view. It is worth remembering that considerable progress has been made in our lifetime. I remember the municipal dump that was at the end of the field close to where I lived as a child. In those days, everything was flung into the dump and a match was put to it. I remember the stour and the reek of it. How different things are today.

I took an induction course today with Bovis. Members will be thrilled to know that I am now qualified to take people round the Holyrood site. The induction course was thorough, and one of the aspects that was covered was pollution. We were told that diesel should not be spilt and that mess should not be left on building sites. I contrast that message with 1981, when I joined Wimpey as a humble stores clerk. In those days, there was no formal induction and it did not matter if people spilt rubbish on the site. Progress has been made since then.

From that seemingly light-hearted point, a more important point can be made. I hope that everything that was advocated by Sylvia Jackson and other speakers will be put in place in due course, because that would be good. However, what happened in the past is behind us. In a way, the Executive will find it tricky to audit the sort of municipal dump that I remember as a child, or other such sites.

The Executive should look to the example of the nuclear industry. At the moment, the United Kingdom Atomic Energy Authority is embarking on the decommissioning of the Dounreay site. The authority is developing a raft of expertise, including techniques to allow its workers to enter the famous shaft and discover what it contains. The authority is throwing a considerable amount of money at that undertaking.

I pay tribute to the UKAEA, which is at the

cutting edge of decommissioning. The authority's information and expertise, if they are used constructively, could be used in other fields. I recommend strongly that Government, whether in the UK or in Scotland, co-ordinates with agencies such as the UKAEA to understand and develop techniques for use in what could be described as non-nuclear rubbish tips. We can be creative if we work with industry.

I noted with interest the cogent remarks that were made by John Scott. However, he expressed hesitancy about the proposals, because they will put a burden on industry.

Maureen Macmillan has left the chamber, but she would remember that, some years ago, the former Highlands and Islands Development Board conducted a survey into the meaning of the word "Highland". It found that the general public thought of the word as synonymous with clean air and water and an unpolluted environment. The board discovered that "Highland" was an incredibly powerful marketing tool. A selling point was achieved by adding the word "Highland" to, for example, the words "spring water" to give "Highland Spring Water". The image of a clean, unpolluted environment worked in the favour of business. If we can sell a positive message to business, that will help.

John Scott: I hope that Jamie Stone appreciates that I welcomed the proposals nonetheless. My point was a philosophical one. Given the problems that industry is facing in Scotland, and the unemployment levels in parts of Scotland—including my own—industry does not need to have further burdens of excessive regulation or costs imposed upon it. I accept the need for the register, but one has to be cautious about it.

Mr Stone: I accept that John Scott's intervention was balanced. I remind him of the sea change that is taking place. If Robin Harper is called to speak, I am sure that he will point out that our youngsters today are more pollution conscious than ever before. The market is going that way—look at organic foods and advertisements for products that do not cause pollution. A tide is turning in the affairs of business. If we go with that tide, we will do okay. The motion contains positive aspects for industry.

17:29

Robin Harper (Lothians) (Green): I would like to underline a few of the recommendations that were included in the Friends of the Earth report "Counting Chemicals". I believe that we need to reflect accurately the total chemical loading on our environment. The institution of a pollution inventory will go a long way towards that, but

some things might be missed out.

An idea of the scale of the problem comes from the mouth of the Rhein, near Rotterdam, where a proposal to remove the toxic sludge that had accumulated over a century ran into difficulties when it was realised that no one knew what was in the sludge. The authorities knew that there were at least 500 chemicals in the sludge, many of them lethal, and they decided to leave it where it was. Excavating more sludge than was necessary to allow ships in and out was not an option.

The Friends of the Earth report recommends that the database should

"contain basic health and environmental information to make it meaningful to those using it."

That relates to the point about education that Jamie Stone made. There is no point in producing reams and reams of figures if people cannot understand what they mean. If a figure is included in the database, there must be other information, such as the fact that the chemical is known to have cardiovascular effects or effects on the liver.

Of course, those examples relate only to the effects on human health; indeed, the benefits of the inventory in relation to human health have been stressed. However, we must remember that the inventory will help us make up our minds about threats to the environment in general. For instance, frogs are disappearing in the south of England and no one knows the reason why. If a pollution inventory were immediately available, that might allow people to guess the cause of the problem.

John Scott: I worry about the frogs that Mr Harper mentions. The symptoms sound like those of foot-and-mouth disease, but I hope that they are not.

Robin Harper: If they are and if the disease spreads through our frog population as foot-and-mouth disease spread through our farm animal population and myxomatosis spread through the rabbit population, we will face quite a problem. However, the cause of frogs' death might be chemical.

The Friends of the Earth report says that

"The public must be informed about the availability of the data".

There is no point in producing all these lists if people do not know about them. How many planning applications go ahead with only a few announcements being stuck on lamp posts and without people getting letters through their doors to inform them that there is going to be a change in their environment in the near future? Far too often, not enough information about what is happening in our environment, even at a basic level, is made available to people.

The report goes on to say that, when measurements or estimates are taken,

“it is vital ... that the industry states whether this amount released is released in one large burst or gradually over the course of the year.”

There is a great difference between releasing a chemical in one large burst, which can be extremely damaging, and doing so gradually, which, while not benign, might not be as harmful.

The report also says:

“The system needs to be more comprehensive than that required by either Aarhus or the European Directive. Fifty chemicals is not sufficient in comparison to the thousands of chemicals actually in use, particularly when other register systems are operating which analyse between 200 and 600 chemicals.”

I know that it will be difficult to analyse more than 50 chemicals, but we should try to do so because the cumulative effect of chemicals is important. We might be releasing chemicals in small quantities into our atmosphere, land and rivers that, allied with similar chemicals, will produce an unacceptable loading on our environment that we do not even know about.

17:34

Dorothy-Grace Elder (Glasgow) (SNP): I thank Sylvia Jackson, who has put much work and research into the debate.

It is about three decades since the United Kingdom Clean Air Act 1968 was passed. At that time, there were umpteen protests that it would be the end of business as we knew it in Britain if we ended what used to be called pea-souper fogs in cities in which the atmosphere was so polluted with particles that people could hardly see where they were going. Of course, the Clean Air Act 1968 was forced through, largely by the minister's party, and countless thousands have been saved since. Lives have been protected and people have been saved from early death. New horizons opened up for business. Not only could cities be made much more attractive for tourism, but a massive programme of stone cleaning began for the first time since most British cities were built. Good businesses have nothing to fear. Our problem—as Sylvia Jackson alluded to—is that, since passing the 1968 act, we have not done much about the second stage.

What is in the atmosphere? That is often not definable for ordinary people. A register would provide the only real point of clarity for the public. It is extremely difficult for the public to discover what is happening in their areas. We fall between far too many stools, for a start. Pollution is covered by SEPA, but the local planning authority has some input. The water companies, councillors, MSPs and MPs also have input. That is confusing

for the public. In proposing a pollution register, Sylvia Jackson is proposing a good yardstick.

I work in the east end of Glasgow and tomorrow night I will have yet another meeting involving the constituency MSP, Margaret Curran. I am delighted that, having had a rather lonely battle for a number of years, we have total cross-party support in Glasgow for stopping the burning of cattle in the east end of the city. That is how bad the situation is. We talk about particulate pollution while a cattle burner is working at the test stage right in the heart of the east end. It is next to playing fields and a heavy concentration of houses and is near two schools and a hospital.

The east end of Glasgow is the only area in any city or town of Britain in which a cattle burner is known to be operating. It is operating under the BSE surveillance scheme. SEPA and others did not reveal that to us at a public meeting in May when the incinerator was first suggested, but it is definitely connected with BSE. We in the east end of Glasgow are not prepared to have that inflicted on us much longer. We do not know what is in the air. There have been constant complaints. The burner had to be closed down by SEPA between October and Christmas, but it has now reopened.

Can members imagine the fear of people throughout the east end of Glasgow who are already dumped on? The east end of Glasgow is the most dumped-on area of Scotland. For instance, Paterson's dump stretches for many miles. People approaching the city can smell it. I hope that Sylvia Jackson's proposals will focus on smells, because smells can be broken down chemically.

Paterson's dump has been the cause of several reports. Greater Glasgow Health Board's director of public health reported in 1999. The smells are at times literally breathtaking. The dump is unlined and has been going for 40 years in the east end of Glasgow. Its licensed intake is up to 500,000 tonnes a year. We talk of air pollution. Members ought to see the stuff that goes into the dump daily on truck after truck.

The dump is licensed to take 27 different poisons, including arsenic and cyanide. What is happening to all that stuff? People do not know what they are living with. We are terribly reluctant to use the European precautionary principle. That is an excellent principle, which says that, when anything is being set up, we do not need to prove 100 per cent in advance how hazardous it is; we take the precaution of putting public health first. We tend not to do that in Scotland or throughout Britain. We must learn how to say no in many languages. We must learn how to protect the public when we know that something is likely to be wrong. Sylvia Jackson has shown us an excellent path for which I thank her again.

17:40

The Deputy Minister for Environment and Rural Development (Allan Wilson): I join other members in congratulating Sylvia Jackson. I thank her for giving me the opportunity to state the Executive's commitment to improving air quality and access to environmental information. Those are important subjects that have a wide resonance in Scottish communities.

Air quality in Scotland is generally good and it continues to improve year on year. In recent years, as new policy measures to reduce emissions from industry and transport take effect, there have been significant reductions in the levels of air pollution. The Executive intends to ensure that that positive trend continues.

Evidence from our health experts shows that we cannot afford to be complacent. I agree with Robin Harper that the pollution inventory needs to include information on health and other impacts. We recognise the detrimental effects on health that air pollution can have, particularly for the more vulnerable members of society. We take those concerns very seriously. Improving the quality of the air that we breathe will have positive benefits for our health and our quality of life.

Bruce Crawford: I accept the sincerity of the minister's explanation. Does he accept that the targets that have been set—particularly those that were set for the 24-hour periods—are already being met in Edinburgh city centre and have been breached only four times since 1998 in Glasgow? In what way do the targets that the Executive has set lay down new, stretching goals for local authorities to meet the requirement to improve Scotland's air quality? The targets that have been set do not do that.

Allan Wilson: That is the first reference to local authorities that I have heard tonight, which is interesting, given their responsibility for improving air quality.

Bruce Crawford's reference was mean-spirited and broke what was otherwise a consensual approach to the issue. The original particle targets were not as tough as they might have been. They were based on a different measurement technique from the new targets, which are based on extensive research. The new targets are at least as tough, in my opinion, as the old ones.

On air quality, I am pleased that the motion recognises the Executive's proposals to set an objective for particles that is more than 50 per cent lower than the current objective. The Executive's recent consultation also proposed a significant tightening of the objectives for benzene and carbon monoxide in the air quality strategy. In addition, we propose to introduce a new objective for polycyclic aromatic hydrocarbons.

Those proposals, to answer Bruce Crawford's point, reflect the generally high standard of air quality that we enjoy and signal our intention to keep improving that high standard.

A key aspect of our air quality strategy is to give out clear and up-to-date information on levels of air pollution. Daily summaries of air pollution have been issued since 1990. That information is easily accessible to the public via freephone, teletext, the internet and local media. The service also tells people who are susceptible to the effects of air pollution, such as those with asthma and other respiratory diseases, what they can do to mitigate that air pollution. In addition, we publish in a free booklet statistics on various forms of pollution and other environmental indicators. That information is also available online.

From 2003, and periodically thereafter, SEPA will report emissions of 50 key pollutants from processes that are covered by the Pollution Prevention and Control (Scotland) Regulations 2000. That will contribute to the European pollutant emissions register that is to be established by the European Commission.

There is already a substantial amount of information in the public domain on site-by-site emissions from various industries and processes, for example, on the public registers that SEPA maintains for its regulatory regimes. However, I understand the expectation that the accessibility of that information should be improved, as it can be accessed at present only by visiting the relevant SEPA office. John Young, John Scott, Dr Sylvia Jackson and Robin Harper referred to the importance of that information being accessible and easily understood.

There are various options for improving access to environmental information, but most have at their centre the provision of more information via computerised databases and the internet. The motion highlights the importance of the Aarhus convention in that respect. The UK is a signatory to that convention and the Executive is committed to playing its part by implementing it in Scotland. Through the Freedom of Information (Scotland) Bill, the Executive is proposing to revise the current environmental information regulations to ensure that they meet the requirements of the Aarhus convention.

Bruce Crawford: Does that include article 5, which covers information on pollution?

Allan Wilson: I think that I am safe in saying no. The necessary administrative tools are already at hand through the existing legislation.

We fully support the need progressively to establish a coherent, nationwide system of pollution inventories on a structured, computerised and publicly accessible database.

The detailed requirements for PRTRs under Aarhus are still being negotiated in international forums. The number of pollutants, reporting thresholds, industries to be covered and exact time scales are not yet finalised. Negotiations are being led for the UK by the Department for Environment, Food and Rural Affairs, but the Executive is actively contributing to the UK negotiating line to ensure that the proposals can be implemented in Scotland at reasonable cost and risk.

That brings me to the second part of the substance of the motion in the name of my colleague Sylvia Jackson. I reiterate that I support increasing the amount of online information on emissions that is available to the public. Those are not just warm words from me. We are actively considering the practicalities of putting industrial pollution data online. SEPA has been in discussion with the Environment Agency about using the next generation of its pollution inventory software and tailoring it for Scotland. Until consideration of that and of other options is further advanced, I cannot commit to specific dates. I want to make it clear that the Executive is pursuing that option and is discussing with SEPA what is required to get online emission information systems up and running.

Dr Jackson: I wish to emphasise and to get the minister's feedback on the point that many people are saying that we ought to go beyond the 50 pollutants that are covered in the EU directive. If we are to develop a system such as that described by the minister with the Environment Agency in England and Wales, it might be sensible to think of the bigger picture instead of having to add things at a later date.

Allan Wilson: I am happy to offer that assurance. Dr Jackson's point makes sense. Indeed, I hope that everything that I would do in this job would make that commonsense linkage. I understand that the English and Welsh system covers 200 to 250 pollutants, and we want to replicate that here, if not match the North American system, which covers many more—600 or thereabouts. I give the Parliament that assurance and hope to undertake that work in the weeks and months ahead.

Meeting closed at 17:48.

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