

MEETING OF THE PARLIAMENT

Thursday 3 June 2004

Session 2

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Scottish Parliament

Thursday 3 June 2004

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

Economy (Highlands and Islands)

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-1395, in the name of Jim Wallace, on the economy of the Highlands and Islands, and three amendments to the motion.

09:31

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): I welcome the opportunity to focus on the economy of the Highlands and Islands; indeed, I think that we can rightly describe it as a success.

I am conscious that on several occasions in the Scottish Grand Committee of the House of Commons I either introduced or took part in debates on the Highlands and Islands. I see that Mrs Ewing is nodding; no doubt she also remembers those debates well. It is important that the Scottish Parliament debates the economy of a region that contributes much to Scotland and that the Parliament considers how we can build on the growth that has taken place in recent times and how we will address the challenges that face us.

In any debate on the Highlands and Islands, people often think of the many centuries of history when the area was scarred by the clearances and by the fact that so many other parts of the United Kingdom wrote off the contribution that the Highlands and Islands could make to national wealth. It is also fair to say that in the second half of the last century, with the development of the hydro schemes and the creation of the Highlands and Islands Development Board—which became Highlands and Islands Enterprise—we started to turn around the economic fortunes of the Highlands and Islands.

In contrast with that past, today I am happy to put on the record again our acknowledgement that our remote and rural communities are an important and integral part of Scotland and have a significant contribution to make to our economic prosperity and our social and cultural life. We must value our rural areas and build on their traditional strengths, while taking full advantage of the opportunities in the modern economy.

As I have said many times, economic growth is the Executive's top priority. In many respects, it could be claimed that the economy of the Highlands and Islands has outperformed that of Scotland in recent years. Employment is higher and unemployment lower. The region has an employment rate of 81 per cent—a full 7 percentage points higher than the equivalent Scottish rate. The unemployment rate is below the Scottish rate of 3.6 per cent and has fallen faster in the Highlands and Islands during the past year than it has in Scotland as a whole.

Mrs Margaret Ewing (Moray) (SNP): Does the minister realise that although employment has risen, the average wage in the Highlands and Islands is well below the Scottish average and is 17 per cent less than the UK average? That should be addressed, because people in my constituency are concerned about the low levels of wages.

Mr Wallace: The point that Mrs Ewing makes is correct. However, employment figures in the Highlands and Islands show a higher percentage of part-time employees, which might be a contributing factor to the figures on wages. Traditionally, wage rates in the tourism and hospitality industry have been lower and if we want tourism to develop, the industry must have a proper career structure that will encourage young people to come into it. Wage rates and salaries must reflect that the industry is a worthwhile one for young people to go into.

Emigration is no longer the main trend. The Registrar General's estimate of the 2003 population, which was published last week, showed an increase of almost 900 over the previous year, consisting mainly of people who came to live and work in the area. It is not simply a question of Inverness booming and the rest of the area declining; during the 90s, for example, there was an increase in the number of people living in communities such as Skye, where dynamism is clearly evident.

However, we still face important geographical challenges.

Mary Scanlon (Highlands and Islands) (Con): Will the minister take an intervention?

Mr Wallace: I will finish my point first.

The population in some parts of the region continues to fall. The forecast is for a greater fall in the working age population by 2018 in the Highlands and Islands than in Scotland as a whole. Other issues and challenges go with that, such as affordable housing, which Lewis Macdonald will deal with when he participates later in the debate.

Mary Scanlon: I acknowledge much of what the minister says about the Highlands and Islands, but given the booming economy, can he outline the social and economic criteria that were used in the dispersal of Scottish Natural Heritage jobs to Inverness?

Mr Wallace: There are several criteria, which Tavish Scott, as the minister responsible for the relocation, has set out to Parliament and its committees. We believe that it is right to distribute those jobs and relocate them to Inverness. From her question, I am not quite sure whether Mrs Scanlon approves of all those jobs coming to Inverness.

In pursuing our objectives for economic growth there can be no single template. There is a common strategy but it must be interpreted in the light of local circumstances. I believe that Highlands and Islands Enterprise and its network of local enterprise companies provide the right mechanism to deliver economic development activities in the region. They continue to be instrumental in the economic renaissance, delivering results by following our smart, successful Scotland strategy.

I will consider the three strands of that strategy and their relevance to the Highlands and Islands. The first strand is that of growing businesses. Research shows that the most dynamic and competitive economies produce the greatest number of new businesses. In the Highlands and Islands, more new businesses are created each year per head of population, and businesses are more likely to survive in the region. In the first quarter of this year, 536 new businesses opened, representing a 33 per cent increase on the corresponding quarter in 2003.

HIE is also supporting the growth of existing companies with a strong research and development element. During the Easter recess, I visited AGM Batteries in Thurso, which is a joint venture between HIE, AEA Technology plc and Japanese partners. It has a 190 strong work force, and an associated plant will shortly open in Golspie to deal with recycling batteries.

In 1995, HIE helped to establish Inverness Medical Limited. The company had an initial target of 120 jobs but currently employs six times that number, with 120 staff involved in research and development and an annual turnover in excess of £130 million. That is an excellent example of an internationally successful company. [*Interruption.*] Fergus Ewing says that the turnover is even more than that, so I am sure that he would agree that it is a very successful company operating in a competitive marketplace and doing so successfully because of its emphasis on quality and jobs based on knowledge.

With regard to skills, the need for such companies underlies HIE's support for the UHI Millennium Institute. By conducting research, the UHIMI will assist the transfer of knowledge locally, nationally and internationally. It is pursuing research opportunities in areas such as aquaculture and agronomy. This coming Sunday, ardent viewers of "Landward" will be able to see a profile of the agronomy institute in Orkney.

Other areas of research include nuclear decommissioning. When I visited AGM Batteries in Thurso, I also visited Dounreay to see a centre of excellence in nuclear decommissioning that provides opportunities for business contracts for many companies, including those further afield than the Highlands and Islands. There is also research into renewable energy. All that work will benefit not just the Highlands and Islands, but Scotland as a whole.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): We support the minister's comments about the UHI. However, this week I learned that Inverness College is apparently planning to close the media course and that a decision is to be made later today. Will he join me in making representations to Professor Little that the decision should be considered very carefully indeed, because the course is valuable and represents the positive things that we all want to encourage?

Mr Wallace: I note what Fergus Ewing has said but, as he is aware, there are some statutory limits to what I can say about the delivery of any specific course in any specific institution. Obviously, I hear—and have read about—what he says and will make further inquiries about that course.

The UHIMI will also build the local skills base—the second strand. There is a continuing and successful effort to produce modern apprenticeships with more young people in training now than ever before.

Our growing businesses and highly skilled people in the Highlands and Islands need to be connected to the rest of the world, which is the third strand. Broadband coverage has more than doubled over the past year in the Highlands and Islands. Through our recent demand-stimulation activity and commercial announcements, it is estimated that around 80 per cent of households in the region will be able to obtain access to broadband by next summer. I am sure that everyone here would agree that the remaining communities must have the opportunity to benefit from broadband, too. On Tuesday, I announced that the Executive will intervene to support the supply of broadband to ensure delivery to areas where there will be no commercial provision. That action will prevent a digital divide and will ensure that every community in the Highlands and

Islands, and across Scotland, has broadband coverage by the end of 2005. With the infrastructure in place, the important point now is that businesses take up the opportunities that broadband offers. We ought to ensure that we campaign to identify the opportunities and advantages that will flow from broadband connection.

The three key drivers of a smart, successful Scotland—growing businesses, skills and global connections—apply to the whole of Scotland. However, as I said earlier, we need to reflect local circumstances. That is why Highlands and Islands Enterprise also has a strengthening communities remit. Whether by supporting community land ownership or by building new, serviced workspaces in remote areas, Highlands and Islands Enterprise is sustaining and strengthening the whole region.

Many colleagues will have heard Jim Hunter speak passionately recently about the scale of change in the Highlands and Islands economy and the need to talk about optimism. I support his assertion that we have much to be positive about in Scotland. We should be confident about continuing with our current approach. I believe that the strategy outlined in “A Smart, Successful Scotland” is the right one. Its main themes are as relevant today as they were three years ago. However, we take account of the fact that the global environment and our economy are evolving, which is why we are looking at where “A Smart, Successful Scotland” needs to be refreshed.

Jim Mather (Highlands and Islands) (SNP): Will the minister give way?

Mr Wallace: I will give way in a moment.

The case for consistency is strongly supported in the discussions that we have held across the business and skills communities. However, a key aspect of refreshing the strategy is that we will place more emphasis on sustainable economic development, both in the strategy itself and in developing more detailed proposals for a green economy.

Jim Mather: I thank the minister for giving way. I am interested in the measures that he has in place to indicate to him whether the strategy is working. I am also interested in how he squares that information with the fact that it looks as though the Highlands and Islands is requalifying for objective 1 status by dropping further below the 75 per cent threshold of gross domestic product per capita across Europe.

Mr Wallace: As Jim Mather probably knows, a series of measures are in place for measuring the smart, successful Scotland strategy. Indeed, I think that I am correct in saying that those measures are reported on annually, and we will

ensure that they are drawn to Jim Mather's attention.

I made an important point about the green economy. We made a commitment to developing and implementing a green jobs strategy, which will help us, as a country, to realise the significant business and environmental benefits of a greener economy. I expect to be able to launch a major public consultation exercise on the strategy very soon. I want the views of as wide a range of key stakeholders as possible on the strategy's shape and scope, and I encourage all those with an interest in sustainable economic development to respond to the consultation.

The Highlands and Islands already show considerable potential in green industries, particularly renewables. The European Marine Energy Centre in my constituency in Orkney provides the opportunity for Scotland to be a world leader in the development, manufacturing and distribution of marine technologies, such as wave and tidal power. Our objective is to create high-quality job opportunities in industries that are more sustainable for the natural environment, which is so very precious in the Highlands and Islands. HIE will also play its part in that work.

Of course, industry requires the underpinning of an effective infrastructure. That takes us beyond the remit of HIE. Having been a parliamentary representative of the islands communities in the north for almost 21 years, I came to the view long ago that transport underpins so many of the other economic, social and cultural needs and activities in the area.

Over the past few years, we have supported the development of HITRANS—the Highlands and Islands strategic transport partnership—which brings together all local authorities in the region, Highlands and Islands Enterprise and the Scottish Council for Development and Industry to form a genuinely strategic regional transport partnership.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): As the minister is dealing with transport in his speech, does he accept that one of the main impediments to the economy of the Highlands and Islands is the tolls that are charged on the Skye bridge? Would he care to indicate when we might see the end of that discredited toll regime?

Mr Wallace: I wonder how I anticipated that question. I am sure that John Farquhar Munro would agree that Skye has had a good economic success story over recent times. However, I reaffirm and reassure members and John Farquhar Munro that the Executive is committed to ending the discredited tolling regime on the Skye bridge. Professional advisers have been appointed and discussions with Skye Bridge Ltd have

already begun. Having conferred with the Minister for Transport on the issue in anticipation of such a question, I believe that we can achieve our goal by the end of this year.

We have worked closely with HITRANS to provide almost £5 million from the public transport fund for a range of improvements across the Highlands and Islands. Further one-off awards last year and this year amounted to around £2.7 million. Air services connect the Highlands and Islands to the global economy and provide lifeline services for remote and island communities. We are providing increased funding for Highlands and Islands Airports Ltd to invest in aviation infrastructure and we are working with HITRANS to develop its proposals for extending public service obligations across the Highlands and Islands air network to reduce fares and improve services.

Lifeline ferry services also have a crucial role to play in supporting the economies of island and remote mainland communities. Over £35 million has been invested in harbours and new ferries for the northern isles. The preparations that we are making to tender the Clyde and Hebrides services, currently operated by Caledonian MacBrayne, are intended to ensure that services and fares are protected under the new regime.

We must not forget roads. On the A9, we are investing in improvements to enhance safety and cut journey times, and we have commissioned a route action plan to identify how the A82 can be improved.

Rob Gibson (Highlands and Islands) (SNP): Will the minister give way?

Mr Wallace: I have been pretty generous and I want to conclude my speech.

Overall, I think that few would disagree that there has been a remarkable turnaround in parts of the Highlands and Islands. However, we should not hide from the challenges that remain. As I said in response to Margaret Ewing, GDP and wages are lower in rural Scotland and many Highlands and Islands communities continue to suffer from the economic disadvantages of a declining and aging population. Many areas are particularly fragile and the allocation of HIE's resources reflects their difficulties. Through the initiative at the edge programme, we will continue to support effective partnership in the most fragile areas.

We will also continue to support key sectors in the Highlands and Islands economy, particularly in important areas such as Shetland, which has a diverse economy that ranges from oil to sea fishing and fish farming. We are committed to pursuing sustainable fish stocks and supporting a sustainable fishing industry in Shetland as well as in other areas of Scotland. We are actively

pursuing a positive outcome from the European Commission's planned review of the Shetland box access arrangements in 2004. Similarly, the aquaculture sector has had its challenges in the past, but we must ensure that we retain the advantage in establishing high-quality niche market products in that sector.

The Highlands and Islands is an important tourism destination. We must continually strive to improve standards of service and accommodation, which must match our breathtaking scenery, history, culture and, of course, hospitality.

As part of the Executive's fresh talent initiative, the relocation advice service announced by the First Minister earlier this year will open for business from October 2004. The Executive will work closely with stakeholders in the Highlands and Islands to raise awareness of the opportunities in the area and ensure that those who express an interest in relocating to the Highlands and Islands are fully supported to do so.

Work in partnership is vital and I believe that the recent changes we made to the remit and membership of the convention of the Highlands and Islands will ensure that it can make a dynamic contribution in helping to resolve the key issues that face the region.

Mrs Ewing: Will the minister take an intervention?

Mr Wallace: No. I am just concluding.

The Highlands and Islands economy has continued to expand and diversify, but the challenge now is to sustain that growth and prosperity. A number of major projects lie ahead. I mentioned the marine energy developments. There is also the Aviemore development and the possibility of an international container hub in Scapa Flow, and 2007 will be the Scottish year of Highland culture. The Executive is committed to building on the area's existing strengths and encouraging new opportunities.

I move,

That the Parliament endorses the ambition to create a diverse, dynamic and sustainable economy in the Highlands and Islands; congratulates Highlands and Islands Enterprise on the progress it has made with local partners towards realising this ambition, particularly in the areas of telecommunications, research and development and renewable energy; further welcomes the significant investment in critical transport infrastructure in the Highlands and Islands; recognises that serious challenges still lie ahead for the Highlands and Islands economy, not least in terms of sustaining more fragile areas, but believes that these can best be addressed through continuing the approach set out in *A Smart, Successful Scotland*.

09:47

Jim Mather (Highlands and Islands) (SNP):

Let me start by congratulating the minister on his announcement on the Skye bridge, which is very welcome. It has put a smile on faces in all parts of the chamber. Let me also highlight the fact that the Highlands and Islands has continued over the years to produce many talented people, including Robbie the Pict, and many committed public servants, who persevere in difficult circumstances and regularly succeed in innovating and surviving in economic conditions that would cause others to fail. My contention is that their success owes little to Government policy, and I intend to prove that.

The objective of the Scottish National Party amendment and our contribution to the debate is to prove the absence of, and the need for, a comprehensive strategy for the Highlands and Islands that is backed up with credible, pro-Highland policies with clearly announced objectives. To prove that, I will do three things: I will explain our immediate concern and reservations about the Executive motion; I will expose the major structural flaws in the current Executive-led stewardship of the Highland economy; and I will give a clear indication of how much better our economic outlook could be and how that can be delivered.

First, I will deal with our concerns about the Executive motion. It is undoubtedly well intentioned, but it fails early on in its wording. The key word in the motion is “ambition”, but it is required to be “endorsed” by the Parliament rather than, for example, passionately driven by the Parliament. That ambition is immediately diluted and deserted by the weak and illogical call to believe in a strategy that is failing all Scotland—the smart, successful Scotland strategy, about which I will say more later.

Surely for an ambition for the Highlands and Islands to be credible, the Executive needs a strong, publicly stated strategy that has specific, measurable, top-level objectives that are jointly owned by the Executive, local government and the development agencies.

Mr Wallace: I seem to recall clearly that Jim Mather’s predecessor, Andrew Wilson, warmly endorsed the principles and direction of “A Smart, Successful Scotland”. Are we witnessing a U-turn on the part of the SNP, or opportunism on the eve of an election?

Jim Mather: If Mr Wallace waits until I refer to other matters, of which more later, he will learn.

Essentially, I am looking for objectives that confront, or seek to reverse, the serious challenges that face the Highlands and Islands. The challenges include the loss of economically active people, the threats to services and the

markedly lower life expectancy in the lower-income groups, but the objectives to confront those challenges do not exist. In addition, the Executive’s motion mentions

“significant investment in critical transport infrastructure”,

which does not sit comfortably with the question mark over the availability of, and UK commitment to, European Union structural funds, the unfulfilled Campbeltown to Ballycastle ferry route, the investment uncertainty caused by the Caledonian MacBrayne tender delays, or the poor roads across the Highlands and on islands such as Mull.

The motion’s deepest flaw is its facile mention of its favourite get-out-of-jail card, “A Smart, Successful Scotland”, which, to its credit, the Executive does not refer to in the motion as a strategy, which it never will be. Of course we must train and retrain, but “A Smart, Successful Scotland”, on its own, has been properly dismissed by *The Scotsman* as a cruel deception for which we will all pay a heavy price. Although that is a generic Scottish truism, it is nowhere more true than in the Highlands and Islands, given that more than 90 per cent of Highlands and Islands graduates are forced to migrate for want of graduate-level jobs in their home territory.

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): Is Mr Mather telling us that the SNP’s U-turn on “A Smart, Successful Scotland” is entirely down to Andrew Neil?

Jim Mather: It is down to neither of the Andrews. What I am telling members is that we believe that we have to train and retrain but that we have to root our people in Scotland. Training them to enrich economies in other parts of the UK is not a sensible way to go forward. In other words, what I am saying is that the Executive’s motion uses as a fig leaf a major flaw in its own stewardship—a strategy that, without other measures, results in most of the brightest young people from north and west of the Highland line being educated for export in the 21st century. I see a pattern here, for Andy Kerr is now using our charge of powerlessness as his defence.

George Lyon (Argyll and Bute) (LD): Could Jim Mather explain what mechanism he would use to ban bright young people from leaving Scotland in the future if he had control?

Jim Mather: We intend to give them a return ticket, and a compulsion to come back, of which I will tell members more in a moment.

The second major point—and this is where George Lyon will get illumination on the matter—is that there is a fundamental flaw in the strategy. There is a fundamental structural flaw in the Executive’s stewardship of the economy.

George Lyon: Will Jim Mather give way?

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Will Jim Mather give way?

Jim Mather: Members should give me a break and let me make my next few points about the Executive's stewardship of the economy in the Highlands and Islands. There is a flaw that totally undermines the motion and exposes its half-hearted commitment. It is a flaw that undermines the confidence of young people who are considering investing their lives or their capital in the Highlands and Islands.

Increasingly, people are seeking a viable strategy—one that has resources, and there are resources about—but there is no clear-cut ownership of the Executive's strategy and, as I said, there are no specific, measurable objectives. The minister could not even mention them when I put the question in the context of "A Smart, Successful Scotland". There is no evidence-led feedback loop to inform future strategy and policy and, crucially, there are no mechanisms whereby Government and local government can invest to do the right thing and increase their own revenue. That, by the way, is called financial independence, which enables Government to invest with a view to increasing its own resources by improving competitiveness in the local economy and strengthening its financial position through growth and increased levels of economic activity.

George Lyon: Will Jim Mather give way?

Jim Mather: George Lyon has had a chance to intervene, and I want to crack on.

We all know that Scotland lacks that power nationally and locally, so, as long as that remains the case, any attempt to produce a transformational national or Highlands and Islands strategy will remain holed below the waterline. Instead, we have a Government that selectively focuses on positive results, ignoring problems and poor outcomes. Worse still, that approach creates a false feedback loop that allows it to justify sticking with policies that have failed the Highlands for generations.

George Lyon: Jim Mather says that there are no measures, yet the measures that are being used to justify why we think that the Highlands and Islands is doing well show that, compared with the situation 40 years ago, 50 per cent more people are in work, the population is up by a fifth, we are delivering more business start-ups in the Highlands than in the rest of Scotland and regional unemployment is now below the Scottish level. What other measures would he introduce to add to that? Surely that is a reflection of the fact that the policies are actually working.

Jim Mather: If George Lyon drills below those data, he will see subsistence self-employment, the export of talented people, low wages and low life expectancy for those on the lowest incomes. He may be happy with that, but I certainly am not. Those are the poor outcomes that I am talking about with regard to the lack of a feedback loop. Plugging into the Inverness area, which has done well out of improvements to the A9, the new bridges to the north, the airport, its city status, its public sector jobs and its overall momentum, is not enough. That great city is doing well, and I rejoice in that, and my joy is undented by the disgraceful and unsympathetic vagaries of the Scottish Premier League.

The wider Highlands and Islands is the litmus paper that tells us that Scotland's branch economy does not work, but the feedback is ignored in an attempt to continue Scotland's ignoble experiment as the only powerless junior-partner economy in the free world. Meanwhile, the experience of other countries is moving on, while we slip back. That tells us that, without a full-bodied, fiscally independent strategy, we have no credible means by which to transform Scotland or the Highlands and Islands. We will have no strategy to improve consistently our competitiveness, without which we will be undermined in our attempts to attract and retain people and wealth. Instead, what we hear are platitudes and hype. There are good intentions, but the problems continue. That would be forgivable if we were talking about an academic exercise or a computer simulation of some imaginary economy, but the issue affects real people—our people—and it undermines the historic role of the Highlands and Islands as one of the most prolific sources of talented people in the world. It causes stresses and strains on family life as people have to work long hours in multiple jobs for low pay, and it fragments families as people have to migrate. Equally, it produces a legacy of markedly lower life expectancy for those at the lower end of the income spectrum.

It is right for Jim Hunter and his colleagues at HIE to take a positive view of the Highlands and Islands in their public statements and productions. They are, after all, a sales force and the recipients of public money, and I support them every time they are out pleading their cause. However, I draw comfort from my belief that, in private, those same men will be seeking to obtain from the Executive what every successful individual and organisation needs—help to remove the barriers to growth and further development.

Every winner must whinge from time to time or accept a cascade of second-best inputs and permanent problems that give comfort only to their competitors. Every successful entity has a track record of progressive, consistent eradication of problems, to produce consistent, perpetual

improvement. It would be madness to deny that in a Highlands and Islands context, where problems must be confronted and factored into future Highlands and Islands strategies. The problems include the repeated threats to services, especially in primary and acute health care, the lack of affordable housing, the lack of major employers outside Inverness, the drift of young people out of the area and the gravitational pull of the central belt and beyond. Transport infrastructure is poor and fuel costs are high, and there is even a threat to post offices. In addition, there is weak, belated support for indigenous industries, and actual bodily harm to our fishing and whisky industries.

Let us contrast that with our strategy, which provides a powerful vision of national and regional recovery, allowing Scotland and the Highlands and Islands to cherry pick, and to amend to meet Scottish needs, those policies that will allow us to follow the Faroes, emulate Iceland, imitate Ireland and yet be uniquely Highland and uniquely Scottish, capitalising on long-standing positive attributes that others would give their eye teeth for. I acknowledge the fact that we are now likely to be able to add to those attributes renewables, broadband and post-9/11 security.

We also have the potential fully and properly to connect with, and meet the commercial needs of, our diaspora and of an affectionate and admiring world that is hungry for Highland produce, Highland skills, Highland traditions and Highland holidays—to say nothing of an army of Highlands and Islands entrepreneurs who have proven that they can deliver and prosper on anything that starts to look like a level playing field. However, delivering that level playing field can logically be achieved only when this Parliament and the Highlands and Islands control their own finances and are able to generate and maximise income. That is the only proper way to justify and prioritise spending decisions, enabling the Scottish nation and local government to generate income from increased economic activity and creating a virtuous circle in which we collect more taxes, pay less out in benefits and have more money available for our public services. That will provide, at last, a chance for our public services to invest in developing people and infrastructure in a fulsome way, delivering that on the back of a solid policy agenda, rather than having to handle the problems of failure.

Our SNP formula will herald a new dawn, and local competition will enable the creation of increased growth, improved public services and dramatically better physical infrastructure. That will build on proven policies, with a strong feedback loop to ensure that those policies are allowed to establish themselves and subsequently be flexed and amended to produce the results that we need. Those policies will include control of all of the

fiscal levers, which—as Andy Kerr has acknowledged—prevent the Executive from having macro targets and proper ambitions for this country and all its people. They will include a move from the council tax to a local income tax; a revamp of business rates with a ceiling on rates and scope for local competition; and—most certainly—a focus on learning from others and the adoption of Scottish versions of international best practice from around the world. All of that would have a huge impact on the Highlands and Islands. There will also be the benefits of a national spatial strategy; a policy that is fair to the west and the Highlands in the location of inward investment jobs; and road equivalent tariff pilots.

The Executive must begin to understand that, in the absence of a credible strategy, the people of the Highlands and Islands will not join in with its woeful self-deception about the true nature of the Highland economy. People in the Highlands and Islands are already judging the Executive on its results and finding it wanting. I am thinking primarily of low average incomes; the real and deep pockets of deprivation; the falling population of economically active people; the scandal of the loss of objective 1 status; the equally scandalous requalification for objective 1 status; and the continuing threat to hospitals and general practice services.

After five years in Government, ambition is not enough. The SNP has the policies, ideas and accountability. Happily, the scales are falling from Highland eyes. According to a recent Ernst & Young poll, only 28 per cent of business people are opposed to the Scottish Parliament gaining more power. The Executive will be painfully aware that opposition in the Highlands and Islands is even lower.

I have explained the immediate concerns and reservations that the SNP has about the motion, I have exposed the structural flaws in the Executive's lack of strategy and I have given a clear indication that we can have a better future. I ask the chamber to support the SNP amendment.

I move amendment S2M-1395.2, to leave out from “endorses” to end and insert:

“believes that the Highlands and Islands have both the right and the potential to be an economy that is diverse, dynamic and sustainable; commends the progress that has been achieved to date by individual endeavour, quality local services, business resilience and innovation in spite of hurdles which must be overcome in order for that potential to be realised; considers that these hurdles include the threats to primary and acute healthcare, the failure of the Scottish Executive to mount a coherent campaign for the contribution of adequate EU structural funds, the lack of affordable housing, poor transport links, higher fuel costs and an overall failure adequately to address the needs of key industries, and urges the Executive to produce a comprehensive strategy that will overcome these inhibitors

and enable the Highlands and Islands to achieve its full potential.”

10:01

Murdo Fraser (Mid Scotland and Fife) (Con):

As an expatriate Highlander, I always welcome the opportunity to debate the economy of the Highlands and Islands. As members have said, the Scottish Highlands and Islands is one of the most sparsely populated areas of Europe: it has a distinctive economy with unique challenges and needs.

For centuries, the story of the Highlands and Islands economy was one of decline. Traditional industries such as farming, forestry and fishing have seen a continual downward pressure on income and a loss of jobs. As we know, the population declined as young people in particular left to seek better employment opportunities elsewhere. As much of the Highland economy is dependent on tourism, for many of those who remained in the Highlands and Islands, jobs were often low paid, seasonal and insecure.

Of course, the turnaround in the Highland economy since 1990 happened largely under a Conservative Government. Perhaps the most important factor in that turnaround was the substantial transport infrastructure investment that that Government made. As Jim Wallace acknowledged, transport infrastructure is a key element in economic growth.

Large-scale improvements to the A9 opened up the Inverness area in particular to the central belt. The Kessock bridge was constructed, creating a new economic area to the north and west of Inverness and reducing considerably the journey times from the north and north-west to the south.

Maureen Macmillan (Highlands and Islands) (Lab): Does Murdo Fraser include as one of the Conservative achievements the shutting down of the British Aluminium smelter at Invergordon?

Murdo Fraser: I appreciate that throughout Scotland there were many heavily subsidised industries during the 1980s that were no longer able to compete in the marketplace. As the minister acknowledged, the economy has turned around. Does Maureen Macmillan not agree with what the minister said about the economic success of the Highlands and Islands? That is the message that we have heard this morning from the coalition front bench.

The Skye bridge was constructed under a private finance scheme, which ensured that it was built long before it would have been had it been paid for under traditional methods. There is no doubt that the tremendous economic expansion that has taken place in Skye, to which the minister

referred, is a direct result of the construction of the bridge.

I could go on. I could list the Dornoch bridge, the Kylesku bridge and all the many transport improvements that the Conservative Government funded. The contrast to that long list is the story of the past seven years. How many new bridges have been constructed in that time? Where is the list of roads that have been made into dual carriageways in that time? I am struggling to think of one—what a contrast to our record in government.

Fergus Ewing: Murdo Fraser boasts about the Skye bridge public-private partnership. Is he really holding it up as a model of financial prudence? Is it not the case that it was the most expensive, extortionate and ludicrous deal that Scotland had seen until, of course, Jack McConnell foisted Holyrood on us?

Murdo Fraser: I will, of course, have to disagree about the method of funding. I want to make it absolutely clear that the people of Skye are far better off with the bridge—even a toll bridge—than they would have been if they had continued to have to rely on the ferry. As the minister acknowledged, there is no doubt that the economic success of Skye is a result of the bridge.

Lewis Macdonald: Will the member join me in welcoming the investments that have been made in the new airport terminals at Stornoway and Kirkwall, in the new causeways at Eriskay and Berneray and in the new ferry infrastructure at Stornoway, Hatston and Scrabster?

Murdo Fraser: I am interested to hear the minister's list of achievements in the islands. What about the economy of the mainland Highlands, however? What about the important road links? After all, most businesses depend on roads to get their goods to market.

Rob Gibson: Will the member give way?

Murdo Fraser: I am sorry, but I need to make progress.

The Highland economy was assisted not only in relation to transport infrastructure. The Conservatives also created Highlands and Islands Enterprise, which, despite its faults, is a considerable improvement on its predecessor, the Highlands and Islands Development Board.

George Lyon: Will the member take an intervention on that point?

Murdo Fraser: I am sorry, but I will make some progress if I may.

Highlands and Islands Enterprise's decentralised structure is particularly suited to the diverse and geographically scattered Highland population. The Conservatives also made an

historic investment in the Gaelic language; that investment assisted in the regeneration of Gaelic, which benefited not only the Highlands but Scotland as a whole. Moreover, the Conservatives established the UHI Millennium Institute to provide university-level education in the Highlands and to help to reduce the number of young people who had to leave the area at 17 or 18.

The result of all those initiatives was that the economic decline of the Highlands and Islands was reversed. In turn, as we have heard, the historic population decline was also reversed. Indeed, between 1991 and 2001 the population of the Highlands and Islands actually grew. That was a huge turnaround on the historic position.

Not everything in the garden is rosy. Serious challenges continue to face the economy of the Highlands and Islands. Many of the Executive's initiatives have had, at best, a minimal effect in helping the situation. For example, although the Executive's land reform legislation, which was intended to rejuvenate rural communities, has undoubtedly resulted in changes in ownership in some remote and island areas, it is highly questionable whether it has had any long-term impact on economic growth. Indeed, many would argue that it deters investors from elsewhere in the United Kingdom and overseas from putting money into Highland properties.

George Lyon: On that point, the Gigha buyout is probably one of the best known to date in Scotland and has unleashed entrepreneurial spirit on the island. Six new companies have been set up and the population and the school roll have grown. There is tremendous enterprise now in the island economy, which we never saw under the old feudal land ownership system. Does the member agree that that is progress?

Murdo Fraser: I have no wish to denigrate the success of Gigha. I am happy to see the encouragement of entrepreneurial spirit wherever it happens. All that I would say is that, if the people of any community in Scotland were given the equivalent of £40,000 each, I am sure that that would make a substantial difference to their economic outlook.

Let us take the example of the island of Eigg. Again, I do not wish to denigrate what has been achieved in such communities, but the jobs that have been created on Eigg are, almost without exception, funded by the public sector—they are funded by grants, either from Highland Council and HIE or from other public bodies. The serious question is whether that is a proper use of public money and why we are not properly encouraging private sector entrepreneurship.

The fishing industry, which is still hugely important in the Highlands, particularly in the

north-west, continues to suffer from our membership of the common fisheries policy. Moreover, farming has had a number of years of difficulty; although incomes are now improving, the outlook cannot be said to be secure.

The development of renewable energy, about which we heard from the minister, offers opportunities, but it is absolutely vital that the Highlands and Islands does not become one giant wind farm to provide power for the rest of Scotland. It would be far better, both from an economic point of view and in the interests of our vital tourism sector, to look at new technologies such as wave and tidal power, which the Highlands and Islands have in abundance. That is where the Executive could be putting its energies.

Of course, the problem with the current regime of renewables obligation certificates is that it does not distinguish between technologies. That means that all the investment is going into onshore wind production, because that is the cheapest system.

Mr Wallace: I did not mention wind power in my speech but I mentioned wave and tidal power. I am sure that Murdo Fraser would want to acknowledge the multimillion pound investment in the European Marine Energy Centre in Stromness in Orkney, which shows a clear commitment to the development of those new technologies.

Murdo Fraser: The minister's problem is that the current regime of renewables obligation certificates incentivises the development of wind power, because wind power is far cheaper for power companies to develop than any of the new technologies. Rather than blanketing the Highlands with wind turbines, which is what the Deputy Minister for Enterprise and Lifelong Learning seems to want to do, we have to examine that regime and ensure that the market delivers new offshore technologies.

Rob Gibson: Will the member give way?

Murdo Fraser: I am sorry, but I need to make progress.

The Presiding Officer: Yes, Mr Fraser, you have been very generous with your time. You should make some progress now.

Murdo Fraser: Above all, we need to remember that economic growth is the product not of Government action, but of the activities of people in the business community. If we are serious about the growth of the Highlands and Islands economy, we have to ensure that businesses there at least compete on a level playing field with the rest of the United Kingdom. It is worth remembering that, to a far greater extent than in the rest of Scotland, the economy in the Highlands and Islands is built on small firms.

As elsewhere in Scotland, businesses in the Highlands and Islands face higher business rates than those down south—a factor that regularly tops the list of concerns in surveys of business people. They also suffer from the impact of excessive regulation, because quangos such as the Scottish Environment Protection Agency and Scottish Water stand in the way of economic progress to an extent that does not happen south of the border.

Businesses need to be able to move goods to market, which is where transport infrastructure becomes vital. The major strategic link between the central belt of Scotland and the north is the A9. On numerous occasions in the chamber I have raised the need for the upgrading of the A9 between Inverness and Perth. Not only does the road have a high accident rate, but it is the economic lifeline of much of the Highlands and Islands. Inverness has held the title of Europe's fastest-growing city and traffic on the A9 is now as much as five times what it was when the dualling programme began in the 1970s.

Mrs Ewing: Will the member give way?

Murdo Fraser: In a second.

In the long term, our objective must be to dual the A9 in its entirety between Inverness and Perth. In the meantime, safety improvements need to be considered urgently. Nothing will do more to hamper the economic growth of the Highlands than if the Executive drags its feet on that. In light of that, I was dismayed to read the First Minister's comments recently in an interview with *The Press and Journal*, to the effect that he did not consider the upgrading of the A9 to be a priority. Although I accept that roads such as the A96 and the A82 are also in need of improvement, there can be no doubt that the A9 is the major strategic link between the central belt and the north of Scotland. The First Minister's comments show just how out of touch he is with what is happening on the ground in Scotland.

Mrs Ewing: Murdo Fraser answered the question that I was going to ask, but did he notice that, at the recent transport seminar in Inverness, Bristow Muldoon said, "Oh well, we can look at all these things and maybe we'll call the transport minister in front of the transport committee"?

Murdo Fraser: I am sure that if the First Minister listened to what people in Inverness were saying he would hear the clear message that, although improvements to the A96 and A82 would be welcome, the major link between Inverness and the Highlands and the south is the A9. That is the road that most people use and it is the one that needs to be upgraded.

George Lyon: Is Murdo Fraser speaking for the whole Tory front bench? Does Mr McGrigor agree that the A9 should be a priority over the A82?

Murdo Fraser: Mr McGrigor will be winding up the debate, when George Lyon will have the opportunity to address the question to him.

The one other point that I want to touch on, to which the minister referred, is the UHI millennium project. People in the college sector are somewhat depressed at how little progress has been made in the past seven years. It would be interesting to hear from the minister when he winds up what plans there are to ensure that the project progresses, so that UHI is granted full university status. It was an exciting project when it was first launched, but that was more than 10 years ago. It seems to be dragging along at a snail's pace. It would be interesting to hear what the Executive intends to do to encourage it along.

The economy of the Highlands and Islands has come an awful long way. Investments made by the Conservative Government, especially in transport infrastructure, laid the groundwork for much of the success that we have seen, but much more needs to be done. The Executive needs to start ensuring that businesses throughout Scotland, not just in the Highlands and Islands, compete on a level playing field with those in the rest of the United Kingdom. Moreover, it must tackle the remaining transport infrastructure problems, which most of all means committing to the upgrading of the A9.

I move amendment S2M-1395.1, to leave out from "congratulates" to end and insert:

"acknowledges that the long-term economic decline of the Highlands and Islands was reversed under the last Conservative government; believes that strong businesses are essential in bringing about further economic growth in the Highlands and Islands; notes with concern that businesses in the Highlands and Islands continue to be hampered by high business rates, excessive regulation and poor transport infrastructure; recognises, particularly, the need for improvement of the A9 as the major strategic link between the central belt and the north, and calls on the Scottish Executive to improve the business environment in the Highlands and Islands by lowering business rates, cutting regulation and investing in transport infrastructure improvements."

10:15

Eleanor Scott (Highlands and Islands) (Green): The amendment in my name would not delete the first two clauses of the Executive motion, because I am happy to endorse the concept of creating a diverse, dynamic and sustainable economy in the Highlands and Islands—who would not be?—and to congratulate, with some reservations, HIE.

The Executive's motion has probably been inspired by the recent speech by the outgoing HIE

chairman, Dr James Hunter, which, due to a combination of circumstances, I have sat through twice. His upbeat vision of the expansion and diversification of the economy of the Highlands and Islands would perhaps be recognisable in booming and overheated Inverness and would probably strike a chord in the surrounding inner Moray firth area, but it would become progressively less recognisable as one moves further away.

I start by citing the "Rant of the Month" in the Scottish islands network newsletter, which I am sure all members get. The article examined the worrying population projections for the Highlands and Islands, such as the projected 25 per cent decline in the number of under-15s by 2015. I know that there is such a demographic trend in other places, but it is particularly acute and its effects are particularly serious in the Highlands and Islands. Although the article agreed with moves to attract people into the area, it noted the need to prevent young people from leaving in the first place. It mentioned a population seminar that was recently held in the Highlands, saying that it is, of course, easier to attract people in than to influence fertility.

The article cited jobs and affordable housing in particular as major issues that need to be tackled. That relates to the availability of land for housing. I do not have time to go into that, but I hope that other members will cover the issue in their speeches. It was said that in some communities—in the islands in particular—the fall in the population is such as to threaten their viability.

There has always been a tendency to believe that, if Inverness does well, the rest of the Highlands and Islands will benefit from a trickle-down effect. That is still believed in some circles, yet time and again it has been shown not to be the case. Indeed, the opposite is true. Inverness exercises a gravitational pull on services and populations.

I said that I would congratulate HIE but with some reservations. There is a definite perception in the Highlands—which I am sure HIE will try to refute—that HIE favours big inward investments of a high-profile nature rather than help for small indigenous businesses that are struggling.

In his opening speech, the minister mentioned Inverness Medical as a success. In a way, it is a success. HIE emptied its entire coffers into that company to bring it to the area—nobody else could get any money from HIE that year. Inverness Medical has produced some worthwhile jobs in research and development. It employs a lot of people, most of whom are assembly line, long-shift workers who earn about £10,000 a year. Those jobs are important, but they are not the

high-quality jobs that we want. I wonder whether Inverness Medical was such a good investment.

Fergus Ewing: Far be it from me to defend the Executive, but is Eleanor Scott aware that all the money that was paid to Inverness Medical has been paid back? Is it really Green policy that we should not have Inverness Medical in Inverness?

Eleanor Scott: I was using Inverness Medical as an illustration of the high-profile inward investments that HIE is fond of attracting. I hope that Inverness Medical will flourish for years—for the foreseeable future. The trouble is that past experience of large inward investments is that they tend to pass through our lives. At most they stay for a generation. We have had smelters and oil fabrication. When they go, they leave a big gap, usually with a dislocated population that moved in to follow the jobs. Huge social problems in the area of Easter Ross have flowed from that. I hope that that will not be the case with Inverness Medical, but there is no guarantee that such companies will not be enticed to other places by the promise of cheap labour and grants. I hope that Inverness Medical will stay.

Mr Stone: My intervention is intended to be helpful. Eleanor Scott mentioned social problems in Easter Ross. For the record, does she agree that one of the Inverness effects is the boom in property prices in Easter Ross and in southern parts of Sutherland, which is creating a social problem in relation to young people's access to the rented sector or the private property ladder?

Eleanor Scott: That is a valid point. I mentioned that prosperity does not trickle out of Inverness. In some ways the situation is worse, because what trickles out is a property price boom as people move out and commute in.

As I said, large developments tend to pass through our lives in the Highlands and Islands and I hope that in future that will not be the case. Rather than being wooed by large corporations and extractive industries, we should have an economic policy that sustains the sustainers; we should invest in community organisations and small businesses that sustain local development in the Highlands and Islands and that are rooted in the area.

Mr Wallace mentioned a number of business start-ups, but I want to talk about community enterprises that are struggling. One of the start-ups that the minister mentioned was the battery recycling business in Golspie, which I welcome. However, until that business started up, the only four new jobs that had been created in Golspie in recent years were those created by the Golspie Recycling and Environmental Action Network, which flakes newspaper for animal bedding. Four jobs do not seem like a lot, but in somewhere the

size of Golspie they are really important. The jobs are community based and rooted in the area, but the network's funding is completely uncertain, because Highland Council's waste strategy fund does not cover community enterprises.

I know that we cannot build a strong economy on community enterprises alone, but neither can we build a healthy, cohesive society without them. We should think of the region as an industrial ecosystem, which is biodiverse, with lots of small populations involved in many different kinds of businesses, all interacting in complex ways. That model is healthy and we should invest in it. We do not need industrial monocultures in the Highlands and Islands, so I get worried when I hear about giant corporations being encouraged to make plans for the region, whether in renewable energy, tourism, waste management, agriculture, fish farming or telecommunications. In all those fields, we have to listen carefully to what communities want and follow their lead.

Policy makers in the central belt might underestimate the significance of local markets in the Highlands and Islands. A lot of the businesses that do well in the region are trading locally and finding and developing local markets for their produce, rather than just extracting local resources or producing goods for export. We should put much more emphasis on growing local markets.

In the renewable energy field, we should consider how we can generate energy for local use. At the moment, renewable energy policy seems to be based on the assumption that it is all about exporting electricity to the south, which is fine up to a point, but I am much more interested in finding out how we can use our renewable resources to fuel local businesses, heat buildings and run vehicles in the Highlands and Islands. Let us consider reducing our region's dependence on oil, rather than increasing our dependence on distant markets.

Dr Sylvia Jackson (Stirling) (Lab): Will the member give way?

The Presiding Officer: No. She is a minute over already.

Eleanor Scott: In that case, I will skip quickly through the rest of my speech.

I highlight the final part of my amendment. As a Green, I consider the crude measurement of economic growth to be a poor indicator of societal well-being. The last part of my amendment deals with that and, given that it refers to "A Smart, Successful Scotland", rather than to some academic green thesis, I hope that all members will feel able to support it. The biggest natural asset in the Highlands and Islands is its people. Only with healthy vibrant communities that are confident in their cultures will we have a healthy

economy and only in a healthy environment will that economy be something that we can bequeath to our grandchildren.

I move amendment S2M-1395.3, to leave out from "particularly" to end and insert:

"; notes the lessons to be learned including the need to engage with, and invest in, local communities in areas such as telecommunications, research and development and renewable energy; further notes the need for investment in sustainable transport; recognises that serious challenges still lie ahead in terms of sustaining more fragile areas, and endorses the view expressed in *A Smart, Successful Scotland – the Highlands and Islands dimension*, that economic growth must be achieved in tandem with no less important aspects of Highlands and Islands life, such as social cohesion, vibrant cultures and natural environment, and that development activity must remain aware of the legacy it leaves for the future."

10:23

Mr Alasdair Morrison (Western Isles) (Lab): I will begin with a quotation from the outgoing chairman of Highlands and Islands Enterprise, Jim Hunter. I know that many members in the chamber were at the reception at the beginning of last month at which he said:

"in Scotland, we just don't do optimism – especially in an economic context."

That was perfectly true a month ago and it is equally applicable this morning, given some of the speeches that we have heard. Thankfully, the morning began with another Jim—Jim Wallace, who has responsibility for the Highlands and Islands—detailing encouraging statistics on the region.

Dr Hunter, in his speech, listed a great number of successes in the Highlands and Islands. His speech was excellent and wide ranging; it covered the Gaelic language, land reform, the need for more affordable housing, transport links and other important matters. I know that Jim Hunter is giving up his post shortly, but he has ably led the main economic driver in the Highlands for the past six years. He is also without question one of the best historians that the region has produced and his analysis of our economic and social well-being is always competently set in its proper historical context.

Although Jim Hunter and Jim Wallace have a positive overview, they do not avoid focusing on the challenges that exist in the Highlands and Islands. One area that faces many challenges is my constituency, although much of what I will say about the Western Isles is relevant to other parts of the Highlands and Islands. During the past financial year, more than 20 per cent of HIE's budget was spent in the Western Isles—a constituency that contains less than 8 per cent of the population of the Highlands and Islands. HIE and the Executive were absolutely right to have

the courage to channel resource of that magnitude to places such as the Western Isles. I know that some people will scoff and try to dismiss that level of commitment, but I believe that, in being so committed, the Executive and HIE remain true to the values of two men who championed the Highlands and Islands in years gone by—the late Tom Johnston and Willie Ross, who were leaders of vision and courage.

I am sure that many members know that the Western Isles is a great place to live and bring up a family. Increasingly, it is also well suited to doing business in the 21st century. For there to be an expansion in the businesses that choose to set up or locate there, we need further investment. This week's announcement on investment in broadband technology was significant and encouraging, because that is exactly the type of investment that will help us to attract inward investors.

We have already seen the public sector leading by example. HIE located 25 jobs on Benbecula, so that work that was done previously in its head office in Inverness is now being done in the Western Isles. Although I cannot be sure, I would guess that the First Minister's enthusiasm for job dispersal was galvanised when he visited those offices on Benbecula. Jack McConnell heard first hand from those who had moved back to the island of their birth and from those who had sought employment in a part of the world in which they had previously holidayed. Irrespective of their background or country of origin, those people are making a positive contribution to life and work on Benbecula and North and South Uist.

Further north, in Stornoway, the UK Government has located Whitehall jobs from the Department for Work and Pensions. Recently, we secured 30 more good UK Government jobs, with Consumer Direct locating in the village of Shawbost on Lewis, which is another fine example of how we can attract island graduates back to the Hebrides.

I certainly do not endorse the new policy that Jim Mather of the SNP has outlined, as he said that there would be an element of compulsion in getting the brightest people to return to Scotland and the Highlands in particular. It would be a sort of "Haste ye back or we'll jail ye" approach to attracting people back.

Jim Mather: I advise the member to read the *Official Report* of the debate afterwards. What steps does he intend to take to encourage the Scottish Executive to have a proper, understandable strategy for the relocation of not just civil service jobs but private sector jobs to balance the economy of the Western Isles?

Mr Morrison: Jim Mather should also check the *Official Report*. If he had been listening in the past

minute and a half, he would have heard me outline exactly what the Scottish Executive and its agencies and the UK Government have been doing. If we continue to invest in broadband technology, transport links and links to our airports in the Highlands and Islands, private businesses will locate there. I am sure that Jim Mather will pore over my speech when the *Official Report* is published tomorrow morning.

As well as encouraging the type of investment that I have outlined, we must protect our indigenous industries, such as through the reform of the common agricultural policy. Fisheries reform is currently under active consideration and some reforms have already been implemented, without the support of the SNP and, bizarrely, without the support of the Scottish Green Party. If we protect the stocks, we protect the communities that have depended on the seas for many generations. It is sad that fish farming continues to be attacked by shadowy forces that are determined to ruin what is not only a great success story for the Highlands but something of which all Scotland can rightly be proud.

There have been major achievements in the Highlands and Islands over the years, but a great deal still needs to be done. I turn lastly to renewables. I mentioned Tom Johnston, who built ambitious hydro schemes. If he had pursued that agenda today, rather than in the middle of the previous century, I wonder how far advanced his plans would be. I am sure that the same coalition that opposes wind farms would have scoffed and dismissed his plans as fanciful at best and nonsensical at worst. We have to ensure that we remain focused on that agenda.

In the Highlands and Islands, we have wind, wave and tidal regimes, which, from an energy-generation point of view, have the potential to be among the most productive in the world. We have a desperate need to tap into that resource if we are to counter global warming and related climate change, from which Scotland could suffer more than most.

I will finish on a point that relates to my constituency. Many of my constituents are amazed by those who oppose wind farms. Senior representatives of RSPB Scotland and Scottish Natural Heritage fly into the islands and then fly out again, having told us that our peat-lands are precious and that they must never be compromised in any way. However, when ministers asked some of those SNH people to move closer to the peat-lands, they went into open revolt. Of course, they were not actually being asked to go to the peat-lands; they were being asked to go to the wilderness that is the city of Inverness. I hope that the Executive remains

focused on its renewables targets and on the policy of dispersal.

The Deputy Presiding Officer (Trish Godman): We move to the open part of the debate. I intend to allow six-minute speeches, but I might have to reduce that time as we draw nearer the end. It would be helpful to other back benchers if members could keep within their allotted time.

10:30

Rob Gibson (Highlands and Islands) (SNP): In 1965, I welcomed the debate about the Highlands and Islands Development Board, unlike James Hunter, who has said that, when he was at school, it was the last thing on his mind. All these years later, it is obvious that he has changed his mind, as he is now in charge of it. In 1965, it was widely agreed that the best measure of success for the development board—which became Highlands and Islands Enterprise—would be the health of the remote mainland and island groups. While no one would compare the transformation of their economies and their state of mind with today—they are much better now—those groups remain the measure of the success or failure of the Government's policies, as set out in the motion. There is an endemic problem that is yet to be solved if 21st century ambitions are to be satisfied.

The big question is about commitment by Government to take the principled steps that are needed and to admit that an enterprise agency is only as successful as the political will behind it. The policies in "A Smart, Successful Scotland" must embrace every community or the Executive will confirm the suspicion that, under this Administration, policies stop at Stirling, far short of Stromness and Stornoway, not to mention Wick, Golspie and Invergordon—the very areas on the mainland that suffer from poor economies and are not addressed by the motion.

The Government claims success in the development of telecommunications infrastructure, research and development and renewables, but success in comparison with where? The umpteenth assurance that broadband will be rolled out was repeated two days ago. Jim Wallace hailed broadband's arrival in Kirkwall, but what about Stromness, where the cluster of learning and research businesses is deeply disappointed by the news that they must wait until next year to be globally competitive? When will they get broadband?

In the same part of Orkney, the research and development that is achieved at the European Marine Energy Centre is most welcome. There is potential to build a centre of excellence there, but one of the key players, Heriot Watt University,

which was part of the international centre for island technology, is ceasing to send its MSc degree students there. Further, Heriot Watt is withdrawing from its Borders campus to retrench in Edinburgh. Is that a message about spreading jobs in academia into the areas that need them? Will the Deputy First Minister and Minister for Enterprise and Lifelong Learning do anything about that?

How is the Scottish Executive lobbying to keep a flow of European research projects coming to the nascent UHI and the existing faculty in Stromness? Will the European Commission's plans to favour a sort of ivy league of leading European institutions mean that small institutions in the Highlands and Islands will have difficulty in getting a flow of cash with which to build on the research and development that is vital if we are to use our wonderful natural and human resources properly?

The lack of strategic direction by the Scottish Executive with regard to renewables is a result of the fact that the Scottish Executive has control over only part of the issue. It must look to London for the rest, which means that it does not have its hands on all the levers of power. Interconnectors from the northern isles to the mainland or a ringmain in the north of Scotland are urgently needed. The ministers need to talk about when those facilities will be delivered and not just tell us that it will happen some time in the future. If wave and tidal power were in local hands, they would provide a steady income stream that would support new, sustainable jobs.

If our Highlands and Islands economy is "good and getting better", as James Hunter stated in his recent lecture, comprehensive policy development is essential. However, the real tests for such sustainable solutions are the issues of population growth and housing. In his chairman's report for 1999-2000, James Hunter stated:

"We need the people of this area to have confidence in cultures that were long disparaged and neglected. We need our communities to be empowered to take on the management of land and marine resources that were too long in the hands of outside interests. Most of all and fundamentally we need our folk to have the confidence to go into business on their own account."

How do we create that confidence? Low pay is endemic and disparities between men's pay and women's pay are marked. Moray is the worst area, followed by the remoter mainland and island areas where, as I was told this week, key administration staff in successful businesses would earn more as cleaners elsewhere.

Land reform is only beginning. In the crofting areas, one third of the Highlands and Islands, community buyouts are painfully slow. The vast majority of us have yet to hear how land can be

acquired cheaply for affordable housing in villages where planners will approve ecology-friendly designs and where young families do not get pushed out to the big centres as depopulation goes on by stealth, demoralising many people. Will the minister tell us how a comprehensive approach to affordable housing takes on all the things that Highlands and Islands Enterprise cannot do?

The Government must say how it will build community confidence based on a rich cultural inheritance and a vibrant, self-generated traditional arts scene and how it will put in place the means for families to flourish where they wish, especially in their home areas. We cannot build community support merely by bringing people into the Highlands. There is no social stability in that. The roots of our argument are that a vibrant economy in the Highlands must be built on the base of the communities that deserve this Government's support. As Willie Ross said, the Highlands are on the conscience of every Scot and the Scottish Parliament has yet to realise the area's potential as a mainspring of the Scottish economy.

10:36

Mary Scanlon (Highlands and Islands) (Con): As a resident of the capital city of the Highlands, I am delighted that we are having this debate. I agree with the point that most ministers tend to raise, which is that we need to build confidence and self-esteem. I am pleased that that idea cuts across the Executive's departments.

It is my belief that it is wrong to bar MSPs from the Highlands and Islands convention. I say that with due respect to all my colleagues from the Highlands and Islands who are in the chamber today. All of us—Liberal Democrat, Labour, SNP and Conservative—have proved that we often put the interests of the Highlands and Islands ahead of our party politics. We are all mature and professional in our approach. I hope that that decision will be reconsidered.

Mr Morrison: Does the member agree that the Scottish Parliament provides a forum for MSPs to debate issues of relevance to the Highlands and Islands, as we are doing this morning?

Mary Scanlon: It provides a forum for debate, but it does not allow us to meet all the Highland organisations in one room. That has been acknowledged by Mr Morrison's party and others.

There is good news for the Highlands. The reverse of its population decline and the investment in its communication and transport infrastructure started in the 1990s under the Tory Government. We are now reaping the benefits of economic investment and the opportunities that

were set in place by that Government. As our Invernessian enterprise spokesman, Murdo Fraser, said, it was Michael Forsyth who gave the green light to the UHI's foundation. I am pleased to commend the Scottish Executive when it acts in the best interests of the economy of the Highlands and Islands, but I ask that the Executive acknowledge the excellent economic management of the previous Government. We should remember that the crofters' buyout in Assynt and the partnership working at Strathmashie forest in Laggan were both Michael Forsyth's initiatives. We should remember that Michael Forsyth started the crofting buyouts in the Highlands.

We must be careful when we say to people in towns and villages throughout the Highlands and Islands that unemployment is low. They are quite likely to respond that many of the working members of the population are working away from home.

That was evident when the Barmac yard—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Jimmy Gray.

Mary Scanlon: I acknowledge Jimmy Gray's contribution to the Barmac yard's search for contracts that would require up to 4,000 people. However, there were not 4,000 suitable unemployed men locally because most were working abroad on short-term contracts. We recognise the figures, but we should do as Jim Mather said and look behind the figures as well.

Rob Gibson: Does Mary Scanlon agree that, during the Tory years, Highlands and Islands Enterprise was extremely reluctant to give money to the Assynt crofters? Will she join me in welcoming the existence of the land unit? Does she agree that its activities should be rolled out in the central belt?

Mary Scanlon: HIE was certainly not reluctant in doing what Michael Forsyth told it to do, and I commend Michael Forsyth, who was Secretary of State for Scotland at the time, for taking no nonsense and moving that initiative forward.

The Executive should not be coy about declaring the social and economic criteria for job dispersal. If the Executive is to be a good economic manager, it is fair for us all to know what the social and economic criteria for dispersal are. It took two ministerial directives for the SNH plan to happen, and the trade unions talk of seriously distressed staff. Of the 200 jobs to be dispersed—

George Lyon: Will Mary Scanlon give way on that point?

Mary Scanlon: May I finish, please? Of the 200 jobs that are to be dispersed to the Highlands, I understand that less than 30 per cent of the staff

are likely to move. Of 270 jobs, fewer than 70 staff are coming to Inverness.

George Lyon: Will Mary Scanlon give way on that point?

Mary Scanlon: May I please finish my point? I will call George Lyon when it is his time, and I ask him to be patient. He should not meddle with a woman when she is in the middle of a rant.

Murdo Fraser: Especially not Mary.

Mary Scanlon: Yes, especially not me.

As I said, fewer than 70 staff are coming to the Highlands. I welcome that, because it means 200 extra jobs in Inverness. If the negotiations had been conducted professionally and amicably, however, and had some sensitivity been shown to the staff and their families, I do not think that we would be facing much of the current bad publicity around the jobs dispersal.

The Deputy Presiding Officer: You have one minute left.

Mary Scanlon: If we knew the social and economic criteria that made Inverness the top priority for SNH, we would understand why Wick, Elgin, Fort William, Stornoway or Kirkwall were not made the top priority instead. All that I ask is for the founding principles of the Parliament—openness, transparency and honesty—to be followed.

May I take George Lyon's intervention now, Presiding Officer?

The Deputy Presiding Officer: No—you are in your last minute.

Mary Scanlon: I will make a couple more points to finish off. House prices in the Highlands are extortionate. Much of the reason for that is not the booming economy; rather, it is to do with people buying houses to let. There is not an incentive to save or to invest in the stock market; there is hardly an incentive for people to put their money into pension funds, given the way in which the Chancellor of the Exchequer has managed them. The best advice that people are being given is to buy to let. In the street where I live in Inverness, there are four houses up for rent.

I commend the UHI for its latest degree—a BA in health studies—which people can access by e-learning and distance learning, wherever they are in the Highlands or the rest of Scotland. That is innovation at its best. I commend the UHI for leading in the provision of training and education opportunities.

10:43

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I will talk about what I believe

to be some very real success stories in the Highlands, particularly in my constituency. I will also highlight some of the obstacles that I think still need to be tackled, particularly in the most remote and economically fragile parts of the Highlands.

During my working life—since the late 1970s—the economy of the north has undergone massive change, the vast majority of which, in terms of sustainability and diversification, has been very much for the better. However—this is close to my heart, as ministers know—we must all continue to strive to secure work for Barmac at the Nigg yard. The nature of the oil sector has changed, probably forever. Alas, it is possible that the days of the construction of vast production platforms, like those that were built at Nigg, are behind us. Nevertheless, we must continue to strive to secure conventional shipbuilding contracts for the yard. When it came to the bidding to build the Royal Navy's new aircraft carriers, one of the bidders—the international company, Thales Naval—was actively considering making use of the Nigg yard.

Building on Mary Scanlon's point, we have the skills pool in the area. We have one of the finest graving docks in Europe. The skills originally came from the Clyde to Nigg in the 1970s, and they are still there. I believe that all of us in the Parliament, with a leap of imagination—I apologise for reiterating this point, which I have made in the chamber many times before—might yet hear the crash of steel and see the sparks of the welding torches in that yard.

Rob Gibson: Does Jamie Stone agree that the potential for the construction of wind, wave and tidal power machines at Nigg offers the way forward? There are many areas of the Highlands and Islands for which Nigg would be the nearest large facility.

Mr Stone: I do not think that that is the only way forward, but it would be complementary. I do not see why both types of development could not take place. As Mr Gibson knows, the construction of parts for wind turbines has been carried out in the big sheds at Nigg, but that still leaves the graving dock. The modular approach to the building of both civil vessels and warships could be the way forward; that is where work at the yard could kick in.

I cannot but compliment the enterprise network's energetic activities in reacting to the downturn in oil work. Highlands and Islands Enterprise, Caithness and Sutherland Enterprise—CASE—and Ross and Cromarty Enterprise, in conjunction with the Scottish Executive, have all pulled their weight, and the results are there to be seen.

Jim Wallace mentioned AGM Batteries in Thurso. Mr Wallace and I visited that company, which is an example of inward investment with the

backing of Highlands and Islands Enterprise, only a few weeks ago. The company now has a 190-strong work force and is soon to open a battery recycling facility in Golspie. Those are welcome jobs, not least in east Sutherland. The Scottish Executive, Highlands and Islands Enterprise and CASE have rolled up their sleeves and gone about tackling unemployment black spots. I cannot say how strongly that development is welcomed. I highlight that example from my constituency to Jim Mather, as evidence of how the challenges that face the Highlands and Islands are being met. Unless I am mistaken—and I do not think that I am—AGM Batteries is involved at the cutting edge of technology that gives me and many others confidence in the company's long-term future.

Having used the expression "cutting edge", I must touch on issues around Dounreay. From figures that I got this morning, I can say that decommissioning at Dounreay pumps no less than £95 million per annum into the Caithness and Sutherland economy. Around 3,000 people are employed at Dounreay, and many other jobs are underpinned by the decommissioning activity. As Jim Wallace said, there is a real opportunity there, and we must build on what is happening. AGM Batteries was, in part, a spin-off from the nuclear industry. In the future, Dounreay, in conjunction with the enterprise network, can help to create new, innovative forms of business. I believe that those businesses will, in turn, be the signposts to sustainable, broad-based employment in the future, as the process of decommissioning proceeds and changes.

Dounreay is a world-class centre of excellence for nuclear decommissioning, so let us give it the title that it deserves: skills for the future. It is about training people up and stealing a march on the world. Why should not Dounreay, in conjunction with the UHI, become the university of decommissioning? There is no reason at all why not. The minister and I saw the potential in that. Why do we not have a department of robotics or a department of environmental studies in the UHI? That can all be done, and it could bring about long-term benefits for the future.

I will finish by highlighting one or two problem areas. In all that we are trying to do to regenerate the economy of the far north—getting young people to come in and take jobs at AGM Batteries and the like—the continuing uncertainty over health services in the area, including the availability of general practitioners and consultants, is, as the minister has heard me say many times, a detractor, which stands in our way somewhat. As far as transport is concerned, the reason why I do not fly from Edinburgh to Wick is that the service gets into Wick just before lunch and flies out again just after lunch. There is work

to be done on the scheduling and costing of those flights.

Unlike Jim Mather, I do not believe anything that I read in *The Scotsman*. However, I believe quite a bit of what I read in *The Press and Journal*, which has a far bigger circulation. Although Mr Michael Howard is being completely irresponsible by advocating protests and so on in today's P and J, the fact remains that the fuel price issue—which is a matter of the international price of oil, rather than of taxation—is creeping up on us again. Fuel prices hit places such as Benbecula, Wick, Thurso and Stromness, in the minister's constituency, particularly hard. Responsibility for taxation does not lie in our hands—although my colleague at Westminster, John Thurso, has long advocated a derogation in VAT, as happens in parts of Greece and Sardinia—but I ask ministers to keep an eye on the issue, because it affects everything from the cost of oil for houses to the price of a tube of toothpaste.

10:50

Maureen Macmillan (Highlands and Islands)

(Lab): I suppose that I should make a declaration of interests. I was born and brought up in Argyll and went to school there. I lived for a while in Lochaber and I have lived in Easter Ross for the past 35 years. Because of my age, I have lived through many of the Highland economy's highs and lows. I do not say that to belittle what has been said in the debate by other members who do not have the same experience as I have, and I do not doubt their commitment to the Highlands, but perhaps I have a perspective that some members do not have.

I remember the hydro schemes being built, particularly at Cruachan, forests being planted and Willie Ross setting up the Highlands and Islands Development Board, and I saw the start of the tourism boom in the Highlands in the 1950s. My folks did bed and breakfast. We saw the industry collapse when everybody went off to Spain for their holidays, and saw it being built up again, only to be almost destroyed by the foot-and-mouth epidemic. The industry, particularly environmental tourism, has grown again.

I lived in Fort William when the pulp mill was built and I was in Easter Ross when British Aluminium came to Invergordon and when the Moray firth was awash with oil money and the fabrication yards were set up.

Mr Stone: Does Maureen Macmillan agree that last year was a very good year for tourism in the Highlands and that the indicators so far are that this year could be similar or even better?

Maureen Macmillan: I absolutely agree and am delighted about that.

I was there when the pulp mill closed, British Aluminium shut and Nigg and Ardersier were mothballed, and I have direct experience of the rollercoaster that has been the Highland economy.

I have great empathy with what Jim Hunter said in his speech to MSPs the other week. That speech was much criticised by the Opposition for its upbeat message, but Jim Hunter and I come from the same corner of Argyll and we have seen the same Highland story unfold over the past 50 years. There is steady economic growth in the Highlands, which must be seen in the context of what happened previously—the highs and lows, the inappropriate developments and the fact that sometimes we could do nothing but reel from blows. We now have sustainable development and opportunities for the taking. We are facing up to problems, dealing with them and building on our assets—our skills and our environment—in the Highlands.

There have been spectacular success stories. I am sure that George Lyon will talk about the turnaround in Campbeltown, with the advent of Vestas, although there are obviously still problems, particularly with some dairy farmers in Kintyre, who have been in contact with me.

The employment statistics in Lochaber should be considered. Who would have believed such unemployment figures five years ago? That is not to ignore the problems that hinder expansion, such as the lack of affordable housing—my colleague Sylvia Jackson will expand on that later—or the need to find solutions to the west Highland hospitals question, which will have an impact on the economy of Lochaber and Lorn. However, those problems can be addressed and we are addressing them.

As Jamie Stone said, there is a success story in Caithness with Dounreay and the battery factory, which provide high-quality jobs and apprenticeships. High-quality jobs are needed. Many members have mentioned the low-wage economy in the Highlands and that issue must be addressed.

I want to tell members about a question that I had answered today that involves high-quality jobs being brought to Wick. Some £340,000 is to be invested in an NHS dental unit in Wick, which will employ 12 people—three full-time dentists in the NHS, a trainee and others in supporting roles. That investment is very welcome and I am sure that it will be welcomed in Wick, which has had a problem with NHS dentistry.

In the west, the aquaculture industry is reviving. Recently, I was at the opening of Marine Harvest's new salmon station at Mallaig and saw over its new state-of-the-art well boat. That is a signal for the healthy, sustainable future of the industry,

which plays a crucial part in the economies of remote and rural communities.

In the Moray firth, Inverness is expanding. The airport is developing its international links and plans are well under way for improving air links within the Highlands for the benefit of business and tourism and for the future benefit of the island communities in Argyll and elsewhere, which are some of our most fragile areas.

The development of renewables gives tremendous opportunities to use the engineering skills that were put into cold storage when Nigg and Ardersier closed. We must use those skills—it is an absolute disgrace and a waste of talent that skilled engineering workers are stacking shelves in Tesco's. I urge the Executive to work with the DTI to provide a level playing field for Highland engineering businesses to compete for work in the manufacturing of wind, wave and tide turbines.

I welcome the setting up of the Highland Renewable Energy Group, which is an association of engineering businesses in the Highlands that will work together to secure orders. I welcome, too, the input of Amicus, which has lobbied us and the First Minister, to promote the facilities in the former fabrication yards for the manufacture of turbines for the renewable energy industry.

I have no patience with those who wish to halt the development of renewables. I understand their concerns about the visual impact of wind turbines on the landscape, but I have confidence that local authorities and the Executive will not allow inappropriate developments to go ahead. I understand the nervousness of local authorities and I ask the Executive to work more closely with them to reassure them about what is and is not appropriate in terms of wind farm development. There seems to be something of a stand-off between local authorities and the Executive on the issue.

We cannot hold up the development of renewables, but we must quickly put in place strategies for community benefit. We should be mindful of the development of the hydro schemes that were built in the teeth of opposition from landowners and the House of Lords. Their heirs are alive and well and living in the Highlands.

Broadband is being rolled out to Highland communities. I expect that we will see it throughout the Highlands before it is seen in Nepal. Perhaps Rob Gibson will confirm that, or perhaps we should ask Kenny MacAskill.

The Deputy Presiding Officer: I call Margaret Ewing, who has six minutes. After that, I shall reduce members' times to five minutes; I may then have to reduce their times to four minutes.

10:56

Mrs Margaret Ewing (Moray) (SNP): I will start on a positive note. Earlier today, I walked up the Royal Mile with the Deputy First Minister and Minister for Enterprise and Lifelong Learning, who opened the debate. In passing, we discussed the fact that we have not really had a specific debate on the Highlands and Islands economy since the Parliament began. There have been several debates on the rural economy, but the rural economy impacts elsewhere in Scotland. I am therefore pleased that we are having this debate.

I remember our regular discussions in the Scottish Grand Committee. Of course, we were peripatetic at one time and we often met in the Highland Council offices in Inverness. At that time, we eventually extracted from Michael Forsyth an announcement that the UHI would go ahead—I think that he made the announcement after an intervention from me. It was going to be his big announcement of the day, but I managed to anticipate it and the commitment was made. I, and people in all parties, welcomed the announcement.

I endorse what Mary Scanlon said about the Highlands and Islands convention. That MSPs and MPs from the Highlands and Islands are excluded from the convention is appalling—it is important for us to be there. When the Highlands and Islands convention met in Elgin, I went along as a spectator, which was all that I could be. I had no speaking rights, although I have represented the constituency since 1987 and know its problems inside out. I have won the seat five times in a row, as some Government ministers know to their cost. Being in such a situation seemed ridiculous. Staff at the town hall asked me what I was going to talk about, but I had to say that I did not have any speaking rights. Is that the accountability and transparency that we want in the new Scotland?

I say to the minister who will reply to the debate that there is an organisation that deals with islands, mountainous regions and sparsely populated areas that comes under the umbrella of the European Union. At our own expense, Fergus and I attended a conference on that subject in Brussels some 18 months ago. Representatives were there from throughout Scotland's Highlands and Islands. We heard about all the ventures that had been undertaken in places such as the northerly regions of the nordic countries, but nobody was there from the Scottish Executive. If there is a commitment to the Highlands and Islands, surely the Parliament should send someone from the Executive to such conferences.

Much has been said about transport and I will not repeat some of the arguments, but transport is one of the major issues that I face in my constituency. All sorts of planning applications

have been submitted to the Executive. One of the current problems with Dalcross airport, which many of us use regularly, is the planning issue relating to the installation of the new radar system. There is one outstanding objection. Many times, I have been diverted to Kinloss airport—from where I could have got home in 10 minutes—but have had to go back to Inverness to collect the car or my luggage. Can the Executive give us any indication of when it might make a decision on that?

I turn to roads in general. Clearly, I have a vested interest in the A96, and I have argued its case for a long time. However, I do not argue that case in isolation from the overall strategy. The A82 needs attention, and the A9 does not stop at Inverness but goes further into the Highlands and Islands. We must build around all the roads a mechanism whereby we can link up good developments. That is a major priority. We must ensure that we have not piecemeal road improvements but development that is integrated—a word that is sometimes overused when we talk about transport.

Businesses in the Highlands and Islands depend heavily on road transport. A number of products come out of the Moray constituency and we put a large amount of money into the economy, yet our drivers and transport industries face difficulties, not the least of which is the rising price of fuel. Jamie Stone will be pleased to hear that I will quote from *The Press and Journal*, which states that the cost of diesel puts the north behind its EU rivals. We are told:

“A Moray haulier, who did not wish to be named, said he was at the mercy of UK fuel prices as his firm only worked in Britain. He added: ‘North-east communities already pay the highest fuel prices in Europe and purely using price mechanisms in order to cut demand will surely hit those least able to afford it the most.’”

The Executive should make representations that at least Gordon Brown's tax hike, which is expected later in the year, should not be implemented.

A great deal of work needs to be done on our railways. I like travelling by rail, as I can do quite a lot of work at the same time. I would like to know what the Executive is doing about the structural funding issue, as it will change radically post-2006. The Highlands and Islands have benefited from structural funds in the past.

Finally, business rates affect many of the small organisations that provide employment and attract tourists to our area. The Executive has sent out a document entitled “Small Business Rate Relief 2004-05”, in which it sets out the amount of rate relief that could be given to small businesses. The rate assessment for this year for one small business in my constituency is £2,444.80, and

despite the fact that it has only a small turnover, it will receive only 10 per cent rate relief. That is not acceptable. The Executive's policy should be reviewed.

11:03

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Who could disagree with the Executive's ambition to create a diverse, dynamic and sustainable Highland economy? Nevertheless, I agree with Murdo Fraser and Jim Mather that the welcome success of the area has had little to do with the efforts of the Executive. Maureen Macmillan talks of perspective. I worked as a commentator and reporter on Highland affairs for more than a quarter of a century and nobody could be happier than I that the great land of mists and missed opportunities, as I once described it, is now on the threshold of economic success. Still, great challenges lie ahead.

Although I seek to take nothing away from the excellent efforts of HIE—and of its forerunner, the HIDB, and politicians of various hues—to kick-start the Highland economy, I suspect that its success has had more to do with the galvanising effect of the discovery of North sea oil. The old Brahan seer got it hopelessly wrong when he predicted that the tribulations of the Highlands would begin with the coming of the black water. The reverse has been true. The wise decision of the Almighty to site all the UK offshore oil fields in the waters north of Montrose, having previously ensured that there were plenty of deep-water firths in the Highlands in which to build production platforms, meant that the Highland economy got a huge injection of funds as well as people.

Mr Stone: Yesterday, in his speech about affordable housing, Ted Brocklebank said that if people could not afford a house in St Andrews, they should simply move away. Does he apply that principle to the Highlands as well?

Mr Brocklebank: We will leave yesterday's speech to yesterday and talk about the Highlands today. We are talking about a different area.

Oil has had a major impact on what has happened in the Highlands over the past 30 years. Three key factors have helped to shape the success: North sea oil; the revitalisation of the area's language and culture; and the resurgence of confidence in the area and the reversal of population drift. Oil may have underpinned the economic revival, but without a simultaneous revival of the culture and language, the Gaidhealtachd could have ended up like the vast empty tracts of Colorado, with their ghost towns and abandoned silver mines. Oil was always going to be a finite resource.

I remember the night that I first saw John McGrath's play "The Cheviot, the Stag and the Black, Black Oil". That night, McGrath, an Oxford-educated Liverpudlian, turned us all into Highlanders. His seminal work was later screened nationwide on BBC to rave reviews. More important, the 7:84 Theatre Company toured the play around every village hall and community centre in the Highlands. The effect throughout the Gaidhealtachd was electrifying.

I am not saying that Jim Hunter's polemics on land reform in *The Press and Journal* would not have been as effective. I am not saying that Brian Wilson would not have made such a success of the *West Highland Free Press*. I am not saying that Iain Noble would not have founded the Gaelic college at Sabhal Mòr Ostaig or that Runrig and Capercaillie would not have emerged. Sorley MacLean would still have been Europe's greatest poet since the war and Norman Maclean its funniest comic. I am not saying that international sculptors such as Gerald Laing would not have decided to base themselves in Easter Ross or that Jethro Tull's Ian Anderson would not have set up his salmon farms on Skye. I am not saying that hundreds of businesses—many of them, these days, not oil related—would not have relocated to the Highlands. I am saying that, after "The Cheviot, the Stag and the Black, Black Oil", nothing was ever quite the same. Suddenly, it was cool to be Gael.

As Murdo Fraser has mentioned, Michael Forsyth and Malcolm Rifkind launched a Gaelic television fund to allow young Gaels to make programmes in their own language about their own culture. It was a brave decision by two Tory ministers who, at the time, knew that there was barely a vote for them in the Gaelic heartlands.

Lewis Macdonald: I welcome and share Ted Brocklebank's recognition of the seminal importance of "The Cheviot, the Stag and the Black, Black Oil". Does he recall that the central message of that play was the importance of land reform and community land ownership?

Mr Brocklebank: Yes. I am going to come to that later in my speech.

Primary schools throughout the Gaidhealtachd began to teach kids from all ethnic backgrounds in Gaelic and English, and Iain Noble's belief that only when the culture marched hand in hand with economic success would the future of the Highlands and Islands be secured began to make sense.

In his distinguished role as the chairman of HIE, Dr Hunter would argue that the key element that I have missed—to which Lewis Macdonald has just referred—is land reform. I believe that there may well be arguments for community buyouts at some

level, especially if buyouts do not just translate into handouts. However, I have always been less interested than Jim Hunter in who owns the land. What most modern Highlanders are interested in is how well the land is managed for the benefit of all. No one can defend the Highland clearances, just as no one can defend the lowland clearances or the clearances from Ireland at the time of the potato famine. Nevertheless, current Highland land policy should not be based on any sense of guilt about either real or perceived injustices in the past. It should be based on what is best and most equitable for the people of the Highlands and Islands today.

The jury is still out on whether the £40,000 per person that is invested in places such as Gigha and Harris, and which is proposed for South Uist and Benbecula, will ever give value for money. I imagine that dispersed Gaels in places such as Castlemilk and Easterhouse, as well as in other parts of the Highlands, could also make excellent use of £40,000 a head.

I welcome the Scottish year of Highland culture in 2007. We have much to be happy about in the restoration of confidence to the Highlands and Islands. I am happy that Jim Wallace takes pride in the new-found success, but I am less convinced that the Executive has had much to do with it. If he can do one thing to make me change my mind, let us have Inverness Caledonian Thistle Football Club restored to the Scottish Premier League, as it fully deserves to be.

11:09

Dr Sylvia Jackson (Stirling) (Lab): The debate has highlighted a number of issues relating to the Highlands and Islands economy. Maureen Macmillan has said a lot about the good news in the area, but there are also issues of concern. Members may wonder why the constituency MSP for Stirling is speaking in the debate. I want to highlight some of the issues that I have encountered with affordable housing in the rural communities in the Stirling constituency because, as Rob Gibson said, the common problems that exist across the Highlands and Islands also exist in rural areas throughout Scotland.

The lack of affordable housing affects those who have local connections. Often, the people who have the key jobs start to move away from the area. That prevents the development of the local economy and it leads to the very situation in my constituency that we are trying to reverse in the Highlands and Islands. The need for affordable housing is a common problem across Scotland.

I want to highlight the many barriers that rural housing associations face—infrastructure issues, such as water and sewerage; planning issues; the

cost of development; the right-to-buy issue—but I will start by giving some statistics. At present, the Rural Stirling Housing Association has more than 700 people on its waiting list. The list is due for review, but it is undoubtedly true that the number who require housing in the rural Stirling area greatly exceeds the number who can be housed each year. Those statistics are borne out by the recently developed local housing strategy, which confirms that Stirling Council's central, south and west rural areas are pressured. In that, they are like other areas throughout Scotland, including the Highlands and Islands. Additional investment is needed.

Like elsewhere in Scotland, the people who seek rural housing in my constituency are often in relatively low-paid employment, such as traditional, local, land-based industries or the tourism trade. In common with other rural areas, there is a high incidence of people who live in tied accommodation, short-term private lets and caravans. Many live care of family and friends. Indeed, the person living in a caravan who was shown in the Scottish Federation of Housing Associations film—which the cross-party group on affordable housing viewed when we heard about the SFHA's "We need homes" campaign—was someone who lives in my constituency.

Last year, Rural Stirling Housing Association was able to house only about 60 people. Half of those were housed by reletting existing property and the other half were housed in the new-build scheme at Balfron. On current funding assumptions, the association is likely to be able to develop only a similar number of new properties each year. I welcome the recently announced rural housing initiative, which is a good start. Thanks to that, the association hopes to build six new homes on a site that is currently owned by the council.

Unfortunately, the existing supply of affordable rented housing is being progressively reduced by the right to buy. Over half Stirling Council's stock in most rural settlements has been lost in that way. When such properties re-emerge on the market, they are often priced well beyond the reach of local people who are in need. From now on, new schemes that the Rural Stirling Housing Association develops will also be subject to the right to buy. However, that will be the modernised version of the right to buy that was introduced by the Housing (Scotland) Act 2001, so the cost-floor requirements will at least act as a disincentive to purchase during the first five years. At the moment, all the association's stock is scheduled to be subject to the right to buy by 2012. That may seem a long way off, but it should be viewed in the context of a gestation period for new affordable housing that lasts often several years.

For example, sewerage capacity is a major issue. When the Rural Stirling Housing Association used Communities Scotland funding to purchase a key site in Buchlyvie on which it hoped to develop more than 20 houses—it was only one of several such new sites that have been designated outwith the bigger towns—Scottish Water indicated quite late on that there was insufficient sewerage capacity. That came as a surprise both to the council and to the association.

The Deputy Presiding Officer: You have one minute.

Dr Jackson: In my final minute, let me home in on the fact that that is not a singular problem. A similar thing happened in Callander, where Scottish Water again indicated that there were problems with the infrastructure only some time after that larger scheme had started development.

Costs of development are a big problem, given the amount of grant that the housing association receives. For example, the association is about to develop a site of 33 houses in Oakwood, Kippen, but it has first had to carry out enabling work, including the installation of an access road and the replacement of an existing bridge. That has increased the work costs of an already expensive scheme by more than 5 per cent. Such costs are not covered by the money that the housing association receives.

Let me just summarise—

The Deputy Presiding Officer: You must sum up rather than summarise.

Dr Jackson: To sum up, I am sure that similar problems are faced by housing associations in all rural areas, especially in the Highlands and Islands. I hope that ministers will take note of that.

The Deputy Presiding Officer: I regret that we will need to move to speeches of four minutes if I am to get everyone in.

11:14

Mr Kenny MacAskill (Lothians) (SNP): I support the SNP amendment, because I think that it is important that, in participating in the debate, members should make a realistic assessment of the outcome. We need to focus on strategies and solutions rather than on flattery and fawning. We must recognise the requirement to have a vision and the need for the structures and strategy that go with that. Fundamentally, such a strategy must be predicated on a realistic assessment of the situation.

We come back to Scotland's perennial debate on whether the glass is half full or half empty. It is perhaps important that we take the perspective that the glass is half full. After all, nobody else will

stand up and speak for Scotland. If our country cannot rely upon its own parliamentarians, on whom can it rely? It is also important that any strategy is not based on a false perspective. If there are problems, it would be a mistake to deny them by trying to wash away or wish away the negatives.

Clearly, some areas of the Highlands and Islands are doing well. Inverness is doing exceedingly well. In many ways, it has been a victim of its own success. I refer not only to the promotion of its football team but to its traffic chaos and house prices. However, such success is not replicated throughout the Highlands and Islands. Some areas are facing significant problems, ranging from rural depopulation to low wages and other aspects. We need to address those.

We must also take cognisance of the need to look globally. With the expansion of the European Union eastwards, the Highlands and Islands finds itself on the EU's north-west periphery, facing competition from the many new lands therein. We need to recognise that Inverness needs to compete not simply with Inverbervie but with the likes of Galway in the west of Ireland and Oulu in Finland. Perhaps Maureen Macmillan could consider that in the context of what she said about broadband roll-out. I wish the minister well with where we are going, but we have a long way to go if we are to achieve Oulu's join-up rates.

Given the need for the Highlands and Islands to see itself competing on a global basis, we need to deal with two matters that affect competition. First, we cannot make matters worse. As Jamie Stone mentioned, if we continue to price ourselves out of the market through high fuel costs, we have 10 new accession states that will take our place. All the accession countries compete with the United Kingdom, and many of them compete with the Highlands and Islands in particular, yet currently our fuel costs are by far the highest of any of them. Fuel in Scotland is significantly more expensive than in other areas, and it is 50 per cent more expensive than in Latvia. We cannot allow that to continue without making it uncompetitive for firms to locate in and carry out their business in the Highlands and Islands.

Secondly, we need to take cognisance of global competition and other factors. As others have mentioned, that means that transport links are very important. One thing that must be re-examined is the private finance initiative scheme for the terminal in the Highlands and Islands. I recognise that the Executive has acknowledged that that is an issue, but we need to move towards a solution. We will not get anywhere by apportioning blame. Hindsight is a great thing, but the PFI scheme for the terminal was entered into

before the take-off or lift-off of the low-cost carrier market. Apportioning blame will take us nowhere. Given the Civil Aviation Authority stats, which show that Inverness had a total of 54 scheduled international passengers in March 2004, we need to recognise that Inverness will not be able to compete globally with those numbers. We need a solution.

We also need to consider how we can maximise the advantages of the geography of the Highlands and Islands—the minister mentioned the Scapa Flow development—and minimise its disadvantages. We could minimise the disadvantages if we stopped continually upping the price of diesel, which is fundamental to the movement of goods. We should maximise the advantages by going hell for leather for the Scapa development and by improving transport links. As Mr Fraser correctly said, we need to dual the A9, which is the spine of Scotland. We must recognise that.

We need a joined-up vision that is shared by all members throughout the Parliament because the solution will not be delivered in one session by one Executive. Like the developments that were delivered by Tom Johnston and others, the solution will take many years and many Executives, but it can be done.

11:18

Dr Elaine Murray (Dumfries) (Lab): I apologise to Jim Wallace for being five minutes late for his opening speech. Unfortunately, I was stuck in a city traffic jam.

Members might wonder why I, who represent one of Scotland's southernmost constituencies, should speak in a debate on the economy of the Highlands and Islands. Indeed, although many of my forebears hailed from the Highlands and Islands, I have never lived there myself, so I was somewhat surprised to be asked to contribute. However, I may have an interesting perspective, because I think that we in the south of Scotland are quite envious of the success that has been enjoyed by the Highlands and Islands.

After all, the Highlands and Islands has a very strong brand image, which has been successful in attracting tourists both from the UK and from abroad. The area is strongly associated with wildlife tourism, walking and climbing and, indeed, heritage tourism. It also has a strong cultural image. That was enhanced by Inverness's bid to become European city of culture last year. I thought that it was an excellent bid and I was extremely sorry that the judges were not sufficiently attracted by it.

Rob Gibson: Does the member agree that the South of Scotland could also benefit from the

Highland area's rejection of genetically modified crops to make itself a GM-free zone?

Dr Murray: I do not want to get into that in my four minutes.

I am pleased that some of the ideas in the city of culture bid have been transferred to the proposals for the Highland year of culture in 2007, which I am sure will be a great success.

Inverness has become a city recently and it is a successful one. When I go to Inverness, I am struck by how similar it is to my home city of Dumfries. As we regenerate Dumfries, there is much that we can learn from the way in which culture has built Inverness's success.

Inverness has been successful in obtaining job relocations. I say that through gritted teeth as we have lost more United Kingdom and Scottish civil service jobs in certain parts of the South of Scotland than we have gained. We are envious of the degree of investment that there has been in UHI over the years compared with the investment in the Crichton university campus in Dumfries.

The Highlands also benefit from having an airport, which is something that we would like to see in the South of Scotland, because it would help to build our economy. The Highlands have been successful in using structural funds to support infrastructure development. Indeed, in the south, we sometimes fear that policy makers equate "rural" with the Highlands to the detriment of the South of Scotland. As I am sure Mr Purvis would agree, we want some of that action down in the south.

However, we cannot just be jealous; we must also look at the similarities between the two areas and look for common solutions. As has been mentioned, one of the problems is demographic change. According to the Scottish census for 2001, 18.6 per cent of the Scottish population was above pensionable age, whereas the figure was 22.4 per cent in Dumfries and Galloway, 22 per cent in the Borders and 19.4 per cent in the Highlands. As others have said, in those areas we have problems retaining and attracting young people, which has resulted in a shortage of skilled workers. The shortage of dentists is a common problem in many rural parts of Scotland, as is the shortage of occupational therapists, social workers, teachers, construction workers and plumbers.

As Rob Gibson and Sylvia Jackson said, there is a shortage of affordable housing in many rural areas. Although housing is traditionally cheaper in such areas, we also have problems with people who have been able to sell their houses in high-value areas and then outbid local people and first-time buyers. That contributes to the problems that we have in retaining young people and attracting skilled people to rural areas.

I do not want to overrun my time because I do not come from the Highlands, but I was pleased to hear this week's announcement about broadband. That will make a great deal of difference to rural areas up and down Scotland.

The Deputy Presiding Officer: I have five minutes left. I intend to give John Farquhar Munro three minutes and John Swinburne two minutes.

11:23

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I welcome the chance to participate in the debate. Over the past half century, the economy of the Highlands and Islands has waxed and waned under the influence of major industries that have flourished and then left. The most obvious example of that can be found in the oil industry. We had the yards at Nigg, Ardersier and Kishorn, the aluminium smelter at Invergordon and the pulp mill at Fort William. All those activities provided welcome employment, but they left in their wake mass unemployment and social problems.

We can learn from our mistakes. Although the old Highlands and Islands Development Board had some notable failures at the time, it had many successes in the end. The HIDB taught us that small is beautiful. Its success showed us that it is much better to encourage small, indigenous businesses than to import a few large ones. That is the future that I would like to encourage and support in the Highlands—helping new and young entrepreneurs to start up on their own.

Today, I am glad to say that the economy has picked up and that unemployment is lower than it has been for many years. In fact, 714 new enterprises were set up last year. That is a record number for the Highlands and Islands and is ahead of what is happening in the rest of the country. However, the economic revival has happened mainly in the Inverness area. Simply because of the better transport infrastructure, many businesses have based themselves where they have the potential for customers, goods and services. Although I welcome that, it is important that Highlands and Islands Enterprise continues to prioritise outlying areas to the west and north.

Therefore, I welcome the Scottish Executive's efforts to increase the availability of broadband throughout Scotland and I fully support the Enterprise and Culture Committee's report—endorsed by Jim Wallace this week—which demanded 100 per cent coverage in Scotland. Broadband is a tool that sets aside natural geographic disadvantage and which will put businesses anywhere in the world on an equal footing.

The Executive's smart, successful Scotland agenda is to be encouraged, especially in its

commitment to broadband, which could help to reverse depopulation and thereby put the life back into many dwindling communities.

There is one issue to which I return in most debates that affect the Highlands and that is housing, which others have mentioned. The Highlands will never flourish unless there is enough affordable housing throughout the region. As members know, house prices have risen dramatically in the past few years although wages have remained almost static, thus putting houses beyond the reach of many young families. At the same time, social rented housing has dried up, which has left some people with no option but to leave to find alternative employment where it is available.

Time is short—

The Deputy Presiding Officer: Time is not short; time is finished.

John Farquhar Munro: Okay, my dear.

The Deputy Presiding Officer: I do not know about the "my dear". John Swinburne has two minutes.

11:27

John Swinburne (Central Scotland) (SSCUP): It is with certain trepidation that I rise to speak in today's debate, as my background could not be further removed from the Highlands and Islands.

One of my regional constituents called me about the plight of her daughter, who is married to a dairy farmer in the Arran, Bute, Kintyre and Gigha area. It seems that bureaucracy is stacked against them to such an extent that their dairy farm will run at a loss of £40,000 for the second year in a row. Only Maureen Macmillan mentioned dairy farming in the debate this morning.

The problem is associated with the ring fencing of milk quotas, which severely disadvantages dairy farmers. A great deal is written, rightly, about the plight of Scotland's fishing communities. Sadly, few people seem to appreciate that many people are also involved in milk production in Scotland and contribute enormously to the prosperity and wealth of our nation.

In the good old days of the Scottish Milk Marketing Board, farmers received a fair price for the milk produced. Since its demise, the number of milk producers in Gigha and Kintyre has been reduced from 129 to a mere 40.

Quotas were introduced in 1984 and deregulation took place in 1994. We now have a major monopoly involving supermarkets and the milk processors, who between them have squeezed all the profit out of milk production and have left the dairy farmers with impossibly low

margins on which to work. Ring fencing surplus quotas has been disastrous and, unless Ross Finnie gets his act together, more farmers will give up and walk away from that loss-making situation. He removed ring fencing from Islay. Argyll and Bute Council's consultation typically excluded individual farmers, but consulted 60 other sources. The National Farmers Union of Scotland seems to be disinterestedly ineffective in its approach to the problem.

What would be a sensible solution? A minimum price should be negotiated and set for milk production. Ring fencing of quotas should also be addressed urgently.

I support the SNP amendment.

The Deputy Presiding Officer: We move to winding-up speeches. Mark Ruskell has six tight minutes.

11:29

Mr Mark Ruskell (Mid Scotland and Fife) (Green): We began this morning's debate by discussing how we can measure whether the Highlands and Islands are performing well as an economy and as a society. As Eleanor Scott has already said, GDP is a very crude measure of economic sustainability and growth. For example, it does not take into account quality of life indicators.

The Minister for Enterprise and Lifelong Learning, Jim Wallace, said earlier that the Highlands and Islands are repopulating. That is a good quality of life indicator, because it shows that people want to come to the Highlands and Islands. However, as Jim Mather pointed out, the problem is that the area also has an aging population with a short life expectancy. As a result, it is very difficult to find out from the measures before us whether the Highlands and Islands' economy is improving or worsening. Moreover, as Eleanor Scott mentioned, the situation is further complicated by the gravitational pull of Inverness and I wonder whether that is also distorting quality of life and economic improvement figures.

I welcome the Executive's announcement today that the Skye bridge tolls will be removed, not soon or in due course, but by the end of the year. I congratulate the Executive on actually setting a timescale. Surely the bridge represents one of the worst excesses of free market globalisation and I say to Murdo Fraser that I see no reason why we should build any more bridges in Scotland under similar arrangements.

As members have pointed out, there have been numerous calls to dual the A9. As far as that road is concerned we should focus on improving safety and reducing speed. We should also improve junctions, as has already happened at Ballinluig.

Rob Gibson: Does the member agree that we need to examine the fact that spending on railways has been slashed? Indeed, we really do need a bridge over the Dornoch firth if we are to make the railway competitive with the road in the far north.

Mr Ruskell: Rob Gibson must be reading my mind. I was just about to say that we need to dual railways as well as roads.

I am surprised that the cost of fuel has not been mentioned more in this debate, although I am sure that Fergus Ewing will raise it in his closing speech. We need to consider the full cost of motoring, not just the cost of fuel. As a car owner, I believe that we should not tax car ownership; instead, we should remove vehicle excise duty.

Many members have highlighted renewable energy and energy policy in general. There is much good news to report in that respect. As Jamie Stone pointed out, we now have a world-class nuclear decommissioning industry at Dounreay. That is to be commended and I am delighted that it will also be involved in dismantling the nuclear industry in other countries.

Mr Stone: Will the member give way?

Mr Ruskell: I am sorry; I need to move on.

The ex-oil fabrication yard at Nigg has a potentially bright future as a manufacturer of offshore renewables technologies. As Maureen Macmillan and other members have said, in the past hydroelectricity generating schemes experienced difficulties and met with public opposition. Now there is opposition in some areas to wind farms. I think that we need to draw out some similarities between the two situations.

In response to Murdo Fraser, I believe that, although we should consider altering the payments that are available for different technologies through renewables obligation certificates, that step alone will not solve the question of where wind farms should be located and how many should be located in a particular landscape. That is an issue for the planning system, which we can begin to tweak to ensure that wind farms are established in the best possible location. In areas such as Highland and Perthshire, where there have been many applications for wind farms, we should think about batching them to allow planning authorities to consider them in the round. Moreover, we should not simply decide to locate wind farm and renewable energy technologies offshore but should ensure that proper marine spatial planning takes place to make such an option sustainable.

Murdo Fraser: Will Mr Ruskell enlighten us as to where in Perth and Kinross he would be prepared to support wind farm development?

Mr Ruskell: As the member very well knows, Perth and Kinross Council has issued excellent guidelines that strategically zone the locations where it thinks that wind farms should go. Those guidelines represent a very good first step. However, it is difficult to talk about all the applications in such a way, because we need to take individual applications into account.

We have had a somewhat limited debate on housing. As we saw in yesterday's members' business debate on housing in north-east Fife, affordability is a key issue. Indeed, in response to Jim Mather's question about how to keep people from leaving the Highlands and Islands, I would say that a good first step is to give people a roof over their heads. We must consider innovative models of developing housing sustainably in rural areas. In that respect, we might think about areas such as west Lothian, where the lowland crofting scheme provides a model that could be used in the Highlands and Islands. In fact, I know that Highland Council is interested in that model, which could enable low-cost and perhaps self-build housing to be constructed in the Highlands and Islands.

A key aspect of the debate has been community ownership and enterprise. As a member of the Green party, I believe—along with many other members in the chamber—that that will be a strong political and social force for change in this century. The Executive has already made some important moves in that direction, including the extension of the crofting counties and the introduction of the Scottish land fund. We must continue with that agenda.

11:35

George Lyon (Argyll and Bute) (LD): As several members have already mentioned, Jim Hunter eloquently showed MSPs that the recent story of the Highlands and Islands is a good one. However, other members have pointed out that although some of the key indicators that Jim highlighted in his speech illustrate that the Highlands and Islands is making good progress, major on-going problems such as low wage levels have still to be overcome. Some of the islands and the western side of the Highlands are missing out on the prosperity. Ted Brocklebank made much of the premise that oil delivered for the Highlands; however, I should point out to him that although it delivered for the west Highlands for a very short time when one or two rigs were built, it did not deliver in the long term.

The Highlands also has major pockets of deprivation and poverty. As for the problem of depopulation, I believe that the aging population in the Highlands is an even greater worry. Many island communities in my constituency are afflicted

by that problem, and people are concerned that in the long term areas will lose their active population and become glorified retirement homes. I do not think that any members have touched on that yet.

We need to tackle two major issues that have been mentioned in the debate. First, I am convinced that improved transport links for our remote and rural areas represent a key economic driver and liberator. In that respect, I am grateful that the minister mentioned the A82, because improvements must be made on that road. For example, even though it is dubbed a trunk road, a 10-mile section of the A82 north of Tarbet is no better than a single-track road. It is constraining the development of the west Highlands, and I am sure that all members will support the funding and implementing of that route action plan once it is drawn up. Such improvements are absolutely essential.

As far as the Highlands and Islands air service is concerned, it seems to me that in this day and age cheap air travel with a frequent service is fundamental if we are to liberate and develop the Highlands and Islands and bring the economic prosperity that Inverness and its surrounding areas have enjoyed to the wider Highlands. When he sums up, the minister must indicate when the Highlands and Islands air service, which the Executive is committed to, will be rolled out and what the first step towards that will be. An air link is vital to the west Highlands, Oban and north Argyll, not only for future economic prosperity but for the Executive's health agenda. One of the major complaints that I receive in my bit of the world is the journey that people have to make from Oban and north Argyll to the central belt if they need an operation. A good air service would be one way of shortening that.

Ferry services must also be improved. I acknowledge that substantial investment in new ferries has been made. For example, a new ferry has been introduced—albeit with one or two niggles—on the Mallaig to Armadale service; the small isles have a new ferry service; and new piers and linkspans have been installed. However, we need further investment. The Clyde needs new ferries and the service to Islay requires another ferry.

Rob Gibson: Will the member give way?

George Lyon: Yes, as long as the time is added on to my speech.

Rob Gibson: Does the member agree that although piers and harbours that are attached to ferry services receive support there is no budget to fund many other piers and harbours? Is he also demanding investment for them?

The Deputy Presiding Officer: I should tell the member that that time will not be added on.

George Lyon: All I can say to Rob Gibson is that improving ferry services is key to improving prosperity in these areas.

As one or two others have mentioned, progress is required on upgrading the national grid. The Highlands, and especially the west Highlands, have some of the best wind, wave and tidal regimes of anywhere in the world. It is all very well to say that we want that to be harnessed, but we have to put the infrastructure in place. That is where the public sector has a role. I disagree with Murdo Fraser: the public sector has a key role in putting infrastructure in place to allow businesses to flourish and economies to prosper. It is crucial that the national grid be improved in the west and north Highlands. Substantial investment is needed to ensure that the benefits of renewables are brought to all our communities.

The key to upping the pace of progress in the development of renewables is to ensure that communities benefit from the projects. That could mean community ownership of the land, of some of the towers, or preferably of the whole renewables project. We do not want a rerun of what happened with hydro, when Powergen and Scottish Power came in, built the dams and brought a short burst of activity that benefited the local area, but then all the financial benefits were stripped out of the Highlands to the benefit of shareholders south of the border. We must ensure that some of the financial benefits from renewables remain in the communities.

I will touch finally on the cost of fuel. That is a growing concern, but the last thing that we need is an attempt to bring the country to a standstill. The last time that that was attempted, shortages arose in key provisions such as foodstuffs and huge economic damage was done to businesses. The chancellor must respond to the hike in oil prices, which has been caused in large part by the instability in the middle east because of the Iraq war. The chancellor must forgo the 2p increase in the budget. That is important for the future of the Highlands and Islands.

11:42

Mr Jamie McGrigor (Highlands and Islands) (Con): I do not think it fair that this Executive should congratulate itself on progress in the past seven years, despite Dr Hunter's interesting videos. Perhaps the Executive has not been in touch with areas north of Balloch. It cannot have been reading the local newspapers, which have focused on health care—or rather, the lack of it. Malcolm Chisholm, the Minister for Health and Community Care, must know what I am talking about. He will have received many letters complaining about the downgrading of maternity services from Wick in Caithness, to Dunoon and

Helensburgh. The threat to downgrade from acute status the Belford hospital in Fort William and the Lorn and Islands district general hospital in Oban has been a huge blow to local confidence.

Quite apart from the situation with hospitals, why are so many rural communities such as Helmsdale, Applecross, Dalmally and Lochgoilhead worried about not having a resident general practitioner, and also worried about whether out-of-hours health cover and adequate ambulance services will be provided in future? People will not relocate to areas that do not have adequate health services and they will not relocate to places such as Campbeltown and Inveraray, where the smell of sewage is the only tangible result of the Executive's so-called progress.

George Lyon: Will the member take an intervention on that point?

Mr McGrigor: No.

How can this Executive seriously think that it will encourage people to live and work in the Highlands and Islands when it is in the process of downgrading health and public services? Why have we heard this morning, through the medium of *The Scotsman*, an excellent newspaper, that this Executive is now allowing Scotland the Brand to die? That body was set up in 1994, with £300,000 from Scottish Enterprise, to manage the "Made in Scotland" brand. It was successful. Recently, the high-quality board of directors were all giving their time free of charge. Nick Kuenssberg, the chairman, said yesterday,

"I believe the Executive will come to regret this. The whole idea of a national brand will be undermined. Most companies I've spoken to are saying 'why should we spend our money on another branding company when the last one was doing OK ... ?'."

But let us not worry about that, because the Executive is undertaking a review and will be reporting in a few months.

Nick Kuenssberg also said:

"I have talked to Jack McConnell and left convinced that we were part of his 'big vision' for Scotland—yet just weeks after we went private it was made abundantly clear that we were surplus to requirements".

I wonder who else has heard that. Scottish Opera perhaps.

My friend Murdo Fraser has talked about the onus of tax burdens on Highlands and Islands businesses. I endorse what he said. Those burdens are holding back the economy. Why are Scottish businesses paying extra rates? Why do excellent small high-tech businesses, such as Dunbeath Engineering Ltd in Caithness, still not have broadband? Such things make companies uncompetitive.

The Highlands and Islands depend to a far greater extent on primary industries such as agriculture, fishing, fish farming and forestry than do other areas in Scotland. So, why is the Executive removing the livestock improvement scheme? Why do we have a national modulation tax? We are the only country in Europe that does. Why are our white-fish fishermen so restricted in what they are allowed to catch? Why are our prawn fishermen refused their deserved increase in prawn quotas? Why are our fish farmers still struggling with excessive red tape and threats from the Norwegian-owned sector of the industry that it may pull out altogether? That would be disastrous for jobs. When will we see more help for Scottish fish farmers—for example, with the provision of a one-stop shop, such as the Norwegians have, for applications for the use of medicines?

We have to make our businesses competitive, which means having the minimum of red tape and the minimum of Government interference so that businesses in the Highlands and Islands can get on with creating and selling their products. That must be underpinned by good transport infrastructure and an integrated transport policy. The Conservatives have been responsible for practically every major infrastructure improvement in the Highlands—from the Scalpay bridge to the Skye bridge to the Berneray causeway. Such projects link communities and make things easier for businesses. The Eriskay causeway, which the minister mentioned, was of course planned by the Conservatives and funded by objective 1 European Union money. Objective 1 status has been lost by the Government and I hardly call that progress.

The recent oil price hikes have put rural fuel prices through the roof once again. The Conservatives are asking Gordon Brown to forgo his intended hike in fuel duty because of the rises in oil prices.

Further dualling of the A9 can only save lives, as well as giving the Highlands a transport backbone that it sorely needs.

George Lyon: Will the member take an intervention on that point?

Mr McGrigor: No.

The A82 is also a huge priority.

Tourism will always benefit from improved infrastructure. I have said before that it is VisitScotland's job to advertise Scotland as a destination for people in the rest of the United Kingdom and abroad. It is not up to VisitScotland to tell tourism operators what to do. The operators know the local attractions and the pride and passion of the tourism industry should be left in their capable hands. Unfortunately, tourism

businesses find it increasingly difficult to carry out basic maintenance and improvements because of a lack of skilled tradesmen. There must be more vocational training in further education so that more people have practical skills. There is an increasing demand for those skills in the Highlands and Islands.

Yesterday, I received the Scottish islands network newsletter, which told me of the awful prediction that there will be a 50 per cent reduction in population by 2015. The Executive should take that prediction as a warning and do something about it.

11:48

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): As the text of the SNP's amendment acknowledges, the Highlands and Islands is home to perhaps some of the most ingenious and resilient characters in Scotland—none more so than Rennie McVicar, whom I had the pleasure of meeting last Thursday in Strontian to launch her business. It is a website business—www.scottish-holiday.info—which, without any financial help whatsoever, Mrs McVicar has launched to promote Scotland throughout the world in 12 different languages. Anybody who keys in the phrase “scottish holidays” will go to her website. It is a shame that VisitScotland, which receives £1.5 million of public funds, could not have thought of that, but I am proud that Mrs Rennie McVicar thought of it and that she is carrying out her business in west Lochaber.

By and large, this has been a positive and good-humoured debate. I hope that the opportunity to debate the Highlands and Islands will become at least an annual fixture. I want to use my limited time to continue in my characteristic vein of relentless constructiveness.

George Lyon: On that point.

Fergus Ewing: As one person who is relentlessly positive to another, I give way to George.

George Lyon: In a constructive way, will Fergus Ewing clarify whether the SNP position is to reject “A Smart, Successful Scotland”? How will he compel the brightest of our young people to stay in Scotland? His answer could be a constructive contribution to the debate.

Fergus Ewing: The idea of having a strategy that would promote Scotland as being a place for dumb losers would seem to be a bit bizarre. That is why we recognise that we want Scotland to be smart and successful. Although those aims are worthy, the problem is the lack of a coherent strategy to achieve them.

I want to return to the positive note. I ask the minister to intervene to persuade Mr McAveety to bring about something that all parties have supported—namely, the restoration of Castle Tioram, which is being promoted by a local man from Lochaber, who followed Ted Brocklebank's example of going furth and coming back to his native heath. He wants to invest £5 million of his own money in refurbishing the castle as his home. Although he has the support of the local people and of a cross-party delegation, which I led, I am afraid to say that Historic Scotland continues to block the way to a move that all elected representatives have supported.

It is recognised that housing—or the availability of housing that is within the reach of young local people—is a key issue in the Highlands. I have a suggestion to make. The lack of available land with servicing that is suitable for housing is a major problem. Dr Murray will confirm that that is almost as much of a problem in the south of Scotland as it is in the Highlands. Why is it that the major landowner in Scotland has not come forward with a coherent, detailed and thought-out strategy? Why has the Forestry Commission not produced proposals to make available massive parts of its land estate for housing? That land is already publicly owned. It is a strange omission that that has not been dealt with.

I will move on to a matter that Ted Brocklebank has already mentioned, in which the minister has a personal interest. As the local member for Inverness, I am devastated that Inverness Caley Thistle's rightful place in the Scottish Premier League—or the self-preservation league, as the fans call it—has been denied to them by the SPL, which, as the minister will recognise, has meant the loss of around £1 million to Aberdeen. I make a plea to all members for them to support the motions of John Farquhar Munro, Maureen Macmillan and me. If those motions are supported by a clear majority of MSPs in the Parliament, we will send a clear message to the SPL about what we believe the outcome of the pending appeal should be.

Fuel has been mentioned. I do not want to disappoint members who eagerly await my remarks on that topic. I ask the Executive to indicate at what point—at what price per litre—it will say to Gordon Brown, "Enough is enough." Is that price £1 per litre? In Port Ellen, fuel already costs 98p a litre, as George Lyon can confirm. At least three parties have raised the matter. It is of massive concern because, for most people in the Highlands, a car is a necessity, not a luxury. I am sorry that the Greens take a different view. I am afraid that I could not understand their amendment anyway—it seems to be an escape from reason.

In conclusion, the SNP praises the success of Inverness Medical in coming to Inverness—in

spite of the fact that the proposal was passed by only one vote on the local planning committee, because the Labour party representatives were not too keen on it at the time. We praise the success in Aviemore: we praise the funicular railway. However, we acknowledge that there are failures and our amendment sets out a comprehensive strategy for dealing with them. In many cases, such as that of Castle Tioram, not a penny piece of Government money is required to overcome the hurdles; all that is required is a Scottish Government that behaves like a Government and tells the civil servants that they are servants, not masters.

11:54

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): It has been good to have an opportunity to focus on the successes of the Highlands and Islands economy and on some of the challenges that lie ahead. As has been said, there is much to be positive about in the Highlands and Islands. There are attractive places to live and work; technology that enables enterprise to locate in the area; an increasing population; and in many regards a broadening business base. There is diversity; there are companies, jobs and prosperity. Our challenge is to build on that.

It was fascinating to hear Jim Mather and Fergus Ewing explaining their rejection of "A Smart, Successful Scotland"—a strategy that Andrew Wilson supported and warmly endorsed many times in the Parliament when he was the SNP's economic spokesman.

Jim Mather: That is a total misrepresentation of what I said. I said that there is a need to train and retrain. We endorse that view. Is there any lower level of economically active people in the Highlands and Islands that would force the minister to start questioning current policies?

Lewis Macdonald: That makes not one but two U-turns by Jim Mather in the debate. He has gone from saying that he no longer supports the smart, successful strategy to taking the opposite position.

Jim Mather told us that his party plans to introduce a compulsion for young people to return to the Highlands and Islands after they have left. Although he used the word "compulsion", he did not say what form it would take. He also suggested that there was no way of measuring the success of "A Smart, Successful Scotland", but there are many such measures. Just one example is the proportion of businesses that trade online—which is very important for the Highlands and Islands—as reported year on year. Jim Mather will be interested to learn that the latest figures show that, according to that measure, Scotland was

ahead not only of the rest of Britain, but of many of our international competitors, such as the USA.

That strategy is delivering. To build on that strength, this week we announced our new targets for the roll-out of broadband. Rob Gibson complained that yet another broadband announcement was being made. We made yet another announcement because earlier this year we met yet another target ahead of schedule. That means that we can now seek to provide broadband access to every Scottish community by the end of next year. That should be welcomed by all parties.

Rob Gibson: Can you tell us when broadband will arrive at the high-tech cluster in Stromness?

Lewis Macdonald: If Rob Gibson had been listening, he would know that the commitment was that broadband would be available to every community by the end of this year. Only this week, my colleague the Deputy First Minister had a meeting with British Telecommunications and learned that it is considering Stromness as a priority in that roll-out process. *[Interruption.]*

The Deputy Presiding Officer: Order, order.

Lewis Macdonald: As for the Tory speeches, it was a bit rich for Murdo Fraser to boast about his party's contribution to the success of Highlands and Islands Enterprise, given that the Conservative's enterprise strategy nowadays is based so firmly on hostility to the enterprise networks. Once again, we heard the bizarre proposition that it is possible to promote renewable energy in theory while, in practice, opposing the roll-out of wind power and the many jobs that it brings.

Eleanor Scott said much that I could agree with about community enterprise and the importance of the Highlands and Islands building on their strengths, but she appeared to say that Inverness Medical was not the kind of business that we should seek to attract. If she believes that those jobs are important to the Highlands, she should acknowledge that it is important that politicians of all parties welcome such enterprises and investments when they speak about them in public places.

Eleanor Scott: I think that I made it clear that the history is that, although such large inward investments are welcome at the time, the companies that make them tend not to stay. I expressed the hope that Inverness Medical will not follow that pattern and will stay, although there is no guarantee of that.

Lewis Macdonald: The important thing is not just to welcome such developments at the time, but to continue to welcome them and to make the businesses concerned feel welcome in the Highlands and elsewhere.

I was pleased that Ted Brocklebank and Mary Scanlon both appeared to recognise the merits of land reform and the positive influence on policy debate in the Highlands and Islands of "The Cheviot, the Stag and the Black, Black Oil". That is a good thing. The Land Reform (Scotland) Act 2003 is designed precisely to help rural communities throughout Scotland to overcome barriers to economic development by encouraging diversity of ownership. The community and crofting community rights to buy in parts 2 and 3 of that act will be implemented later this month, which will allow communities to make those decisions to strengthen their economic position.

To sustain the progress that is being made through having the right land ownership and the right economic strategy, we need to take further action to provide good-quality, affordable housing, as Sylvia Jackson and several other members have said. That is why, through Communities Scotland's rural development programme, we are providing £65 million this year to support regeneration and to provide new and improved housing throughout rural Scotland.

We are also examining the operation of the Scottish housing market—

The Deputy Presiding Officer: May I interrupt you for one minute? I ask members please to keep quiet. If anyone has to take part in a conversation, I ask them to take themselves and their conversation out of the room.

Lewis Macdonald: Thank you very much, Presiding Officer.

We are also examining the operation of the housing market, reviewing affordable housing supply and identifying ways to address the imbalance between supply and demand. We are committed to taking new action to ensure that affordable housing of the right size, type, tenure and quality is provided in the right places in future. We have already announced an additional £20 million of funding to act this year on any requirements that emerge from that review.

Dr Jackson: Will the minister comment on the need to discuss with Scottish Water the infrastructure problems that are prevalent in many rural areas?

Lewis Macdonald: There is wide awareness in the Executive and in Scottish Water of the importance of addressing those issues, and my ministerial colleagues will continue to take those matters forward.

A number of members have highlighted the importance of transport infrastructure. That is why ministers have commissioned a route action plan on the A82 and why we are committed to improvements on the A9 at the Ord of Caithness

and elsewhere. In recognition of the range of priorities in the Highlands and Islands, we work with local partners in the Highlands and Islands strategic transport partnership on identifying and meeting those priorities—for example, work is progressing on the air network study. Another example is that of improvements to the instrument landing system at Inverness airport, which Kenny MacAskill mentioned. The last delay to those improvements was an unresolved stopping-up order on a minor road close to the runway, but I confirm that ministers resolved that matter earlier this week and that the project will now go ahead.

Along with Highlands and Islands Enterprise and many other stakeholders, we believe that renewable energy will be hugely beneficial for the economy of Scotland, including the economy of the Highlands and Islands. We recognise that the ambitious targets that we have set for renewable energy will be achieved only if we are able to develop new renewable energy technologies in Scotland. Wave and tidal stream technologies are critical to the exploitation of our renewable energy potential, and the Highlands and Islands are particularly critical to that. We also agree with the point that was made about the importance of upgrading the national grid to ensure that the additional power from renewable energy is delivered to the market.

We also need further development of the existing renewable energy technologies: onshore wind and hydro power. Those technologies are already available in the Highlands and Islands, as they are elsewhere, and the opportunities that arise from them are already being exploited. When I addressed the “All-Energy Opportunities” conference in Aberdeen last week, I was struck by the number of Highland companies and individuals who are already immersed in the renewables industry—the jobs that already exist in Kintyre and the potential for jobs in Nigg, Stornoway and other places have also been mentioned. In Aberdeen last week, I announced that we will shortly consult on proposals to provide additional income for councils that deal with the largest wind farm proposals to ensure that all such proposals can be dealt with efficiently and effectively.

Land and housing and energy and jobs remain critical issues for the Highlands and Islands, and particular issues remain for the more remote communities, which is why we have built on the successes for many such areas of the initiative at the edge. We will continue to work with our partners in Highlands and Islands Enterprise, local enterprise companies, local government, large and small businesses and communities to ensure that the Highlands and Islands continue to build on such successes and go from strength to strength.

First Minister's Question Time

12:03

The Presiding Officer (Mr George Reid): I welcome the Secretary of State for Transport and Secretary of State for Scotland, Alastair Darling, to the distinguished visitors gallery.

Prime Minister (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S2F-903)

The First Minister (Mr Jack McConnell): I have no immediate plans to meet the Prime Minister, but if I speak to him within the next few days, I am sure that he will wish to share with me the good wishes that the Parliament will send to the D-day veterans who left Scotland this morning to go to Normandy, not only to meet old friends and comrades, but to remember those who did not come back. We owe those veterans a great debt of gratitude and I am sure that the whole Scottish Parliament will want to send them our best wishes. [Applause.]

Mr Swinney: I associate the Scottish National Party with the First Minister's remarks and extend our good wishes to the veterans who will be in Normandy this weekend.

Last week, the First Minister said that he did not support hikes in fuel duty and that such increases do not help the environment. In the light of those remarks, will the First Minister join me in condemning the hike in fuel duty that the Chancellor of the Exchequer has proposed for this September as being nothing to do with the environment and everything to do with raising more taxes?

The First Minister: No, I will not. It is important that the Scottish Parliament supports the United Kingdom Government's efforts at this time to put pressure on those who are responsible for the production of oil and, largely, for the international price of oil, in order to secure lower prices. It is misguided to suggest that sole responsibility for that lies somehow with the British Government and that British taxpayers should pay for any attempt to reduce the international oil price as it relates to Scotland or the rest of the UK. It is right for the Government to continue to put pressure on the oil producers to secure a decrease in price that will be more sustainable in the long term, as well as more significant than freezing the fuel duty this summer would be.

Mr Swinney: I welcome what the First Minister has said and I agree with it, but it was not the

answer to the question I asked. I asked whether the First Minister would join me in condemning the chancellor's proposed hike in fuel duty this September.

Members: He said no.

The First Minister: Absolutely not.

Mr Swinney: On 25 May, the First Minister went to Aberdeen and gave an interview to *The Press and Journal* in which he said:

"I am not an instinctive supporter of across-the-board hikes in fuel duty. For environmental purposes, I think we would do far better focusing on larger vehicles and congestion in the towns and cities."

If the First Minister can go to Aberdeen and tell *The Press and Journal* that hikes in fuel duty are not acceptable, what is making him so coy about standing before Parliament and condemning a hike in fuel duty that will damage the Scottish economy? Will the First Minister reiterate his opposition to hikes in fuel duty this September and will he say so before Parliament today?

The First Minister: If there were a hike, I would be opposed to it, but I say to Mr Swinney that 1.92p on a more-than-80p litre is not a hike, but an increase. This September's increase in fuel duty—if that is the decision of the chancellor—will be nothing compared to the possible decrease in the cost of a litre of fuel that will come through international negotiations and pressure on those who produce oil.

It would be far more significant for those who use cars and those who need to use the roads of Scotland for their businesses if all of us in the chamber maximised pressure on the international oil community to reduce the price of oil in a way that would be sustainable and which would be significantly more than that 1.92p per litre. That is the significant challenge that faces us all.

On the general point of policy, I ask Mr Swinney please to be in no doubt that I believe strongly that the best way to reduce over-use of cars in this country, particularly in our towns and cities, is to ensure that those who use the most fuel in areas where cars are not as necessary as they are in our rural areas pay more for that fuel. I hope that when a referendum finally takes place in Edinburgh, Mr Swinney will take the same approach.

Mr Swinney: We now have the First Minister making a difference between a hike and an increase. Perhaps we should tell him to take a hike, with semantics like that.

The First Minister has said that he is opposed to increases in fuel duty and that he is opposed to the higher price of oil coming from the Organization of the Petroleum Exporting Countries. I agree with him that we should get a lower oil price through those discussions, but

surely the UK Government could do something to help the Scottish economy and the economy of the Highlands and Islands—which we debated this morning—by not imposing a hike in fuel duty this September. Is it not time that the First Minister, having failed to stand up to the Westminster Government on whisky strip stamps, stood up to the Westminster Government on fuel duty? Is it not time that we had a Scottish Government that was prepared at long last to defend the national interests of Scotland?

The First Minister: Let me be very clear. This devolved Government makes regular representations on fuel duty and the impact of fuel prices in Scotland—especially around budget time each year—to the chancellor. We have done so since 1999 and we continue to do so. If the international negotiations are not successful in bringing down the price of oil, the chancellor should look, of course, at the position in relation to the standard increase that is due this September. However, I say to Mr Swinney that it would be far more effective for us—and far more honest of him to say so—to secure a larger decrease in the price of oil internationally that is more sustainable in the longer term. If we achieve that, the saving for Scottish car users and the road haulage industry in Scotland will be significantly more than any political point scoring that Mr Swinney might achieve through attacking the one increase in the fuel duty in September.

Cabinet (Meetings)

2. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-914)

The First Minister (Mr Jack McConnell): The agenda for next week's Cabinet meeting will be agreed tomorrow.

David McLetchie: I hope that the Cabinet will consider tolls and taxes on our motorists. I wonder whether I can explore with the First Minister an answer that he gave to Mr Swinney a few minutes ago. Do I take it from the First Minister's remarks on a referendum in Edinburgh on so-called congestion charging or tolls that the First Minister favours that proposal and the introduction of a £2-a-day charge on motorists coming into our city? How does he reconcile his position with the wholehearted opposition to the tolls that has been expressed by every Labour council that surrounds Edinburgh? Midlothian Council, West Lothian Council, East Lothian Council and Fife Council have all recognised that our motorists are paying quite enough, thank you, and that they do not need any further encouragement or additions from the First Minister or the Scottish Executive.

The First Minister: Mr McLetchie will know that we cannot, as an Executive, take a position on that issue until nearer the time, when we will be asked to take a formal position on it. Therefore, we are careful about what we say about the specific proposals that will go to a referendum in Edinburgh. What has been important all along, however, is our insistence that the City of Edinburgh Council test public opinion in the city and that that become part of the final decision-making process.

Let us also be very clear about this: we cannot sit in the chamber month after month and year after year—as we have done over the past five years—and talk about reducing car use, which every party in here has done, about protecting the environment, which every party in here has done, about reducing congestion, which every party in here has done, but then not be brave enough to take the measures that might actually reduce congestion and deal with protection of the environment, which we all seek. That will mean that Scotland must at some point face up to the issue of charging on some of our roads. That will be the right thing for us to do. It will be the right thing in the right local circumstances. When somebody locally is brave enough to do it, we should back them and not just score points by opposing them.

David McLetchie: The First Minister seems to be swinging all over the place. First, he tells Mr Swinney that basically he backs tolls, then he tells us that the Scottish Executive cannot take a position on the matter because the matter has to come to the Executive for a decision. He then rounds off his remarks by saying that he is in favour of the tolls again. So what is it? The First Minister should appreciate that people in Scotland are sick of the high levels of taxes that we pay—we pay the highest fuel taxes in Europe, thanks to Gordon Brown. The primary responsibility for the price of petrol is not with OPEC or the Sheik of Araby; it is with the Kirkcaldy con man, Gordon Brown. That is the fact of the matter.

The Scottish Executive, with its support for tolls and congestion charging, is compounding the problem for our motorists in the city and making life difficult for our motorists and hauliers in rural communities. Will the First Minister finally take the opportunity to fight the increasing tax burden on Scotland's road users and tell the chancellor that enough is enough? While he is at it, will the First Minister reject the absurd tolls plan that has no friends in Edinburgh or anywhere else in Scotland?

The First Minister: I am happy to deal with both issues as one question and in one answer. No, I will not do as Mr McLetchie asked. I believe that the chancellor should examine fuel duty after the

outcome of the international negotiations. If those produce a reduction in the price of oil, that reduction will be more sustainable and will be much more significant for Scottish road users and for the road haulage industry in Scotland than will simply taking away the 1.92p September increase. If the international negotiations are not successful, the chancellor should of course examine that increase.

On tolls, can we just be clear about this? Mr McLetchie is happy to quote a few Labour-run councils on the outskirts of Edinburgh that have commented on the tolls scheme, but he did not mention the fact that the Scottish Borders Council, in which the Tories are the largest political party, has not rejected the scheme for Edinburgh. I presume that that is because the council realises that there is a serious issue that has to be dealt with. We in Scotland have to be aware that, if people in London are prepared to run a scheme that is a success, are brave enough to make the difficult decision to do that and have been able to win public support for it, at some time, somewhere in Scotland, somebody has to do something about city congestion. Whether it is proposed in Edinburgh, Glasgow or Aberdeen or on our motorways, I am prepared to consider those options and to put the environment and the long-term interests of Scotland's car users first.

Dr Sylvia Jackson (Stirling) (Lab): Following the recent inspector's report on Cornton Vale prison, will the First Minister comment on two of the most worrying findings, which were first, that the number of women who are admitted to Cornton Vale with mental health problems, addiction problems and a history of being abused is alarming, and secondly, that there has been no improvement in night-time toilet access in some parts of the prison?

The First Minister: Those findings are alarming. The inspector's report was helpful and constructive in noting both the improvements that have been made and the improvements that have still to be made. Members of all parties have regularly expressed concern about the situation of women prisoners in Scotland. It is right that those who are a danger to society are given custodial sentences, but there is still serious cross-party concern that far too many women in Scotland are given unnecessary custodial sentences, and that there are other ways of improving those women's future, and the future of those who live near them, by giving other forms of treatment and support.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The First Minister will be aware of the decision of the Scottish Premier League's members to refuse the admission of Inverness Caledonian Thistle to that league, although the team has qualified on merit in

winning the first division championship. Does he consider it to be appropriate that existing members of the Scottish Premier League should have control over the promotion of teams from the lower divisions, and will he be prepared to make representations to the Scottish Football Association to rectify that absurd and unfair situation?

The First Minister: I have to make it clear at the outset that the rules that govern Scottish football organisations and any other private sporting associations have to be a matter for those private sporting associations, which must take responsibility for their own rules. However, where I come from, and in the football that I have always watched, the team that wins the league goes up and the team that loses the league goes down. Somehow, somewhere, somebody has to start to recognise that.

Rape (Legislative Plans)

3. Alex Neil (Central Scotland) (SNP): To ask the First Minister whether the Scottish Executive plans to introduce legislation to amend the current law on rape. (S2F-911)

The First Minister (Mr Jack McConnell): This is a serious matter and one that has recently received public attention. Let me make it clear that we want to see effective prosecution of rape and other sexual offences in Scotland. The time is right to consider clarification of Scotland's law on those matters, so I can announce today that the Minister for Justice has spoken with the chair of the Scottish Law Commission, who has agreed to consider the issues that surround the law on sexual offences, including rape, and to report to her in the near future.

Alex Neil: I think that I speak on behalf of the whole Parliament in welcoming that announcement from the First Minister.

In the light of recent judgments, we are almost in a position from which it is very difficult to obtain successful convictions in rape cases in Scotland. Will the First Minister include two specific points in the remit of the Scottish Law Commission: first, the need to consider reform of the law with respect to intent to rape; and, secondly, the issue of whether we need a specific offence relating to male rape in Scotland? Finally, can he give us any indication of the timescale for the Scottish Law Commission's review?

The First Minister: The timescale is a matter that I am sure the Minister for Justice will be able to clarify to Parliament following further discussions with the Scottish Law Commission.

On the specific points that Mr Neil made, it is important that the Scottish Law Commission review cover all aspects of definition and proof in

relation to sexual offences, and to rape in particular. I believe that the review should include specifically the issue of male-on-male rape, which is a matter of concern to many members in the chamber and many members of the population of Scotland.

Recently, there has been publicity about any clarification of the law that might be required following the Scottish Law Commission's review. If clarification is required, we will look at further legislation. I do not want any woman in Scotland, however, to get a message here and now from the Scottish legal system or the Scottish Parliament that it would be inadvisable to report a rape or a sexual offence. It is very important that we maximise people's confidence not only in our courts—and in the sentences and prosecutions that are available to them—but in how the system deals with those who report such offences. That is one of the reasons why the Solicitor General for Scotland has made such a priority the improvement of how the system supports those who have reported such offences and who need support in order to appear in court to put their case.

Johann Lamont (Glasgow Pollok) (Lab): I welcome what the First Minister has said. I seek his assurance, however, that recognition will be given to the need to clarify whether the problem arises from legislation or elsewhere. Does the First Minister agree that it is not enough to look at legislation alone?

Will the First Minister ensure that the action that is being taken by the Scottish Executive will make women less, rather than more, vulnerable and that it will encourage women to report rape and not deter them from coming forward? Finally, will the First Minister ensure that, in examining the issue, the Executive will work with organisations like Rape Crisis Scotland, which has an especially important perspective on how survivors of rape are treated in the legal system, and which also understands the nature of male violence against women?

The First Minister: Not only are we now involving directly organisations such as Rape Crisis and Scottish Women's Aid in a working group that the Solicitor General has established to examine handling of all cases in the system, but we are providing new financial support for Rape Crisis for its centres and the support that it gives to women in the community. Those are important measures that acknowledge the important role of the voluntary sector and of those who are committed to assisting women who are in such circumstances.

The outcome of the work of the Scottish Law Commission review might be that further legislation is required or that clarification by other

means is needed. Whatever the outcome, it is important that we ensure that women have full confidence in the system, both in respect of how it treats them and how it prosecutes effectively those who are found to be guilty.

Patrick Harvie (Glasgow) (Green): Like other members, I join in welcoming the First Minister's announcement. Does he agree that the specific—or potential—offence of male rape to which Alex Neil referred would be more usefully thought of in terms of actions, rather than in terms of the gender of the victim, given that the offence is one of anal and, indeed, oral rape as opposed to male rape?

The First Minister: That is a valid point. I am sure that it will be part of the remit for the considerations that will take place.

Pensioner Poverty

4. Mr John Home Robertson (East Lothian) (Lab): To ask the First Minister how the Scottish Executive is addressing pensioner poverty. (S2F-905)

The First Minister (Mr Jack McConnell): To complement the financial measures that were introduced by the UK Government to reduce poverty among older people, we have improved access to services and acted to tackle fuel poverty in particular.

As a result of devolved Government, older people in Scotland now have the right to free personal and nursing care, free local bus travel and proper central heating in their homes.

Mr Home Robertson: I am grateful. However, in the week in which all of us are considering the achievements and sacrifices that were made during the D-day landings, does the First Minister agree that it is utterly intolerable that any people from that generation should be living in poverty now? Will the Executive take a further initiative to encourage all pensioners to claim their full entitlement to the full range of benefits? Specifically, is the Executive considering any changes to the council tax banding system to address the particular problems that face older people? Surely all older people, especially the survivors from the D-day generation, must be entitled to live in dignity, security and comfort. [Applause.]

The First Minister: I believe that there is a case for examining the council tax banding system. That is one of the issues that will be looked at in the independent review of local government finance. I believe that it is important that we provide every assistance to older people to ensure that they claim the benefits to which they are entitled and for which their taxes have paid down through the years. In fact, this morning the Minister for Finance and Public Services, Andy

Kerr, launched a dedicated helpline for that purpose for Scotland's older people, which will be managed by Age Concern Scotland and part-funded by the Executive.

Presiding Officer, if I may I will abuse my position briefly. I met D-day veterans this morning in Edinburgh. In a week when all of us are involved in other activities that might lead to a very low turnout in next week's European elections, we need to remember that 60 years ago this weekend people from all over western Europe and elsewhere, including North America, fought and died on the beaches of Normandy in order that we would have the right to vote today in Scotland, the United Kingdom and Europe as a whole. I hope that Scots remember that next Thursday and exercise that right, which was fought for so bravely by those who left our shores at that time. [Applause.]

John Swinburne (Central Scotland) (SSCUP): Does the First Minister agree that means testing is not only uneconomical to implement but acts as a deterrent to saving? Will he use his influence at Westminster to have means testing abolished, because it is detrimental to senior citizens in particular?

The First Minister: There is a place for comprehensive benefits and services that are available to all, either at the same price or at no cost, but there is also sometimes a basis for targeted benefits and targeted measures. It is precisely because there have been targeted measures since 1997 that something like 170,000 older people in Scotland have been lifted out of poverty. Without those targeted measures, the gap between them and even some other pensioners might have increased rather than decreased. There is a place for means testing and targeted action, and there is also a place for comprehensive benefits and services.

Colin Fox (Lothians) (SSP): The First Minister knows well that pensioners throughout Scotland, including the veterans of the D-day landings, are up in arms about the unfairness of the council tax that they must pay and the huge amounts that are involved. He mentioned Age Concern Scotland in a reply to John Home Robertson. Does the First Minister accept its figures, which suggest that a pensioner in Scotland who is on an average pension of £8,500 a year would benefit to the tune of £600, or £12 a week, if the council tax was abolished and replaced by an income-based scheme? Is not scrapping the unfair council tax a commitment that the First Minister should make towards providing dignity in retirement, which is the full entitlement of every Scot?

The First Minister: Considerable numbers of pensioners in Scotland currently access council tax benefit and therefore do not pay council tax. It

is right that they should be able to do that. Taxpayers, homeowners and those who work in Scotland would lose that benefit under the proposals of the Scottish Socialist Party, which would give £300 million back to the Westminster Government because, as the SSP claims, we do not want or need it.

Our job is to ensure that Scotland's pensioners use the benefits system to maximum effect and that they claim the benefits that are available to them. The Minister for Finance and Public Services encouraged them to do that this morning. It is also important that we have a strong economy to support the benefits and services that pensioners receive. I am sure that Mr Fox would regret his proposal for a service tax when it caused jobs and taxpayers to be lost from Scotland, and therefore led to smaller incomes for pensioners.

Heroin Use (Edinburgh)

5. Mike Pringle (Edinburgh South) (LD): To ask the First Minister how the increase in heroin use in Edinburgh is being addressed. (S2F-909)

The First Minister (Mr Jack McConnell): We are increasing investment in drug treatment services in order to deal with the demand for drugs, and we are tackling their supply through the Scottish Drug Enforcement Agency and Lothian and Borders police force. As recently as 1 June they seized approximately 2kg of heroin that would otherwise have reached the streets of Edinburgh.

Mike Pringle: What progress is being made to extend the availability of drug treatment and testing orders throughout Scotland, particularly in Edinburgh, as a method of reducing drug-related crime?

The First Minister: Drug treatment and testing orders now cover about 70 per cent of Scotland's population. Other parts of the country, in addition to Glasgow, Fife, Aberdeen, Aberdeenshire, Edinburgh, Midlothian, Tayside, Renfrew, Inverclyde, Ayrshire and Lanarkshire could benefit from DTTOs.

We have also set a target of mid-2005 for full implementation of drug treatment and testing orders throughout Scotland. To my knowledge, in Edinburgh and the Lothians, the number of DTTOs that were implemented in 2003 was 68; so far in 2004, the figure is 37. That shows that the orders are now being used in appropriate circumstances. However, we need to remember at all times that although the orders have a place in the system to ensure that those who would benefit from treatment get it and are on a programme that insists that they take it up, there are others for whom treatment is a secondary part of their sentence and who should also receive a custodial sentence, which they do.

Obesity

6. Margo MacDonald (Lothians) (Ind): To ask the First Minister whether any additional emergency measures are planned to combat the advance of obesity among the general population and, in particular, children. (S2F-918)

The First Minister (Mr Jack McConnell): Among the measures that are being taken forward to combat the advance of obesity, in particular childhood obesity, are: promotion of walking and cycling, with the appointment of new staff in schools to organise and encourage physical activity; healthy food initiatives in schools, such as breakfast clubs, salad and fruit bars, and healthy tuck shops; the removal of fizzy-drink branding from vending machines; and access to drinking water in and around classrooms.

Margo MacDonald: I thank the First Minister for his reply and congratulate the Executive on the measures that he outlined. However, there is a need for more drastic action to be taken quickly. The University of Edinburgh's school of physical education has a one-year postgraduate course ready and waiting to go, which would allow the recruitment of more gym teachers from primary schools, but it lacks the funds to put it into effect. I suggest that that additional measure might be welcome.

The First Minister: The Minister for Education and Young People's officials are in discussions with the University of Edinburgh and others about releasing more places. We are committed not only to the measures that I outlined, but to improvement of physical education in our schools. We have received the report from a working group that was established some time ago and we will comment publicly on it and on our decisions in the near future. We are determined to see an improvement in physical education in our primary and secondary schools in Scotland, and to make available the teaching staff to back that up.

12:32

Meeting suspended until 14:00.

14:00

On resuming—

Question Time

SCOTTISH EXECUTIVE

Environment and Rural Development

Scottish Water

1. Mike Watson (Glasgow Cathcart) (Lab): To ask the Scottish Executive what further measures it is taking to improve the efficiency of Scottish Water. (S2O-2628)

The Minister for Environment and Rural Development (Ross Finnie): Scottish Water is improving its efficiency year on year. In 2002-03, it became 10 per cent more efficient. I expect further improvements for 2003-04. Scottish Water is required over the four-year period 2002 to 2006 to reduce operating costs while improving services by more than a third and capital procurement costs by a fifth.

Mike Watson: The minister's response is about the macro-aspects of Scottish Water, but I want to bring to his attention a couple of micro-aspects that I am sure many other members of the Parliament have come across recently.

The first is the issue of underground bursts. Consistently, Scottish Water's response to such bursts is to ignore them, at least in effect. Scottish Water takes the view that, provided that the water is running into a drain or a culvert, it is not required to take any action, despite the fact that that can often cause great inconvenience to local communities.

Secondly, we are approaching the school holidays, during which fire hydrants seem to become an attractive target for many people. Scottish Water seems not to be liaising closely enough with the Scottish fire service on that issue. When the minister next meets representatives of Scottish Water, will he take up the two issues that I have raised? They may seem fairly small in the grander scheme of things, but they have a considerable impact on local communities and cause a great deal of distress to many constituents.

Ross Finnie: I thank Mike Watson for making two important points. I am happy to take up with Scottish Water the issue of underground bursts, as I would be disturbed to find out that it was not paying adequate attention to those. I want to address that issue.

The vandalism of fire hydrants is becoming a serious problem. I assure Mike Watson and other

members that Scottish Water and the police and fire authorities take the issue very seriously. It may be of interest to the member to know that last year Strathclyde fire brigade, Scottish Water and Strathclyde police had to deal with 4,000 open hydrants and that the cost of doing so came to something in the order of £1 million. Scottish Water is in close touch with the police and the fire authorities on this serious issue. It is a matter of great regret that an element of our society sees fire hydrants as targets for vandalism. The cost of dealing with the problem is considerable. Much more important is the risk that fire brigades arriving at the scene of an incident will be unable to deal with it satisfactorily because a fire hydrant has been vandalised.

Roseanna Cunningham (Perth) (SNP): I listened with interest to the minister's comments on Scottish Water's efficiency. Is he aware that, in the past week, Scottish Water has announced a total embargo on residential and commercial developments in Perth, despite the fact that it was consulted in the preparation of local plans that were agreed as recently as June 2003? Scottish Water made the announcement without giving any prior warning that there was the slightest difficulty. Does he accept that such an embargo would have a catastrophic effect on the future growth of Perth and will he agree to meet council leaders urgently to discuss solutions to the problem?

Ross Finnie: I would be very happy to meet council leaders to discuss the problem that Roseanna Cunningham has described. I am disappointed by what has happened. In the previous Scottish Water capital plan, which preceded the creation of Scottish Water, we arrived at a capital programme of £1.8 billion, but now we discover almost on a daily basis that that very substantial programme, which equates to more than 50 per cent of all the civil engineering contracts that are placed in Scotland, is not dealing with some of the problems. There are issues of prioritisation, but I would be happy to meet the council to discuss what is clearly a major problem.

Recycling (Edinburgh)

2. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what support it is giving to recycling in Edinburgh. (S2O-2568)

The Minister for Environment and Rural Development (Ross Finnie): In February, we announced a strategic waste fund award of £83.3 million, for the period to 2020, for the City of Edinburgh Council to implement a variety of recycling and composting initiatives in the capital.

Mike Pringle: Does the minister agree that recycling should be as convenient as possible and therefore that doorstep recycling schemes must be

expanded rapidly in Edinburgh and elsewhere and that easy-to-access local community facilities should be provided for tenement properties where doorstep recycling may not be feasible?

Ross Finnie: Yes. One of the key elements that came out of the research that we did in the run-up to the creation of the strategic waste fund was on the need for easily accessible facilities. Among the many matters that are included in the Edinburgh submission are kerbside collections, on-street collection, on-street recycling and city-centre recycling. Obviously, I do not have the details of the programme, but I would be disappointed if it did not address those issues. I think that Mike Pringle will agree that the City of Edinburgh Council is being awarded a very significant amount. I am sure that in the context of its overall plan that funding will make a real and significant difference.

Rob Gibson (Highlands and Islands) (SNP): Will the minister ensure that, before it is approved, the Highland Council waste strategy bid, which has been submitted to the Scottish Executive, must include the community recycling projects undertaken by HomeAid Caithness in Thurso and the Golspie Recycling and Environmental Action Network?

Ross Finnie: I have no doubt that if those projects are part of the integral plan, they will be included. The Scottish Executive applies the following criteria to the plans. First, does it basically and fundamentally meet the area waste plan, as set out and agreed? Secondly, within that, does it meet the best practical environmental objective? Thirdly, does it also meet the value-for-money tests? I stress that that is the third test and that it does not override the two previous conditions.

Environmental Targets

3. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what progress it has made on meeting its environmental targets. (S2O-2622)

The Minister for Environment and Rural Development (Ross Finnie): The Executive outlined its ambitious programme of environmental and sustainable development commitments in "A Partnership for a Better Scotland". I believe that progress is being made on implementing those commitments across a broad range of areas.

Karen Whitefield: I welcome the minister's response. However, he will not be surprised to know that my constituents in Greengairs believe that those assurances ring a little hollow. Does he agree that we need firmer targets to reduce substantially the use of landfill and increase recycling opportunities? Does he also agree that,

although reducing waste output and increasing recycling may not always be the cheapest options, they are certainly the only sustainable options for Scotland?

Ross Finnie: I certainly agree with the latter point. The Scottish Executive has recognised that point in the level of support that it is giving to the strategic waste fund. Previously, we had an extraordinarily economically efficient waste collection, which on average cost about £40 a tonne. By any international comparison that was extremely economically efficient, but it was an environmental disaster. We are now moving to increase the use of recycling and composting and are making efforts to reduce waste, which is just as important. That will result in a more expensive system, but it is only expensive in financial terms. It is only with difficulty that we could calculate the cost in environmental terms had we pursued the previous objective.

I understand Karen Whitefield's real interest in the matter as she has a constituency interest at Greengairs. I share her view that the objectives that we are setting to increase the level of recycling and reduce the amounts going to landfill—and not necessarily considering it as a matter of expense—are the only ways to improve the situation at Greengairs, in which I know that she has a real interest.

Phil Gallie (South of Scotland) (Con): What concerns does the minister have about the assertion by the green guru, Dr James Lovelock, that current renewable energy targets threaten energy supply into the future and that a nuclear generation programme requires to be commenced? What can the minister do about that?

Ross Finnie: I am not sure that recycling is the answer, but perhaps Phil Gallie knows something that I do not know.

Phil Gallie: Probably.

Ross Finnie: He has obviously read more than I have.

The Scottish Executive's clear commitment is to increase the renewables target, which was mentioned in this morning's debate. Because the target of 40 per cent is ambitious, we cannot wholly depend on wind, but the Executive would much prefer to develop wind and tide technologies. In Scotland we are almost uniquely placed to develop those technologies and that is the way in which the Executive will proceed.

The Deputy Presiding Officer (Murray Tosh): Question 4 has been withdrawn.

Landfill Targets

5. Christine May (Central Fife) (Lab): To ask the Scottish Executive whether Scotland will meet

its targets for the reduction of landfill. (S2O-2631)

The Minister for Environment and Rural Development (Ross Finnie): We are putting in place a landfill allowance scheme to ensure that Scotland will meet its European Commission targets for the reduction of landfilling of biodegradable municipal waste by 2010, 2013 and 2020. The scheme will also ensure that all local authorities make a fair contribution. We are supporting that with a £230 million strategic waste fund, which is available to all local authorities in Scotland to assist them in meeting their targets.

Christine May: Will the minister join me in congratulating Fife Council on increasing its recycling rate to almost 20 per cent? That has been made possible by funding from the Scottish Executive and measures that include an innovative contract whereby Smith Anderson paper mill in my constituency collects the council's waste paper, recycles it and turns it into envelopes that are then sold back to the council. However, does the minister agree that significant additional capital investment will be needed for facilities if we are to meet the increasingly stringent targets that have been set by the European Union? Will he give the Parliament further details about the funding to which he has just referred, such as how and when applications must be made and how funds will be allocated?

Ross Finnie: I have no hesitation in joining Christine May in congratulating Fife Council on its collaborative efforts with, among others, Smith Anderson to carry out that work. That is the kind of co-operation and collaboration that we want to happen throughout Scotland as part of our efforts to engage with the wider community to ensure that recycling is not just an add-on but an integral part of the way in which we deal with biodegradable municipal waste.

I should make it clear that the landfill allowance scheme has two objectives. Its first objective is to try to ensure that we meet our targets, but it will also try to smooth out the transition process in relation to allowances for individual local authorities by giving two local authorities, including Fife Council, their allowances for all the years from 2005 to 2020. We believe that that will be an enormous help to local authorities in planning the process.

When the capital allocation of £230 million has been made, it will be open to all councils—as it has always been—to make applications. As I said in response to an earlier question, those applications will require to come within the confines of authorities' area waste plans and, in relation specifically to landfill reduction, will have to be in accord with meeting the allowances that will be allocated to local authorities.

Eleanor Scott (Highlands and Islands) (Green): The minister will be aware that the European Environment Agency published a report this week that shows that the volume of packaging waste that is being produced in Europe continues to grow. What plans does the minister have to ensure that Scotland's waste policy focuses effectively on the supply side in order to reduce and, in the long term, all but eliminate the waste that is produced, so that we will no longer need landfill?

Ross Finnie: The Executive continues to have regular meetings with those who distribute such packaging, to encourage them in every way possible to play their part in trying to reduce packaging. We discuss the matter with industry and many bodies. We cannot impose standards, but we must make it clear that such producers are increasingly out of step, because the public are beginning to react much more forcibly in recognising the importance of reducing waste and participating in recycling schemes.

Mary Scanlon (Highlands and Islands) (Con): Highland Council recently doubled its rate of recycling and composting from 2 per cent to 4 per cent, but it still has the lowest recycling levels in Scotland. In a meeting with MSPs on Monday, the council said that it needs a substantial share of the £230 million to achieve its target. Is the minister in talks with Highland Council and is he sympathetic to the request for a large share of the £230 million?

Ross Finnie: We are in talks with all the councils and we are encouraging all of them to apply to the fund as part of the area waste plans. We have been marginally disappointed that Highland Council has taken rather longer than other councils have to submit an application. We recognise the importance of the fund. As I said earlier, the key question for me and the Executive is whether the councils meet the objectives of the area waste plans; whether they provide the best practical environmental solution; and whether they provide value for money. If councils meet those criteria, their applications are likely to succeed.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): What measures will the Executive take to communicate to my constituents who think that they are recycling waste when in fact that waste goes to landfill? Will the Executive work with local authorities to set up an audit trail to give full confidence to those who receive doorstep collections of newspapers in Galashiels, such as me, that the waste is being recycled?

Ross Finnie: That is a matter for individual local authorities and it is within their powers. A local authority that allowed waste that was to be recycled to go to landfill would not be acting within the spirit of its commitment to the area waste plan,

nor within the spirit of its application for strategic waste fund moneys. I would be concerned about such a situation, but it is up to local authorities to ensure that their collection systems are such that waste that is to be recycled goes to that end use.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): Given the minister's worthy aim of reducing landfill, how can he possibly justify his decision not to call in for review the public-private partnership proposal for Dumfries and Galloway's waste collection, which includes a massive expansion of the landfill site at Aucheninnes near Dalbeattie in my constituency?

Ross Finnie: I am always interested in questions from Alex Fergusson that are posited in such a pejorative way. The issue is not simply about his local area; we must take account of the area waste plan. The national waste plan and the area waste plans make it clear that the aims are not simply laudable ambitions but targets that the local authorities and the Executive believe can be met. The plans will not eliminate the need for landfill nor, in some circumstances, for incineration, but they will bring us down to levels of landfill and incineration that are more comparable with those of the mainland European states that are much more advanced in the process. Alex Fergusson talks about an enormous landfill, but that must be viewed in the context of the Dumfries and Galloway area plan, which will in fact result in a long-term reduction in the amount of waste going to landfill and in the need for landfill sites. In some circumstances, there may appear to be an increase in waste going to landfill, but viewed within the context of the plan, there will be a reduction.

The Deputy Presiding Officer: Questions 6, 7 and 8 have been withdrawn.

Sheep Quality

9. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I did not expect that we would reach this question.

To ask the Scottish Executive what proposals it has to assist crofters in the development of the quality of their sheep. (S2O-2528)

The Deputy Minister for Environment and Rural Development (Allan Wilson): I am glad that Mr Stone has come along.

Training has been offered in ram selection to assist crofters as appropriate. Most crofters will have the skills that they need to select good-quality stock. However, the additional provision will be provided for those who used the ram purchase scheme because they were not confident in their ability to choose a ram.

Mr Stone: As the minister is not clairvoyant, he is not likely to know why I submitted the question. I

have received strong representations from crofters in my constituency about the withdrawal of the tup scheme. Is the process of elimination of the scheme unstoppable and, if so, will the minister please consider seriously the introduction of a scheme that is at least as good as, if not an improvement on, the scheme that crofters already enjoy? We must remember that, ultimately, the scheme aims to improve the bloodline of stock in remote parts of the Highlands.

Allan Wilson: I am not sure whether we are talking about rams or bulls.

Mr Stone: Did I say bulls? I meant rams—tups. A tup is a male sheep. [*Laughter.*]

The Deputy Presiding Officer: Let us keep this to formal questions, please.

Allan Wilson: In that case, I can categorically say that the process is complete and that we are not considering reinstating that scheme.

The Deputy Presiding Officer: Questions 10 and 11 have been withdrawn, and the author of question 12 is not present.

Health and Community Care

Waiting Times

1. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive whether the guaranteed waiting times in the partnership agreement will be met. (S2O-2590)

The Minister for Health and Community Care (Malcolm Chisholm): The commitment on the nine months national maximum waiting time for in-patient and day-case treatment is being met and good progress is being made towards achieving the other partnership agreement commitments on waiting.

Michael McMahon: I am sure that the minister will agree that the reduction in waiting times is not just a laudable aim but an essential feature of a modern health service. It is not sufficient to meet the current targets without looking to the future. Can he assure us that the improvements so far achieved will be sustained and that firmer targets will be set in future to improve on the current situation?

Malcolm Chisholm: I can guarantee not only that the targets will be sustained but that they will be improved. Indeed, the single most significant statistic in the plethora of statistics that came out last Thursday was the reduction of almost 3,000 in the number of people waiting more than six months for in-patient and day-case treatment—a reduction of almost one third over the quarter. The firmer target on in-patient and day-case treatment is six months maximum by the end of next year.

That was the biggest single change in all the statistics that came out last week. In welcoming that last week, I indicated that a lot more had to be done, particularly in relation to out-patient waiting. Several important initiatives have been launched recently, such as an orthopaedics initiative that was launched last Friday, which will help to achieve the targets in that area.

Des McNulty (Clydebank and Milngavie) (Lab): Does the minister agree that another aspect that came out in those statistics was the tremendous contribution that is being made by the national waiting list centre at the Golden Jubilee national hospital in Clydebank to achieving the targets that he has set? Can he reaffirm the Executive's commitment to ensuring that that good work continues and is enhanced?

Malcolm Chisholm: The Golden Jubilee national hospital was a major factor in the improvements in the waiting time figures that were announced last week. More than 13,000 procedures were performed there last year and that will increase this year. I welcome the fact that Des McNulty has highlighted the important contribution of that hospital.

Elder Abuse

2. John Swinburne (Central Scotland) (SSCUP): To ask the Scottish Executive what plans it has to address the issue of elder abuse in residential care homes and domestic settings. (S2O-2542)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): I am reassured that the Scottish Commission for the Regulation of Care, as the independent regulator of care services, including care homes for older people and nurse agencies, can take appropriate action. I am encouraged that it has launched an immediate investigation into the specific care home incidents reported in the *Daily Record* recently and I have asked to be kept informed. We are also considering what additional measures may be brought forward better to protect vulnerable people who receive care.

John Swinburne: The House of Commons Health Committee investigated the extent of elder abuse in England and reported back in April 2004. When will the minister initiate a similar response for the abused elderly in care in Scotland? Why has it not been done already? Do Scotland's elderly have less importance than those in England?

Mr McCabe: The Executive has promoted a range of actions to improve living conditions for the elderly in general in Scotland and particularly for the vulnerable elderly. We have just concluded a consultation on a list of people to be excluded

from working with vulnerable adults. We are considering how to investigate suspected abuse and powers to remove a perpetrator of abuse from the home. We constantly review the position with regard to vulnerable adults and if we think that further legislation is necessary, that will be announced by the First Minister at the appropriate time. We continue to support Age Concern's campaign on elder abuse.

Irene Oldfather (Cunninghame South) (Lab): I welcome the measures that the minister outlined and his comments about additional measures. Does he agree that caring for elderly people with dementia in their homes requires entirely different training and skills from caring for those with physical disabilities? Is he aware that although many agencies train staff in lifting and handling, few agencies recognise the particular needs of dementia sufferers? Will he give an assurance that he will work with the care commission and others to ensure that private agencies and others who deliver care to elderly people with dementia in their homes train staff appropriately and that such training forms part of audit and quality control procedures?

Mr McCabe: I am happy to provide that assurance. Our understanding of the issues is increasing all the time. The Executive works with the dementia services development centre in Stirling and other experts in the field. We understand that the policy direction of keeping people in their homes and maintaining their privacy and dignity creates other issues, and we are constantly working to ensure that we address and resolve them.

Obesity

3. Mr Stewart Maxwell (West of Scotland) (SNP): To ask the Scottish Executive what its response is to the House of Commons Health Committee's report on obesity published on 27 May 2004 and what plans it has to combat obesity within Scotland. (S2O-2588)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Scottish ministers fully acknowledge that obesity is a serious health threat. We share the House of Commons Health Committee's concern about the impact that obesity has on people's lives and we recognise the huge effort that is required to turn the tide of years of physical inactivity and poor diet. Considerable action is under way through the implementation of strategies that are of direct relevance to the prevention of obesity, such as the Scottish diet action plan and the physical activity strategy. Our multisectoral, multi-agency approach to diet and physical activity has been endorsed by the World Health Organisation and fits in with its recently approved global strategy on diet, physical activity and health.

Mr Maxwell: I welcome the strategies that are in place, but is it not time for the Executive to take some bold and radical steps to combat obesity levels in Scotland, where one in five 12-year-olds is clinically obese and one in three is overweight? Will the minister give due consideration and support to the SNP proposals to tackle obesity, which include the introduction of a clear and concise food-labelling system, a ban on the marketing of junk-food products, particularly to children, and the removal of unhealthy food and drink from vending machines in schools?

Mr McCabe: We in the Executive believe that we are promoting bold and radical proposals. We are prepared to listen to proposals wherever they come from because, as I said, we recognise that obesity is a serious national problem. We have established a range of senior advisory groups to provide leadership, expert advice and co-ordination on both food and physical activity. Those groups will build on the work of the physical activity task force and the food champions and they will inform the work of the ministerial steering group on health improvement. We intend to establish a strong interface with the food and drink industry to promote healthier options, to reduce portion sizes, and to reduce levels of sugar, fat and salt. Earlier this week, I began a series of meetings with food processors and retailers by meeting the chief executive and other representatives of McDonalds UK to discuss those issues.

John Scott (Ayr) (Con): Does the minister agree that obesity in schoolchildren is a growing problem, and that it is important for high-quality local food to be used to provide a better diet for schoolchildren? Will he support, as I would hope, the initiative that was announced recently in that direction by his colleague Andy Kerr?

Mr McCabe: Of course I agree that it is important to support local produce. Obviously, we need to take account of procurement rules and regulations and ensure that whatever we do complies with them, but we fully recognise the need to focus on children's diet. We have produced new nutritional standards in schools and we have committed ourselves to altering the content of vending machines in schools. We are issuing free fruit, children are issued with water, and we are spending £24 million on activity co-ordinators in schools. We fully recognise the need to focus on children's needs and, in the near future, my colleague Peter Peacock will announce the results of the physical education review. All that, combined, is beginning to turn the tide and to alter health outcomes for young people in Scotland.

Mrs Margaret Ewing (Moray) (SNP): While all the investigation is taking place into obesity—I

recognise that it is a major problem—and as we consider diet and lifestyles, I make a special plea that we should remember that, at the opposite end of the spectrum, there are people who suffer from severe eating disorders. We should remember that Scotland severely lacks facilities to address such disorders.

The Deputy Presiding Officer: I ask the minister to treat that as a question and to give some kind of answer to it.

Mr McCabe: I assure the member that the Executive recognises fully the trauma and distress that accompany eating disorders. The Scottish Executive Health Department is working to better our understanding of and our response to such disorders. I assure the member that that work will continue and that we will bear in mind the valid points that she made.

Long-term Absence of Pupils

4. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive what steps it is taking to combat the health causes of long-term absence of pupils from school. (S2O-2562)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Health causes of long-term absence of pupils from school can be many and varied. NHS boards are expected to ensure that the health needs of children in their areas are met. Under section 40 of the Standards in Scotland's Schools etc Act 2000, education authorities have a duty to make special arrangements for such pupils' education.

Alex Fergusson: Is the minister aware of reports that categorically position ME as the biggest single cause of long-term absence from schools? ME sufferers can learn, but they must do so in their own time and at their own pace. Will the minister undertake to play his part whenever possible in bringing together health professionals and educationists to ensure that local authorities take that information into account in formulating and implementing their home-education policies?

Mr McCabe: I am aware of those reports. The Education (Additional Support for Learning) (Scotland) Act 2004 will modernise the arrangements for identifying children's needs. The new system will be clear and readily understood. It will promote a shared understanding of roles and a common commitment to the smooth delivery of services.

As the member knows, the Executive established a short-life working group on ME and issued the outcomes of that group's work to NHS boards in February 2003. The results of the boards' considerations are still being ingathered—we had to remind some boards that they were

required to respond to us. We have given a commitment that, when all those responses have been received, we will supply them to the Health Committee. When we can analyse the responses, we will consider our next steps.

Asthma

5. Mrs Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what its position is on the recent report by Asthma UK which indicates that 35 per cent of people with asthma expect improvement in how the national health service manages their asthma over the next five years. (S2O-2636)

The Minister for Health and Community Care (Malcolm Chisholm): A range of measures is in place or under development to improve the management of asthma. They include the new general practitioner contract, which identifies asthma as a condition that will attract extra remuneration for doctors if they meet standards of care, and GP practice accreditation procedures for the management of chronic diseases, including asthma.

Mrs Milne: I hope that the minister agrees that 35 per cent is a fairly low level of patient expectation. He will be aware that the Scottish intercollegiate guidelines network recommends that everyone who has asthma should have an asthma action plan. In Australia, asthma management plans have proven to be the single most effective non-drug means of controlling the condition. Fewer than one in 10 people in this country have such a plan. Personal health plans were promised in the partnership agreement but have not been delivered. What action is the minister taking to ensure that all asthma sufferers have such plans?

Malcolm Chisholm: I agree with Nanette Milne that the SIGN guideline is extremely important. The recommendation on asthma action plans is a key part of the guideline. NHS Quality Improvement Scotland is working with Asthma UK in Scotland to develop support for the implementation of the guideline. We are keen to aid that process and we are discussing with both those bodies how the Executive can help implementation, in particular through the training of health care professionals in the use of asthma action plans. That is one further important development in addition to those that I mentioned in my first answer. The children's steering group of NHS Quality Improvement Scotland is developing a quality-based approach to the delivery of asthma services for children. That is another important initiative that will improve the services that are on offer.

Patrick Harvie (Glasgow) (Green): Given recent research showing a clear link between

vehicle emissions and the irritation of the airways of young children, as well as the fact that millions of asthma sufferers say that traffic pollution aggravates their condition, what discussions have taken place about estimating the impact on asthma of continually increasing road traffic levels, particularly in Glasgow, where the volume of traffic is expected to rise by 40 per cent over the first two decades of this century?

Malcolm Chisholm: The chief scientist office is funding nine asthma-related research projects and the aspect that Patrick Harvie highlights is one of those on which more detailed research is required. In general, people are aware of the importance of the environment with regard to exacerbating asthma. The other important part of the issue is that of smoke-filled environments. As members know, the consultation document on smoking in public places will be launched on Monday. Those who suffer from asthma are keen for there to be further restrictions on smoke-filled places.

General Practitioner Contracts (Quality of Service)

6. Janis Hughes (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what improvements to the quality of service to patients will flow from the new general practitioner contracts. (S2O-2592)

The Minister for Health and Community Care (Malcolm Chisholm): The quality and outcomes framework of the new general medical services contract will, for the first time, directly reward general practices for providing a higher volume and better quality of outcomes for patients. Payments will be made for achievement against a series of clinical, practice management and patient experience indicators.

Janis Hughes: In light of the large deficits on the part of many health boards that were announced recently, will the minister assure me that boards will continue to provide additional and enhanced medical services where GPs, under the terms of their new contracts, opt out of such services?

Malcolm Chisholm: The money that is going into the new GMS contract is separate from the general allocations to boards. As most members will know, there is an increase of one third in the resources that are going into primary care over a three-year period. Enhanced services must meet a guaranteed minimum level. Over and above that, boards have the freedom to develop local enhanced services. One of the strong features of the new contract—and of community health partnerships more generally—is that it will encourage the development of a wider range of services in primary care settings.

Christine Grahame (South of Scotland) (SNP): As the minister will recall, I wrote to him about the row between GPs in Edinburgh and Glasgow and the Scottish Executive Health Department over payments for methadone treatment under the GP contract. As the withdrawal of methadone programmes must throw many users back on to heroin, will the minister give the Parliament a progress report on that dispute?

Malcolm Chisholm: I will have to write to the member about that issue.

Maureen Macmillan (Highlands and Islands) (Lab): Is the minister aware of the financial cost to NHS Highland of implementing its proposed out-of-hours strategy? Does he realise that the out-of-hours service in Skye will cost £1 million to implement, which is the same amount as for the whole of Glasgow? Does he realise that there is deep anxiety in some rural areas, such as east Sutherland, where there will be no GP cover between midnight and 8 am, and that providing transport to treatment centres in remote areas will prove problematic, as there is often no ambulance station and sometimes not even a taxi service? Can he give any further support to NHS Highland in the rolling-out of the out-of-hours service?

Malcolm Chisholm: There has been a lot of discussion about the out-of-hours service. In general terms, we think that it will be helpful to rural areas, as it will aid the recruitment and retention of GPs in those areas. The approach will be based on team-based care. The GPs who are available will be concentrating on those patients who need to see a GP, as distinct from those who need to see another health care professional. Those general points should help to reassure people about the out-of-hours service. I know that there are concerns about the cost of the service, particularly in rural areas such as Highland. There has been a lot of discussion about board finances. As Maureen Macmillan knows, some extra money was distributed at the end of the last financial year and I hope that we will be able to distribute some more money in the near future to help with some of the modernisation processes that boards are undertaking.

New Royal Infirmary of Edinburgh (Food Hygiene)

7. Colin Fox (Lothians) (SSP): To ask the Scottish Executive what powers it has to intervene if it is dissatisfied with food hygiene standards at the new royal infirmary of Edinburgh. (S2O-2556)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Food safety and hygiene controls on hospitals, including the royal infirmary of Edinburgh, are provided for by the powers of entry and inspection that are

given to local authorities under the Food Safety Act 1990 and the Food Safety (General Food Hygiene) Regulations 1995.

Colin Fox: I welcome the minister's answer and am glad that he is not going to wash his hands of his food hygiene responsibilities, so to speak. The minister will be aware of the general public's widespread disgust at the standards of catering for patients at the new royal infirmary, which were shown in a recent television programme. Is he also aware of the recent internal report that was written by NHS managers at the hospital and sent to senior support managers? The report expressed fears about the lack of proper hygiene in Haden Building Management Ltd's food preparation. Indeed, in the report, one manager—

The Deputy Presiding Officer: Do not start quoting, Mr Fox. Come to the question.

Colin Fox: Okay—I am coming to it. Will the minister assure the Parliament that food that is provided to patients at the new royal infirmary will be of the highest possible standard and that, if it is not, the NHS will withdraw the contract and seek compensation from the private company that is involved?

Mr McCabe: First and foremost, such matters are the responsibility of NHS Lothian, which constructed the contract. I share the member's concern about the revelations in the recent television programme but am reassured that NHS Lothian and Consort Healthcare sought and received assurances about the quality of food from Tillery Valley Foods Ltd. I expect all boards to monitor matters closely and to take action when shortfalls are revealed and I expect them to apply the full force of contractual obligations that are designed to deal with such occurrences.

Rhona Brankin (Midlothian) (Lab): The minister has already said that he welcomes the new guidelines on food procurement from his colleague Andy Kerr. Does he share my hope that the new guidelines could conceivably make it easier for health boards to procure locally produced and very high-quality food, which is important?

Mr McCabe: That is always our hope. As I said earlier, our intention is to promote as much locally produced produce as we can, although account should always be taken of the procurement guidelines that are in place. However, in respect of the royal infirmary of Edinburgh, it is worth reminding ourselves that no Scottish bid was received for that food contract and that, when the contract terminates, it will be open to all operators—including Scottish operators—to submit bids.

General

Electricity Generation (Renewables Technologies)

1. Shiona Baird (North East Scotland) (Green): To ask the Scottish Executive what proportion of the electricity currently generated at Hunterston B, Cockenzie and Longannet will be replaced with electricity generated using renewables technologies by 2020, given the planned closures of these power stations by 2020. (S2O-2609)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): We have set a target for 40 per cent of all electricity that is generated in Scotland to be from renewable sources by 2020. How that relates to the retiral of existing power stations will depend on the number and nature of renewable projects that are brought forward, as well as on other changes to energy markets and technologies over the intervening period.

Shiona Baird: Has the Executive calculated how much of the output of those stations could be saved with comprehensive energy efficiency measures by 2020? If it has not, will it begin to make such calculations now?

Lewis Macdonald: We will continue to seek to make energy efficiency savings at the consumer end because it is clear that that is where energy is used—it is not used at the point of generation, but at the point of consumption. Therefore, our focus is rightly on households and businesses. Last year alone, the Scottish energy efficiency office saved Scottish businesses £12 million off the bottom line, which represents savings of more than 200,000 tonnes of carbon emissions that would otherwise have been produced. That is rightly our focus in promoting energy efficiency.

Mr John Home Robertson (East Lothian) (Lab): Will the minister give a rough idea of how many wind generators it would take to replace the generating capacity of Cockenzie, Longannet and Hunterston B, if the wind was blowing? I am happy to support the Executive's objective of maximising the potential of so-called renewables, but I suggest that the Executive has a duty to give early consideration to plans for new nuclear plant if we are serious about maintaining Scotland's contribution to the baseload generation for the United Kingdom.

Lewis Macdonald: I am afraid that I cannot give the member a quick answer to his first question. However, as I had a suspicion that some such question might be asked, I worked out that the wind power applications that the Executive has approved in the past 18 months alone are equivalent to roughly half the generation capacity

of Torness power station. That gives the member an idea of what we need to do and the progress that we have made. The equivalent to Torness would be something in the order of 500 turbines of the most modern variety. Clearly, we face a big task, but the number of successful applications that are going through the system is encouraging and gives us great confidence that we will reach our renewables target by the end of the decade.

Rail Services (Shotts Line)

2. Bristow Muldoon (Livingston) (Lab): To ask the Scottish Executive what plans it has to support enhancement of passenger rail services on the Edinburgh to Glasgow via Shotts line. (S2O-2552)

The Minister for Transport (Nicol Stephen): The Executive has funded a report on the issue, which has now been completed and is being considered by us. We recognise the importance of better public transport links for the communities and the economy of West Lothian.

Bristow Muldoon: I am sure that the minister is aware that one of the key recommendations of the report is the establishment of a new semi-fast service that will stop at a limited number of stations on that route. Does he agree that the adoption of that plan would meet the Executive's intentions to reduce congestion along the M8 corridor and increase the number of passenger rail journeys across the central belt? Does he also agree that the costs that are associated with the plan are reasonable and could be afforded by the Executive?

Nicol Stephen: We will need to look more carefully at the costings. We are anxious to support such improved rail services and initiatives throughout Scotland. The semi-fast service would be, as Bristow Muldoon suggests, a significant improvement and would reduce the journey time from 90 minutes to 60 minutes. That is exactly what the report has analysed and looked at. I will shortly meet him and Karen Whitefield to discuss the matter further. If there is any way in which we can give further support to the scheme to make it a reality, provided that it gives value for money and achieves its objectives, we would like to do so.

Karen Whitefield (Airdrie and Shotts) (Lab): Does the minister agree that the introduction of a semi-fast, limited-stop service on that line would greatly improve the access of the people of Lanarkshire to Scotland's two major cities and the economic, social and recreational benefits that those cities can provide? Does he also agree that such a service would make Lanarkshire—especially parts of North Lanarkshire, such as Shotts—a more attractive destination for businesses that are looking to set up or relocate?

Nicol Stephen: I agree. There would be significant benefits for Lanarkshire, West Lothian and the cities of Edinburgh and Glasgow. If we are going to deliver on that initiative, we need to take a partnership approach and to get other bodies involved. I am willing to play a leading role in ensuring that that happens and I will work with Karen Whitefield, Bristow Muldoon and the other MSPs who have an interest in the issue.

Proceeds of Crime Act 2002 (Allocation of Funds)

3. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive how funds recovered under the Proceeds of Crime Act 2002 will be allocated in Scotland. (S2O-2603)

The Minister for Justice (Cathy Jamieson): We are determined that recovered criminal assets must be used to benefit the communities that suffer from drug dealing, drug abuse and the crime that goes hand in hand with those. The money will be used to produce tangible and visible improvements to community life. Our emphasis is on working with local communities to choose the most effective way of doing that that makes sense in the circumstances. For example, the money could be spent on dealing with graffiti, on community clear-up, on reclaiming the public areas for community use or on improved facilities for children and young people. We are working on the detail of how we can best use and distribute the resources and an announcement will be made on that in the near future.

Johann Lamont: I thank the minister and welcome her reply. She will know that my constituency—like many others—is seriously affected by the consequences of drug dealing not just in relation to those who are preyed upon and who become addicted to drugs, but in relation to their families and the local communities. Some fragile communities are becoming more fragile as the physical impact on buildings and the environment, along with the associated difficult behaviour, drives people out and creates a downward spiral for those who remain. Will she assure me that, when she considers the details of the distribution of moneys, those serious community problems will be recognised and that the communities that are most directly affected will be prioritised for funding to be used to tackle, for example, the physical degeneration that I have mentioned?

Cathy Jamieson: The existence of the kind of situation that Johann Lamont describes, which affects her constituency and other local areas throughout Scotland, is exactly why we want to ensure that the recovered assets are put into those communities to improve the quality of life for people there, as part of our efforts to make

Scotland a safer place for all. We will not let up in the fight against serious and organised crime, especially drug abuse. We will continue to do everything in our power to disrupt those networks that continue to peddle that misery in our local communities.

The Deputy Presiding Officer: Question 4 has been withdrawn.

West Coast Main Line (Small Stations)

5. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive whether it supports the proposed reopening of small stations between Lockerbie and Carstairs on the west coast main line. (S2O-2611)

The Minister for Transport (Nicol Stephen): The Executive has funded feasibility work into the development of local services along the west coast main line. We will shortly meet Strathclyde Passenger Transport and Dumfries and Galloway Council to discuss the study's findings.

Chris Ballance: I am delighted that the minister will meet those authorities soon. When he does, he will find that the study reported market demand and timetable feasibility for a new service. Such a service would also give positive returns against the Government's transport criteria and would provide opportunities to stem the depopulation of rural Dumfries and Galloway. Will he therefore look favourably on Executive subsidies and support for the project?

Nicol Stephen: As Chris Ballance and other members are aware, the ScotRail franchise is tendered on the basis of a continuation of the current level of services, but we have left open the option of making improvements by the introduction of new lines and services. I have already answered questions on one study that we have supported and the Lockerbie to Carstairs line is the subject of another such study, which would make improvements to the west coast main line—one of the most heavily used and busiest lines not just in the UK, but in the whole of Europe. However, the study shows that improvements could be made either by more frequent stopping at existing stations or by introducing new stations and services. Along with SPT and Dumfries and Galloway Council, we will consider the outcome of the report carefully. Obviously, we will do that with a view to making solid progress on the issue.

David Mundell (South of Scotland) (Con): In light of those comments, will the minister confirm for the record that the ScotRail franchise will contain flexibility for the introduction of a new Edinburgh or Glasgow to Carlisle service that could stop at stations such as Beattock or Symington? As mainline services are not particularly interested in stopping at smaller

stations, it is clear that a new service would be required if the full benefit of station openings were to be gained.

Nicol Stephen: Yes, I can confirm that that opportunity will exist. Across Scotland, there is a lot of demand for improvements to the rail network, which we are trying to support as much as we can. Clearly, there are limitations on how much we can do and how soon, so it would be wrong to raise false expectations or raise expectations too early. However, the reason why we are investing in such studies is that we are heavily committed to public transport. We strongly support greater investment in public transport projects and we want the rail network in Scotland to grow and improve.

Petrol Prices (Rural Scotland)

6. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive what steps it is taking to make representations to Her Majesty's Government on the impact of rising petrol prices in rural Scotland. (S2O-2563)

The Minister for Transport (Nicol Stephen): The Executive appreciates the concerns about rising fuel prices among people and businesses throughout Scotland, particularly in remote and rural communities. We will remain in close contact with United Kingdom ministers about the issue and we will make representations to the UK Government to protect Scotland's interests.

Alex Fergusson: Is the minister truly aware of the impact of high fuel prices in constituencies such as mine where, as has been said many times before, the car is not a luxury but an essential requirement for getting to work? Furthermore, is he aware of the impact of high fuel prices on tourism in rural areas as we enter the summer season? Given that the Treasury automatically benefits from rising fuel prices, will he endeavour to change the stance that the First Minister set out earlier today and get him to use whatever influence he has to persuade the UK Government either to freeze fuel duty or, better still, to reduce it? Will the minister also undertake to explore with the petrochemical suppliers the possibilities of reducing the iniquitous differentials between urban and rural petrol prices, which are, frankly, little short of discriminatory?

Nicol Stephen: As Alex Fergusson is aware, the Executive has a range of schemes to support transport in rural communities. However, we must always remain aware of the significant number of households even in rural areas that do not have access to a private motor car. That is why we are investing in a range of public transport fund initiatives. We have also supported some important schemes to help to retain the petrol station infrastructure in our rural and island communities.

We have a worrying situation at present because of the sharp increase in the price of crude oil. However, as Alex Fergusson knows, that is a worldwide phenomenon that is caused by the current shortage in supply of oil and a perceived increasing shortage over the summer period. The Organisation of the Petroleum Exporting Countries is in discussions at the moment—the UK Government is making direct representations to the oil-producing nations about increasing the supply of oil and several countries have indicated their willingness to support that. We hope that a result of those representations will be that the price will return to the level that it was at just a few months ago.

We are concerned about the impact on our communities and on our industries. This morning, I met the Scottish branch of the Road Haulage Association to discuss those issues. I undertook to remain in close contact with the association and with others who have an interest in the matter. We will continue to make representations as appropriate to the UK Government, the Chancellor of the Exchequer and the Secretary of State for Transport and Scotland.

George Lyon (Argyll and Bute) (LD): The minister will be aware that the current price of fuel in Islay is 98p per litre, which I suspect is the dearest petrol price anywhere in the United Kingdom. As the First Minister made clear at First Minister's question time, the current strategy is to put pressure on OPEC to increase supply in order to dampen down the current spike in the price of oil. Will the Minister for Transport give a guarantee that, if that long-term solution fails, representations will be made to the chancellor to think carefully before any increase in taxation is brought into effect?

Nicol Stephen: Fuel taxation is a reserved issue; as every member is aware, it is for the UK Government and the chancellor to make decisions in that area. However, I give an absolute guarantee that the Scottish ministers will make representations on the matter—indeed, they are already making representations and they will continue to do so. On the price of fuel in Islay, I assure George Lyon that the potential for petrol to slip above £1 per litre concerns us greatly. We realise the impact that that would have on the communities concerned. If he wishes to make further representations to me on that matter, I would be pleased to forward them to the UK Government.

Jim Mather (Highlands and Islands) (SNP): Will the minister tell us the exact nature of those representations? What steps has the Scottish Executive taken to record and review the range of fuel prices throughout the Highlands and Islands and the impact on local costs and economies?

Nicol Stephen: The representations between the UK Government and Scottish ministers are not made public. However, it would not take a great genius to work out that the issues about which we make representations are exactly those that Jim Mather has identified—the impact on communities, the costs involved and the impact on businesses. We keep those matters under careful review, we listen to the representations that are made by local communities and we identify the particular impact on rural and island communities. However, a serious impact is felt throughout Scotland as a result of rising oil and petrol prices and we are determined to ensure that, if at all possible, that impact is lessened. We will continue to make that case and to discuss with the UK Government what appropriate steps can be taken.

Mark Ballard (Lothians) (Green): I am glad that the minister recognises that not everybody in rural areas in Scotland can afford to have a car or chooses to have one. Does he also recognise that, over the past 25 years, the cost of public transport in Scotland and the UK has been increasing sharply while the cost of motoring has declined? In that context, does he agree that what rural areas in Scotland really need is better, affordable public transport and not ever-cheaper motoring?

Nicol Stephen: It is clear that the level of use of public transport in Scotland is rising. There is an increase in the number of people who use local bus services—indeed, the bus is still the dominant form of public transport in Scotland. The number of passengers who use the Scottish rail services has also improved. We want to encourage that trend. Although we have to take affordability into account, we also have to bear in mind the quality, frequency and reliability of public transport services. That is why we are determined to spend 70 per cent of the Scottish transport budget, which is being increased to about £1 billion a year, on public transport initiatives. Indeed, our investment in public transport has risen dramatically over the past three years.

Tenements (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-848, in the name of Margaret Curran, on the general principles of the Tenements (Scotland) Bill.

15:01

The Minister for Communities (Ms Margaret Curran):

I am delighted to move the motion to approve the general principles of the Tenements (Scotland) Bill. As there are more than 800,000 tenement flats in Scotland, the bill will affect a very large number of Scots and should improve their lives.

The bill represents the third and final stage in the Executive's current programme of property law reform and follows the Abolition of Feudal Tenure etc (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003. This package of reforms will modernise an outdated and old-fashioned system of land ownership and replace it with a modern and clear system. I know that the Parliament would wish to acknowledge the diligent and exhaustive work of the Scottish Law Commission, which prepared the draft bills on all three property law reforms.

I also take this opportunity to thank the parliamentary committees that have examined the bill during its progress to date. As members will no doubt demonstrate this afternoon, some of the issues are quite technical and I think that all members will agree that the Justice 2 Committee has produced an excellent report.

Michael Matheson (Central Scotland) (SNP): Hear, hear.

Ms Curran: Absolutely. I am delighted that the committee has endorsed the policy behind the bill.

As everyone will know, the bill has two main aims. First, it restates and clarifies the common-law rules on the ownership of the various parts of a tenement. Secondly, it introduces a statutory scheme known as the tenement management scheme for the management and maintenance of tenements. However, the scheme will apply only as a default arrangement. After all, many existing tenements have perfectly good arrangements that are suited to the building's particular nature. Scotland has an infinite variety of tenements and the deeds that are drawn up take into account the different circumstances of particular tenements.

Similarly, developers in future need not be constrained by a rigid set of rules, but can be comforted by the knowledge that the tenement

management scheme will underpin gaps or deficiencies in titles. The tenement management scheme will complement the title deeds to the property and ensure that any important gaps or inadequacies are plugged. As a result, I am glad that the committee has recognised the importance of free variation of the title deeds as well as the vital role that the tenement management scheme will play in the future maintenance of the tenement stock in Scotland.

I will now refer to some of the detailed observations on certain aspects of the bill made in the committee's stage 1 report. As I have said, some of the points that were raised are quite technical and it will not be possible for me to comment on all of them this afternoon. However, we will write to the committee on other matters, including those that relate to legal aid regulations and the duty to provide support and shelter.

The committee discussed the service test in great detail. The service test simply means that ownership of the common parts of a tenement will depend on which flats they serve. In that context ownership is important, because someone who owns a share in a part of the tenement is obliged to pay a share of any maintenance costs.

The committee expressed concerns about an owner who might be required to contribute to the upkeep of a part of a tenement even if he or she no longer uses it. For instance, if someone blocks up a fireplace, will they still be obliged to contribute towards the upkeep of the chimney? My advice on the matter is that there is a difference between use and service. If an owner voluntarily chooses not to make use of a part of the tenement, that should not exempt him or her from responsibility for its upkeep, as the flat will still be served by that part.

I turn now to small tenements. In the light of evidence given at stage 1 and the committee's clear concerns, we have looked again at the provisions that cover the requirement for unanimity under the rules of the tenement management scheme for tenements with three or fewer owners. We accept the argument that the provisions might prevent owners in smaller tenements from getting repairs carried out. We intend to lodge an amendment at stage 2 that will allow a majority of two, in a tenement of three owners, to reach a scheme decision.

The committee has expressed very considerable concerns about section 11 of the bill. The section provides that an incoming owner will be liable, together with the seller, for any costs, for example, of maintenance or repairs. So, if the flat is sold and there is an outstanding liability for work, the owners of the other flats would be able to choose whether to claim the money for the sold flat's share from the seller or the buyer.

Despite the legal language of the section, the scenario is easy to imagine. The owners in a tenement agree to carry out a repair. The work is done and the bills come in but, in the meantime, one of the owners sells their flat and disappears without leaving a forwarding address. Who is to pay for that share of the repair? At present, the law provides that the seller is responsible. If the other owners cannot trace the seller, they may well have to pay that share. The bill would give them a further option—to pursue the incoming buyer for the costs.

Some members of the committee clearly felt that the purchaser could be faced with a nasty shock if the seller failed to disclose liabilities. They argued that there should be greater protection for the incoming owner. One option that was suggested to the committee was that the other owners should be permitted to place a notice in the Registers of Scotland, which would alert an incoming purchaser to the fact that there was an outstanding repair.

As members will be aware, this is a complex issue. Although the cost of registration is likely to be modest, there would also be associated legal costs, and owners might just not bother with a notice. The other owners in a tenement are perhaps less well placed to pursue the absconding owner than is the new owner, who at least has some bargaining power during the sale process. The option of placing a notice has implications for the Registers of Scotland and might have the effect of cluttering them up.

It may be worth remembering the purpose of this proposed change in the law: it is intended to protect the responsible owners in a tenement who instruct maintenance but are left out of pocket when an owner absconds.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I hear what the minister is saying and I understand that this is a complex issue, but is that complexity not a reason for introducing something that is more simple—such as maintenance funds or building funds—to cover possible problems of changing ownership?

Ms Curran: I will finish the point I was making and then, I hope, address that point directly.

Because of the high turnover of tenement flats, repairs often do not get carried out—partly because some owners fear that they will be faced with a higher proportion of the repair bill when other flat owners sell up and move away without paying their share. Our proposed change has a worthwhile objective that might be threatened by the changes that the committee suggests. However, the matter clearly merits further consideration, so the Executive would like to

consider it further in the light of the arguments that may be heard during stage 2.

When we consider the different options, we will consider the option that Cathie Craigie has mentioned. This bill may not be the legislative vehicle for that—indeed, legislation may not be required—but I would have to take advice on that. However, if we are to address the challenges that the committee has pointed out, her suggestion might be one option that we would consider with the committee at stage 2. Obviously, we do not want to create further complexities.

In its report, the committee expressed concerns about rule 3 of the tenement management scheme, which provides that, where payments for maintenance work have been collected from owners in advance, an owner can request repayment if the work does not commence within 14 days of the proposed date of commencement. The committee suggested that the tenement management scheme should provide for a “refund date”, which would be chosen by the owners. We think that that is a sensible idea, but we also think that there should be a default position in case the refund date is overlooked when the arrangements are made for a repair. We propose to amend the bill so that owners can request repayment only if the work does not commence before the refund date or within 28 days of the proposed date of commencement.

Those have been the main matters on which we think it will be necessary to amend the bill, but we will also be making a number of technical amendments at stage 2.

There remains one formal matter for me to mention. For the purposes of rule 9.11 of standing orders, I advise the Parliament that Her Majesty, having been informed of the purport of the Tenements (Scotland) Bill, has consented to place her prerogatives and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

Linda Fabiani (Central Scotland) (SNP): That is okay then.

Ms Curran: I move,

That the Parliament agrees to the general principles of the Tenements (Scotland) Bill.

15:10

Nicola Sturgeon (Glasgow) (SNP): I will resist the temptation to echo the comments of my colleague Linda Fabiani.

As the minister has said, the Tenements (Scotland) Bill is a highly technical bill—although Michael Matheson has just informed me that he has found some juicy bits on which to comment when he sums up. They eluded the Justice 2

Committee in its scrutiny, so I wait to hear what they are.

I would venture to call the bill dry, but I would probably be shouted down by Annabel Goldie who, as a former conveyancer, frequently found herself in raptures of delight and excitement as we considered weighty issues such as whether the ownership and management of a chimney flue should be different from that of a chimney stack. I know that that is something that the minister, with her encyclopaedic knowledge of the bill, will want to comment on at some length during the debate. I look forward to hearing her clarify that important point.

To be serious, the bill is technical, but that should not mask its importance to hundreds of thousands of Scots. The fact that a quarter of all the housing stock in Scotland consists of tenement properties means that a considerable number of people live in them. When most people think of a tenement, they think of the traditional sandstone variety—the kind that was inhabited by the Broons, for example—but tenements come in many shapes and sizes. Most of them are residential properties, but office blocks also fall within the bill's definition of a tenement.

Tenement properties raise issues of ownership and management that do not arise with other types of property, such as who owns the close stairs and who is responsible for paying for roof repairs. Those questions are familiar to anyone who has owned a flat. At the moment, such matters are governed by common law—which, as always, is open to interpretation and dispute—and the real burdens in title deeds, which are specific to the individual properties. Very often, the title deeds will make it crystal clear what the rules are about who owns what and who is responsible for what when things go wrong. However, it is perhaps more often the case, particularly with old tenement properties, that the rules are anything but clear. That is why I think that the bill is necessary.

The bill is an important step forward in the development of property law in this country. As the minister has said, it seeks to do two things—to clarify the current common-law rules and to set out a set of rules for the maintenance and management of tenements. I want to emphasise a point that the minister touched on. There is nothing in the bill to prevent the continued use of title deeds to determine issues of ownership and management in individual tenements. The bill simply provides a default scheme that will operate in cases in which the title deeds are silent, confused or deficient in some way.

The Justice 2 Committee considered that point in some detail; indeed, we changed our minds on it in the course of our stage 1 scrutiny and

concluded that such an approach was right, because it will give owners of existing tenements or developers of new tenement buildings the right to frame rules that are appropriate for the property in question. It will also give protection to owners—usually existing owners—in situations in which the title deeds are deficient.

The committee agreed with most of the bill's key provisions, such as the use of a service test to determine ownership of items such as water tanks, chimney stacks and fire escapes. The basic rule is that such items are owned jointly by all the flats in a tenement that are served by them. That is a sensible approach, although, as the minister has said, an issue arose from that, which I think still bears some clarification. What would happen if, one by one, all the owners in a tenement block disconnected their flats from the water tank so that no one was served by it? Who would then be responsible for the maintenance of the tank? The minister has given some useful clarification today in that she has said that service and use are not necessarily the same thing, but I am still not entirely convinced on that point. It might be useful to have some express clarification of that in the bill, to put the matter beyond doubt. We were also satisfied with the concept of scheme property that is laid out in the tenement management scheme, which the minister has outlined.

As with any bill, there were some issues of concern, most of which were minor. However, I will finish on the one that was a substantial area of concern. It has already been touched on: the joint and several liability for unpaid debts between a seller and a buyer. Situations will arise in which the seller does not advise a buyer of the debts, the buyer buys in blissful ignorance of them, the seller disappears into thin air and cannot be traced and the buyer finds themselves carrying the can. That is unjust and unacceptable. I accept that the answer to it is not easy and that the policy intention to protect responsible owners is sound, but an innocent buyer, who may be a responsible person, should not find themselves in such a situation. I welcome the Executive's commitment to consider the matter further, and I hope that it is prepared to use some imagination to come up with a solution.

The bill is good and necessary. It is important for many people and I am glad to support it at stage 1.

15:16

Miss Annabel Goldie (West of Scotland) (Con): There is no doubt that, when it comes to political excitement and passion, the Justice 2 Committee lives life in the fast lane and is at the van—the cutting edge—of thrills and political unpredictability. The Tenements (Scotland) Bill

helped us to maintain that racy pace. As Nicola Sturgeon indicated, many an afternoon was happily whiled away mulling over the delights of chimney heads, stacks and flues and other riveting integral parts of tenemental property law.

It would be wrong to say that the exercise was one only for the conveyancing anoraks because, as the minister and Nicola Sturgeon have already indicated, the bill is a watershed in conveyancing law in Scotland. I, too, not only thank the minister for her warm words about the committee and its preparation of the stage 1 report, but pay tribute to the early work that the Scottish Law Commission did on drawing up the bill and thank my fellow committee members and our clerks for their robust work on the stage 1 perusal of the bill.

My party supports the principles of the bill and considers it to be an important piece of progress, but I will comment briefly on some specific matters. I am glad that the principle of free variation has been recognised. Some people were nervous that the bill would seek to be prescriptive and didactic and to lay down compulsory measures rather than say that it is sufficient if the title deeds do the job adequately. It is right that, if that principle fails, the bill should step in.

The minister specifically mentioned three points and I am comforted by what she said. I look forward to seeing the amendment on small tenements, but I think that it will remove a possible unfairness and anomaly.

The question of a purchaser's liability for repairs is perplexing. I noticed that, when the minister referred to the possibility of registering a notice against a title, she said that it was complex, but I argue that it need not be complex. There is a precedent for it: in circumstances in which local authorities have carried out mandatory repairs under statute, notices are recorded against the titles of all the flats, which mean that no seller can give a good title without discharging the debt. It is not rocket science; it is a fairly straightforward procedure, and I urge the minister to consider that carefully.

Cathie Craigie raised a good point about a sinking fund, or what would be more colloquially described in the trade as a float. That is how many factors operate; there is a practice whereby, when somebody purchases a flat in a tenemental property, they are required to contribute a sum up front as a float to deal with on-going repairs without a debt arising or continuing. Therefore, it is possible to contemplate a scenario in which, to protect the hapless purchaser—who is totally dependent on a seller's honesty—from being led up the garden path and having a bill that has nothing to do with them foisted on them, protection is afforded for repairs over a certain level. The

mechanism for doing that need not be complicated.

I am comforted by the comment that was made about the proposed amendment on the return of moneys. That issue gave rise to interesting discussion among all members of the committee. We saw what the bill was aiming at but felt that in practice it might achieve unfairness. It tends to be the case that no factor will instruct a contractor to carry out repairs until the factor has all the money in his or her hands, so before that point there is no commencement date. There is something of a chicken-and-egg situation—what comes first? Although people may want to talk about a commencement date, they do not have that in their hand until the contract is instructed. That is why the committee thought that it was sensible to distinguish between a commencement date and a genuine refund date by which a proprietor would be entitled to recover moneys if there had been an unacceptable delay. I look forward to seeing the proposed amendment.

I also raised the issue of insurance. The bill seemed to make it mandatory for proprietors to have common insurance when perfectly adequate individual flat insurance might be in place. The committee regarded that as a slightly unwelcome usurping of adequate arrangements and, for that matter, of individual proprietorial rights to make such arrangements. Under the bill, proprietors are required to make arrangements, but there seemed to be an attempt to impose a common insurance policy en bloc, which might not be necessary.

Subject to those comments, I applaud the bill, which represents a significant step forward. I look forward to seeing the amendments that will be lodged at stage 2.

15:21

Margaret Smith (Edinburgh West) (LD): It is a pleasure to follow that well-known danger seeker, Annabel Goldie. Mike Pringle is away being enlightened by the Dalai Lama, while I am here being enlightened on tenement conveyancing by the members of the Justice 2 Committee. I will leave members to make up their minds about who has the best afternoon of it. I am sorry that I will be unable to engage in witty repartee with other members about water tanks and chimney flues, but I will do my best to read Mike Pringle's speech.

The bill is a long time in coming. The first discussion paper on the law of the tenement was published in 1990 and the Tenements (Scotland) Bill forms the third and final part of the programme of property law reforms that was recommended by the Scottish Law Commission and which the Executive, rightly, has advanced. It will ensure that all tenements, modern flats and high-rise office

blocks in Scotland have a proper management and maintenance scheme.

The bill sets out a framework for regulating the responsibilities and duties of private owners who share a building. It does not quite get down to the level of who cleans the stairs, which was always the big issue when I lived in a tenement, but it provides clarity about who owns which parts of a tenement and who is responsible for which repairs. For example, if the roof needs fixed, who will decide what, who will get estimates and engage contractors, and how will funds for the repair be collected? The bill will provide answers to those practical questions. I understand that by the time the final draft of the committee's stage 1 report came to be considered, there was almost complete agreement among members, which is to be welcomed. The issue is not particularly controversial, but it is important to the many hundreds of thousands of people who live in flatted accommodation in Scotland.

I am sure that there will be a fair amount of agreement about much that has already been or will be said in the debate, so I will highlight just a few points.

During the first meeting on the bill, at which evidence was taken from the bill team, it became apparent that the way in which tenements are dealt with in Edinburgh is different from what happens in the rest of Scotland. Edinburgh is unique in Scotland, in that there is a distinct local act that governs tenements there—the City of Edinburgh District Council Order Confirmation Act 1991. Under the act's provisions, the City of Edinburgh Council can be proactive about statutory notices and is not tied to grants and/or loans. The former convener of the housing committee of the City of Edinburgh District Council, who is sitting in the front row of the chamber, will remember that only too well. Because of the 1991 act, the City of Edinburgh Council has a good record of being proactive in relation to statutory notices.

Of course, not all local authorities can take advantage of the act. We are pleased that, in her evidence, the Deputy Minister for Communities stated on the record that the passage of the bill will do nothing to change the way in which the City of Edinburgh Council approaches its statutory notice scheme, except in one important way. If the title deeds are silent and an issue comes under the tenement management scheme, in future only a majority decision, rather than a unanimous decision, as at present, will be required for a statutory notice to be pursued.

Edinburgh is different in one other significant way. In old, traditional tenements, factors did not operate. That is different from the situation in Glasgow, where the practice is common. Under

the tenement management scheme, factors will be involved where they do not exist at present. I have already referred to the tenement management scheme. The committee agreed with the approach taken in the bill, which is to make it a default scheme that entirely respects existing title deeds.

As I said, I will not get involved in discussions about water tanks or chimney stacks, but I will address the issue of costs, which is dealt with in section 11. As we have heard, a buyer of a tenement is all too often left with an outstanding bill that the seller failed to disclose. That point was well illustrated by Ken Swinton of the Scottish Law Agents Society. He gave an example from his own experience of buying a flat for £24,000 and finding out following the purchase that there was an outstanding bill for £20,000 on the tenement. In law, the buyer can take action against the seller, but they must know where the seller has gone. There would be no right of action against the solicitor if they had asked the right questions. The committee was rightly concerned about that matter as it is very unfair to the purchaser. We are glad that the minister recognises the force of the concerns that the committee had and that she has agreed to consider the issue further.

As a former Registers of Scotland employee, I was interested in the minister's comments about the Registers of Scotland. I certainly see some form of registration as being quite an effective option in resolving an unfair situation for the hapless buyer—it certainly was for Edinburgh tenements. A charge would appear on the sasines in respect of orders—I spent several years of my life looking at them. Such registration would be a doable proposition and I ask the minister to take that forward, if she can, with the Registers of Scotland.

I also welcome the fact that the minister has agreed to consider further sections 16 to 20, which cover the demolition and abandonment of tenement buildings. The Scottish Law Agents Society was concerned about the definition of a site to be sold in that it seemed that only the solum and the air space directly above, but not the garden grounds, were included in the section. The result might be the creation of a ransom strip, which could be used to block further development on a site.

The bill is very much a positive step forward. It will help to solve many of the problems that have existed in the past and it will be a positive addition to the Executive's programme.

15:27

Pauline McNeill (Glasgow Kelvin) (Lab): We have all clearly missed out on the debate that the

Justice 2 Committee has had in the past few weeks.

I have a strong interest in the bill as I represent a constituency in which 89 per cent of owners and residents live in flats—that figure includes maisonettes and apartments. That is not very good when it comes to an election: it is good for my fitness, but it is not necessarily good for my health.

A great proportion of constituents in Glasgow Kelvin live in tenement accommodation. I have had my share of leaky roofs and arguing with neighbours about who is responsible for repairs, and I have certainly had my fair share of dry rot. I have a lot of personal experience of the issues involved in living in a common building. It is easy to forget that, although we may own only part of the building, important issues must be dealt with on a common basis.

That is why I welcome what the Executive is doing with this bill on the law of the tenement and what it has done in previous legislation—I believe that the bill is part of a tripartite approach—which included legislation on feudal tenure and title conditions. I welcome the introduction of a framework for tenement management schemes and long-term maintenance funds—those two features of the bill must be welcomed wholeheartedly.

I have never believed that law reform in itself will be enough to address the problems in tenement properties. Many buildings in my constituency are well over 100 years old and I have always believed that many owners of such buildings do not appreciate that they have taken over a building that may have been in disrepair for much of that time.

When we move into a new property, we are probably all guilty of looking at the superficial aspects. When most people move into a property they think about how they will furnish and paint it. A minority look at the state of the window sills or go around seeking dry rot—who would want to do that? There has to be a culture change in our approach to property, in particular common property.

I am a little concerned that, as a result of the reforms, an innocent owner might be caught up in dealing with disrepair that dates back a long time. That is why the housing improvement task force is one of the Executive's most innovative measures in housing. The bill is part and parcel of the Executive's work through the task force.

We have all had experiences of good and bad factors. There is no legal requirement to have a factor, but a good one can certainly help to ensure that someone takes responsibility for co-ordinating what needs to be done, in particular common

repairs. It would be worth spending a bit of time considering how we might address the need for quality factoring.

On majority voting, I do not disagree that we should depart from the law as it currently stands, and I agree that we should proceed on the principle of free variation. However, in Anderston, which is another area that I represent, owners complained that, when majority voting took place, they were outvoted by agencies such as the former Scottish Homes, which had large resources. People said that they had to proceed with replacing a roof, for example, although they did not have the resources to do so and said that they were not faced with a straightforward situation in which all the owners in a block would vote. It might be worth thinking about whether majority voting is fair in those circumstances.

Something needs to be done about the duties of absentee landlords, which is an issue in my constituency, where several buildings have had to be compulsorily purchased and demolished by Glasgow City Council because they were in such a state of disrepair. The landlords gain the advantage, particularly when the building is in the west end of Glasgow.

The Executive's overall approach to tenement law is the right one, although I hope that there is general agreement that the bill on its own will not fix everything. I appreciate the work of the Justice 2 Committee in producing a good report and in taking a straightforward approach to the matter, because if we tried to do things differently there would be too much opposition.

Margaret Curran has mentioned single-seller surveys. I am appalled at the industry's response to our concerns about the current system, which has exploited so many people. In my constituency in particular, people tend to lose out because market prices are high and they spend thousands of pounds without having a house to show for it. The system must end now and the Parliament must ensure that it continues to challenge the industry until a sensible system is put in place.

15:33

Linda Fabiani (Central Scotland) (SNP): Before I get into the meat of the bill, I echo what Pauline McNeill said about single-seller surveys. In the past couple of weeks, I spoke to a young couple who commissioned 16 surveys over the past year but lost out on all those properties. That system is becoming as big a barrier to first-time ownership as anything else is, as Nicola Sturgeon just said to me. I look forward to that being sorted out.

I should declare an interest, as I do whenever housing is on the agenda: I am a fellow of the Chartered Institute of Housing.

I laughed when the minister spoke about the service test—I was laughing with the minister, not at her—and whether someone is liable for repairs to a chimney if they have bricked up their fireplace. That reminded me of a time—gosh, it was two decades ago—when Glasgow City Council was pumping lots of money into tenement rehabilitation. I will not say where—

Bill Aitken (Glasgow) (Con): Will the member give way?

Linda Fabiani: No, because the member will just say that it was the Tories who introduced that policy.

Bill Aitken: Thank you.

Linda Fabiani: We know that the Tories spoiled everything later.

At that time, the district valuer would go round tenements to market value them. In the place where I worked, we realised that an awful lot of the properties had valuations that included storage heaters and showers. We got a bit suspicious about that and it turned out that the same storage heater and shower were being shifted up the street into every flat before the district valuer arrived. That is an old problem.

I am a bit disappointed that I am not a member of the Justice 2 Committee, which is considering the bill. In my experience of working in tenement rehabilitation over the years, one of the hardest things to do was to work out who paid for what and how to get money back from people. That was an absolute nightmare. The old tenement law and the default mechanism that was used if the title deeds did not sort out the problem were inadequate, no matter how often people tried to come up with a definitive version in guidance.

The bill is welcome and has been a long time coming. I have moaned about that, but I realise that the matter is complicated. We have now produced a good basis on which to make progress. Some of the aspects of the bill that will be considered at stage 2 have already been raised. The tenement management scheme is super, although I would like to examine it more as the bill progresses. To give my personal view—I have the benefit of a bit of experience—I would like the scheme to be firmed up a bit. I do not know about the legalities of the scheme because I am not a lawyer, but part of me thinks that it would be better if we made the scheme a statutory one that replaced title deed provisions. I am a bit worried that when new tenements come on stream, developers will find ways to sidestep the scheme and make things a bit easier for

themselves, particularly if they also have a factoring role.

It would be better—again, I am speaking in a personal capacity—if we introduced a requirement for common insurance policies to cover tenement properties. I know that such a proposal has difficulties and I have read the committee's comments on the matter. I do not for one minute presume that I know better than the committee does because I did not hear the evidence. However, although it is difficult to impose a common insurance policy, it is also difficult to ensure that every individual in a tenement has appropriate insurance cover. As there are difficulties with both proposals, I would like the issue to be reconsidered. However, I welcome the fact that the bill insists that insurance must be for the reinstatement value rather than the market value. That is an incredibly important point.

Members have not yet mentioned the mediation scheme and dispute resolution, which are important. I hope that the scheme is robust and I look forward to finding out more at stage 2 about how it will be put in place.

I thank everybody who has given so much time to put together this wonderful bill.

15:38

Sarah Boyack (Edinburgh Central) (Lab): I take a slightly different tack from most members who have spoken. Like Pauline McNeill, most of my constituents live in tenements. I have lived in a series of tenements for most of my life. The absence of legislation on the matter has caused huge problems for thousands of people. Much of my casework as a constituency MSP involves difficulties with people resolving disputes and dealing with the fact that their properties are becoming damaged through lack of maintenance and repair. For me, the test of the bill will be the extent to which it helps to resolve some of those problems. I give a commitment to traipse along to the Justice 2 Committee at stage 2 to test out some of those issues during the detailed line by line consideration of the bill.

I read with great interest the minister's comments to the committee and the committee's discussions at stage 1. I agree with nearly all the committee's conclusions, but I want to put other issues on to the table for discussion. I welcome the proposals for majority voting, which will mean that maintenance work will not be held up for years. However, one of the biggest problems is finding out who the owners are. There can be trails of people because of subletting or because private landlords are involved, which means that it is not easy to get everybody round the table.

I can give examples of tenement properties where it has taken more than five years to resolve issues. Even the statutory notice procedure that is used in Edinburgh is not able automatically to resolve some issues. There are major problems in knowing who owns a property. When discussing the Antisocial Behaviour etc (Scotland) Bill with the Communities Committee, ministers referred to a statutory measure to allow people to find out who an owner is. Such a measure is important and I hope that it will be examined in detail at stage 2.

The definition of maintenance is linked to antisocial behaviour, which is one of the core problems in tenements in my constituency. One of the biggest maintenance problems is the lack of control over access to stairwells, which affects new properties, Georgian tenements and even older properties. The lack of control over access can lead to residents being intimidated and attacked and having their stairwells and doors destroyed. It is a serious issue that is difficult to address, because it is not always possible to find out which owners are responsible. In addition, from my reading of the bill it appears that entry phones will not automatically be included in the maintenance provisions. I had a brief discussion about that with the Deputy Minister for Communities, who is conscious that the issue needs to be addressed. If we do not deal with it, owners will be left with the unpalatable choice of letting their stairwell deteriorate or stumping up disproportionately and letting other people off the hook. Often in such situations repeat damage is caused, so there is a link to antisocial behaviour, about which I know Mary Mulligan is aware.

It all comes back to the issue of responsibility. I am keen to see all the issues being tackled. At the moment, some of my constituents' lives are hell because there is no legal framework. The bill will make a difference to people's lives, and I very much welcome it. I also welcome the fact that the Justice 2 Committee and ministers recognise that there is no one-size-fits-all solution, because we have lots of different types of tenements. I could take members to tenements that have problems—even when they have management schemes—whether they are in the old town of Edinburgh or new tenements.

I know that the subject is dry and technical, but there is a lot of human misery out there because the bill's provisions are not in place. My concern is to test at stage 2 exactly what some of the bill's provisions will mean in practice. I am also keen to determine what is covered by the definitions of tenement and common block. Over the years, I have had experience of different statutory notices with different owners. I know that members have talked about chimney stacks and water tanks, but in Edinburgh we also have statues. I see a lot of wry smiles around the chamber, but replacing a

statue that could fall over and kill somebody is a big public-safety issue. These are technical issues, but they are important if we are to resolve the disputes that are caused by the absence of the provisions that the bill will introduce.

I am also interested in joined-up government. I would like energy efficiency and renewables schemes to be examined to see where the boundaries are. I know that ministers are examining building regulations in which there are—again—issues around the definitions of maintenance and enhancement. In the interests of people who want to get ahead and apply new technologies to their properties, I am keen for those issues to be considered at stage 2. Ministers might want to comment on whether they see such measures appearing in the bill or in another piece of legislation. If the latter, I would be interested to hear from Mary Mulligan which bill she expects the measures to be in.

I welcome the bill. It may seem like a dry subject, but out there in the tenements in my constituency the issues are live. I welcome the fact that the bill will take us into the 21st century.

The Presiding Officer (Mr George Reid): We move to closing speeches. I have to close the debate by 4 o'clock. It would be helpful if members could trim a minute off their speeches, otherwise the minister will get next to no time. I call Robert Brown.

15:44

Robert Brown (Glasgow) (LD): How much time am I allowed, Presiding Officer?

The Presiding Officer: About three minutes, but as you got only a minute's warning, you can go to four minutes.

Robert Brown: I welcome the bill, which is one of a number that have introduced significant housing reforms. I dare say the minister will feel that I am a little bit like Banquo's ghost, emerging from the Social Justice Committee to have another shot at the matter. For clarification, I should say that the day I gave up conveyancing practice, which was shortly after I completed my apprenticeship, was one of the happiest days of my life.

I will make a couple of brief points about issues that are broader than the bill. The minister will not be surprised by what I say. I joined this Parliament, as many others did, with ambitions for housing policy. It is important that we tackle the major housing issues in Scotland. It might not be best for such a bill to have emerged largely from the Scottish Law Commission, as there was little housing input in the genesis of the bill, which goes back over a long time.

Pauline McNeill said that the bill is not enough by itself and I think that that is right. I am keen on sinking funds—in fact, it is probably true to say that I am a sinking fund groupie. One of the key factors that lies behind that is the huge amount of housing disrepair in Scotland, particularly in tenement stock. If that disrepair is not dealt with according to the principle in the policy memorandum—that owners are, in principle, responsible for the maintenance of their buildings—a large bill will land on the public purse in years to come. I cannot remember the precise figure in the housing improvement task force document, but I recall that it was about £12 billion—that is a lot of money, and the public purse will not be able to find it. We need arrangements for dealing with routine repairs, such as broken windows in the close or slates missing from the roof, but we also need arrangements that are capable of dealing with larger issues, such as significant roof repairs and rough casting repairs.

Of course, we cannot go from one system to another just like that. People who have bought their houses have budgets, but there is an underlying economic argument that a lot of investment in housing goes into stimulating higher house prices rather than improving the housing stock. Good though the housing improvement task force's work is it does not have the right answers; neither do the bill or the Executive.

I ask the minister to say in her winding-up speech whether she is prepared to move forward, not on the issue of compulsory sinking funds—I do not think that that would be the right way forward—but on encouraging sinking funds into place by giving some concessions and support and by encouraging owner associations, which can be arbiters of good practice. I recommend to the minister the interesting suggestion that the Scottish Law Agents Society made, which is referred to in the committee's report:

"the Executive could increase the likelihood of such funds being established by providing a set of default statutory rules to clarify how such funds, where established, would operate."

That would be an extremely useful provision. The society was right to highlight as an example the

"provision for the money in such funds to transmit with the flat rather than be reclaimed by the owner".

I am sure that that is the right way to proceed. The society also highlighted the question of how the money is dealt with, invested and attached.

In poorer tenement stock, where people often buy houses in mixed ownership situations at the margins of affordability, we have a major problem. In the past, that problem was largely dealt with by the advance of the housing association movement, but we are not dealing with it at

present. I hope that the minister will reassure me that the bill, important though it is, is not the end of the story and that we will get some movement on these important issues—for example, there are foreign models that we could follow. I support the bill.

15:48

Bill Aitken (Glasgow) (Con): I have often accused the minister of chapping at the right door but up the wrong close. This is not one of those occasions; I think that the bill is worth while, and we support it. As usual, we have certain caveats, which are perhaps worth underlining.

I draw the minister's attention to the fact that, behind the legislation, there seems to be a wish for common insurance policies to be imposed on property owners. I say from experience that that is a dangerous path to go down. Insurance is taken out at a certain stage and a reinstatement value is put on the property, but no one takes responsibility for ensuring that the sum insured remains adequate as the years pass. From personal and professional experience, I can highlight a number of cases in which that has had disastrous consequences for people, so I think that the matter has to be reconsidered.

The issue that Annabel Goldie highlighted about repairs, which might become a matter for the purchaser, must be addressed. It is clear that the most sensible solution is for the title deed to have a marker against it to the effect that sums are likely to be outstanding—that would prevent any difficulties from arising. There is usually a simple answer to such problems.

As I am talking of simple answers, Pauline McNeill made a valid point about sellers' surveys, but I suggest to her and others that the situation is not as simple as one might think. Such a system might well work in the easy case, such as that of the Wimpey-type flat in which I live, but it would be difficult to find someone who was prepared to provide an indemnity in relation to a more complex and larger property. Anybody who bought a larger property—even one in a tenement—would be ill advised to accept a seller's survey, because all sorts of difficulties could arise later. The idea could be considered and adjusted, so I am flagging up that problem. It is superficially attractive but, once it has been examined, the consequences that could arise become apparent.

The bill is welcome. It will ease many of the problems that members have highlighted. We look forward to stage 2 with rapt anticipation.

15:51

Michael Matheson (Central Scotland) (SNP): I thank the Justice 2 Committee for its detailed and

considered report on the bill. Like other members who have spoken, I welcome the bill's general principles.

As Margaret Smith said, the bill has been a long time in the making. The first paper to propose it was published in 1990 and the bill largely implements the recommendations in the report that the Scottish Law Commission published on 25 March 1998. Therefore, the bill has been some 14 years in gestation. I am sure that many tenement owners will welcome the bill's passage through Parliament now.

As the minister said, this is the third and final bill to deal with property law reform. The other such pieces of legislation were the Abolition of Feudal Tenure etc (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003. I had the pleasure of being a member of the Justice and Home Affairs Committee and of the Justice 1 Committee when they considered that equally interesting legislation and I am delighted that my colleagues on the Justice 2 Committee are enjoying considering the Tenements (Scotland) Bill as much as we enjoyed considering those acts. My colleagues on the Justice 1 Committee and I were somewhat disappointed when the bill was passed to the Justice 2 Committee, which prevented us from participating in its consideration.

The bill is largely technical but, as the minister said, it could have a considerable impact, because Scotland has 800,000 tenement flats. As most members said, the bill has two main objectives: to clarify and restate the common law and to provide a default mechanism for a statutory tenement management system. Those two objectives will combine to provide greater clarity and certainty for tenement owners in dealing with repairs and to provide a default position should problems occur.

Sarah Boyack made the important point that the test of the bill will be whether it addresses many of the problems that tenement property owners experience. That has yet to be proved, but I hope that the bill will provide the redress that many people want for their present problems.

Pauline McNeill expressed the important point that we should not consider law to be the only way to reform. There is good cause for examining how the system of factors and factoring operates. A good factor who deals with issues proactively can make a considerable difference.

As Sarah Boyack said, the bill is technical, but it has a human face in the form of the people who suffer chronic problems because repairs have not been undertaken on their properties as a result of the failure to have proper legal provisions in place. If the Executive addresses at stage 2 or stage 3 the recommendations in the Justice 2 Committee's

report, the bill will deliver what it is meant to deliver.

15:55

The Deputy Minister for Communities (Mrs Mary Mulligan): I would like to add my thanks to the committees that have been involved with the bill and to those members who have taken part in this afternoon's debate—but I do not have time, so I will move on quickly.

A number of issues have come up this afternoon, many of which were considered thoroughly by the Justice 2 Committee, which has done an excellent job in examining the technical issues that arose on the bill. What was probably the most contentious issue was highlighted by Nicola Sturgeon, Cathie Craigie, Annabel Goldie and others: that of the liability of the incoming purchaser for costs owed. I will make a few brief points on that issue now, although I have no doubt that we will return to it in the course of our stage 2 and stage 3 deliberations.

The bill provides that, if there is an outstanding liability, for example for common repairs, when a flat is sold, owners could pursue either the buyer or the seller for the money. The situation at the moment is that only the seller would be pursued. As I am sure Michael Matheson will know, there is an identical provision in the Title Conditions (Scotland) Act 2003. It might be a shock for a buyer who does not know about the outstanding liability, but the occasions on which the issue will arise will be fairly rare. We need to consider which measures must be put in place to deal with what could be a fairly rare situation, rather than overload the system.

Linda Fabiani *rose*—

Mrs Mulligan: I really do not have time to take an intervention, but I will come back to Linda Fabiani if I get a chance.

At the moment, tenement owners themselves need to pursue the seller, and if they cannot find the seller, they have to share the cost among themselves. That is why we are extending the law to cover the purchaser too. Having discussed the matter with various bodies, we recognise that there is opposition to our putting in place a marker on the property being sold. The Scottish Law Commission and the Registers of Scotland have told us that that is not the way to go about it, partly because they see that as a solution that is too onerous for the problem. We need to keep the proposal under review, recognising that there is concern about its unfairness, and to address it further in the course of our deliberations.

The issue of identifying and contacting owners was raised. A number of measures are now in

place to ensure that we can address that problem. The measures that Cathie Craigie introduced to the Antisocial Behaviour etc (Scotland) Bill at stage 2 to identify landlords will give us another route by which to identify those who own properties. People can also inquire about that through the Registers of Scotland. Section 70 of the 2003 act places a duty on any person who was an owner of property with a common repair and maintenance burden to disclose any helpful information to the person with an interest in that burden. There are already a number of solutions, although we accept that they are not perfect. The problem of identifying owners, which arises frequently, has been highlighted by a number of members this afternoon. We wish to continue to pursue that area.

Robert Brown and Cathie Craigie mentioned the issue of sinking funds. The Executive believes that sinking funds are to be encouraged, but that they should be voluntary. There are a number of problems with making them compulsory, and there are ways in which they would not be of benefit to all owners. We recognise some of the benefits that have arisen where sinking funds have operated, and we would therefore encourage good practice to be established in their use.

Miss Goldie *rose*—

Mrs Mulligan: I am sorry—I am in my last minute.

If the Parliament agrees to pass the Tenements (Scotland) Bill, it is intended to commence it on the same date on which the provisions of the Abolition of Feudal Tenure etc (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003 will be commenced: 28 November. That will be a significant date, as it will be the date of the introduction of a new form of land regulation that is modern, simple and fair.

If enacted, the Tenements (Scotland) Bill will play a vital part in the revamp of property ownership. The law relating to tenements in Scotland is primarily a devolved area. In particular, Scots property law is separate and different from that which applies in the rest of the United Kingdom. I believe that, given this afternoon's consensus, the proposed reform will be an ideal reform to be taken forward by the Scottish Parliament.

The Presiding Officer: I am grateful to the minister and am sorry to have truncated her speech. I will speak slowly, as I see Mr Henry arriving. He is now here, so we will move on to the next item.

Civil Partnership Bill

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-1202, in the name of Cathy Jamieson, on the Civil Partnership Bill, which is UK legislation, and one amendment to the motion.

16:00

The Deputy Minister for Justice (Hugh Henry): The issue of civil partnerships has provoked strong reactions and considerable debate on both sides of the argument. Some people would prefer not to provide legal recognition for same-sex couples at all, while other people would want to go much further than the Civil Partnership Bill and extend marriage to same-sex couples. Many commentators have paused over the details of the bill, and major and minor points have been the subject of much discussion. However, it would be unfortunate if the irreconcilable push-and-pull factors that have been evident in public debate thus far were to overshadow what the bill is about and why the Executive believes strongly that Scottish provisions should be contained in a comprehensive UK bill.

The Civil Partnership Bill will provide the means for same-sex couples to register their commitment to each other, gain legal recognition for their relationship and secure a package of rights and responsibilities that are relevant to people who seek to organise their lives jointly. The fact that the rights and responsibilities straddle devolved and reserved policy areas means that a UK bill is the most sensible way forward and any other approach would give rise to unduly complex and unwieldy legislation that would be understood by few in our society, particularly among those whom the legislation is supposed to help. I recognise that it would be conceivable for Scotland to legislate separately on the devolved areas, but that would not be in the best interests of consistency or clarity, and doing so could lead to problematic cross-border issues.

Mr Stewart Maxwell (West of Scotland) (SNP): Has the minister heard what Lord Sewel—whose name is attached to such motions—has been quoted as saying on the subject recently? He said:

“the Convention had been set up to deal with ‘minor, non-controversial issues’, not for many of the major bills, including a recent bill on same-sex civil registrations.”

Does the minister think that Lord Sewel is correct and does he agree that Sewel motions should be used for minor and infrequent matters rather than for major matters, such as those that we are discussing?

Hugh Henry: I recognise Lord Sewel's significant contribution to Scotland's developing legal and political relationship with the rest of the United Kingdom. However, that contribution does not mean that Lord Sewel is the final arbiter or the only person who can have a view on what should, or should not, be included in Sewel motions. As I have argued in respect of the bill that we are discussing, which involves a range of issues that are reserved as well as devolved, what we have proposed is the appropriate vehicle for dealing with the matter. We believe strongly that a Sewel motion is the best way forward and we are pleased that our consultation found significant support for that view. Some 86 per cent of respondents agreed with the proposal legally to recognise same-sex couples and 74 per cent agreed with the proposed use of a Sewel motion.

The Civil Partnership Bill has just completed the committee stage in the House of Lords and I am pleased to say that there has been a welcome level of consensus for the principles behind the bill. Some people might think that the House of Lords did not scrutinise the specifically Scottish parts of the bill in sufficient detail, but the principles that underpin the Scottish clauses mirror those that apply to England and Wales—the only difference is that the Scottish clauses are, rightly, based on Scots law. In the debate on the clauses for England and Wales, the House of Lords considered at some length the underlying principles of civil registration for same-sex couples. There was no reason to go back over those arguments of principle when the equivalent Scottish clauses were reached.

There has, of course, been detailed scrutiny of our proposals for civil partnership registration by the Scottish Parliament. In response to the Executive's consultation, the Equal Opportunities Committee took evidence from a wide range of equalities organisations, church representatives and legal experts. We welcomed the committee's strong support for our proposals to take forward civil partnership registration for same-sex couples and we have taken on board the committee's recommendations.

More recently, the Justice 1 Committee examined the Civil Partnership Bill, paying particular attention to the need for the Scottish clauses to adhere to Scots law and considering the extent to which the bill mirrors legislation on marriage. The committee received written submissions from several bodies as well as taking oral evidence. Members will have received a copy of the Justice 1 Committee's report. I welcome that report, which has helped to define some of the finer legal details. We have already responded to most of the points that it raises, and I have written to the convener in response to the committee's report. As a result of the welcome input from the

Equal Opportunities Committee and the Justice 1 Committee, the Executive is confident that the Civil Partnership Bill is a sound bill that is appropriate to the needs of same-sex couples in Scotland.

Today's debate is about the broad principles of the bill and ensuring that same-sex couples in Scotland can secure the same legal protection as same-sex couples in other parts of the UK. I hope that the Parliament shares my commitment to ensuring a comprehensive and consistent approach throughout the UK. I hope that members, despite some reservations that they may have about the use of a Sewel motion, can rise above the differences of semantics and mechanics and vote to endorse an important principle. I hope that Parliament will agree that including Scottish provisions in a UK bill is the only way in which to achieve that, and I urge members who believe in the principles that are set out in the bill to support the Sewel motion.

I move,

That the Parliament endorses the principle of giving same sex couples in Scotland the opportunity to form a civil partnership and agrees that the provisions in the Civil Partnership Bill that relate to devolved matters should be based on Scots law and considered by the UK Parliament.

16:07

Bill Aitken (Glasgow) (Con): My amendment does not deal with the substantive issue but, once again, draws the Parliament's attention to the very real dangers that are attached to endorsing Sewel motions without adequate debate. The Scotland Act 1998 is quite specific about what is devolved to the Scottish Parliament and what powers are retained at Westminster. It is worth restating that there are dangers in seeking to blur that distinction and in departing from the principle that the Parliament simply agrees that Westminster should legislate on our behalf. I fully accept the fact that the Scottish National Party is ever eager to stretch the parameters of the Parliament's authority. That is quite understandable, given its stance. However, I think that we must look much more closely at such matters in the future.

Nicola Sturgeon (Glasgow) (SNP): Will Bill Aitken take an intervention?

Bill Aitken: I do not have time because of the strict timing of the debate.

The problem that faces many members is the fact that there is not adequate debating time for us to consider the matter in depth, as it should be considered. The Justice 1 Committee, which inquired into the bill, had reservations over certain aspects of it. It seems quite wrong to endorse something as a Parliament if we have not had the opportunity to examine it in the necessary depth.

There are, of course, sound arguments in favour of the bill. Equally, however, the bill appears at first sight to be defective in a number of respects, the most obvious of which is the situation that arises for non-sexual partnerships or cohabiting heterosexual couples. Is it right that they should be denied rights that are given to gay couples and married couples? If it is the Executive's wish that the provisions of the Westminster legislation should apply in general terms to Scotland—and there are arguments for that—why did not the Executive produce its own legislative proposals? That would have enabled the parliamentary committees and the Parliament as a whole to examine the legislation in much greater depth than is being allowed at the moment. The fact of the matter is that, because of the section 28 fiasco, the Executive has bottled it.

Patrick Harvie (Glasgow) (Green): If Bill Aitken's criticism of the motion is that the bill may be defective, why does his amendment seek to remove the endorsement of the principle of civil partnership rather than the reference to the bill?

Bill Aitken: Because, quite simply, all such matters that are dealt with under Sewel motions should be remitted simpliciter to Westminster to be determined there. Westminster will have a much greater opportunity than we have to consider the situation in depth.

Cognisant of the fact that my amendment will probably fall, I recognise that we need to consider what we will do at that stage. For my part, I will vote in favour of the bill; for perfectly principled reasons, others will oppose it. I can fully understand why they will do that. However, the point remains that unless we are able to consider such matters in a far wider way than is permitted under the restricted timetable into which Sewel motions have to be fitted, difficulties will arise.

As I said, I will vote for the bill; others will vote against it. The Conservative group has a free vote on the motion and I think that that is the correct approach. The way in which the matter is being handled today is certainly not correct. There is a wider issue about how such matters should be debated and dealt with.

I move amendment S2M-1202.1, to leave out from "endorses" to first "and".

16:11

Nicola Sturgeon (Glasgow) (SNP): The first thing to say is that I believe in the right of same-sex couples to register their relationships if they want to do so; that is arguably the most important point in this debate. Same-sex couples should be able to obtain the same rights and protections and be under the same obligations as married couples.

Unlike Bill Aitken, I have no objection to endorsing that principle.

It has never seemed to me to be fair or right, or consistent with human rights, that a gay man who has lived in a stable, happy, committed relationship with his partner for years should have no right of inheritance when his partner dies or have no right to protection if his partner who owns their house is violent or suddenly decides that the relationship is at an end.

In my view, those who say that giving gay couples legal rights akin to the rights of those who are married somehow threatens the institution of marriage are—I say this with the greatest of respect—totally wrong. It strikes me that those who believe in marriage and in what that commitment that two people make to each other signifies should welcome the fact that others want to make similar long-term commitments. That is a vote of confidence in, rather than a threat to, the institution of marriage.

It is because I feel so strongly about the issue that I am so disappointed that we are being asked to hand over our responsibility to Westminster even though the bill will have a huge impact on devolved matters. The Executive will deny this—it has the right to do so—but I think that there is every sign that it is ducking controversial moral issues. I believe that it is wrong to do that.

Adopting the Sewel procedure on an issue such as civil partnerships raises some important issues of principle. People do not send us here to Edinburgh, and pay us pretty well for the privilege, so that we can pick and choose what bits of the job we want to do. Provisions in the bill deal with family law, succession and property law and the law governing the procedures for registering civil partnerships, all of which are devolved to this Parliament. Those matters, which are not marginal to the bill but central to it, are our responsibility.

The practical issues must be considered. Hugh Henry perhaps made a valid point when he asked why members should vote against a motion, the substance of which they agree with, just because they disagree with the procedure. That argument might have held some sway if we had a faultless bill that would do everything that we wanted it to do, but that is not the case. The Justice 1 Committee identified a number of deficiencies with the bill. The procedure to which we are asked to agree today will deny us the opportunity that we would have had with any Scottish Parliament bill to put right those defects.

The bill's policy intention is to give same-sex couples who register a relationship the same rights as married couples. In many respects, the bill will do that but it will not do so in all respects. For example, the bill will not give same-sex

couples the same inheritance rights or the same rights over children. If the bill is passed and the Executive's family law consultation proceeds as it is likely to do, we will face the bizarre situation that it will be easier to get divorced in this country than it will be to dissolve a civil partnership. The bill will not even give same-sex couples the right to determine where they will have the ceremony to register their partnership, although couples who marry have the right to determine where they will have their wedding. The list goes on.

I accept that the minister has given a commitment to propose amendments to deal with certain areas and I welcome that. I also welcome the minister's commitment to come back to Parliament if the bill changes substantially before it is passed.

However, a much bigger question arises about those issues over which the Justice 1 Committee expressed concerns and on which the minister has not given a commitment to lodge amendments. If we were dealing with a Scottish Parliament bill, back-bench Opposition MSPs would have the right to lodge amendments and to ask Parliament to vote on the issues. However, if we agree to a Sewel motion, we hand away that right to Westminster. If we agree to the bill by means of a Sewel motion, we will fail in our duty as legislators, but, worse than that, we will also fail the many thousands of people in Scotland who stand to benefit from the reform. It is up to us to ensure that the bill that is passed lives up to their expectations, and if we do not take responsibility for it, we hand away the right and the obligation on us to do that.

16:16

Margaret Smith (Edinburgh West) (LD): I very much welcome the debate and the Civil Partnership Bill. It is a good bill and it will be made better because the Executive, to a large extent, is paying attention to many of the points that the Justice 1 Committee raised in its report.

The bill will bring to an end much of the institutionalised discrimination that lesbian, gay, bisexual and transgender people face every day of our lives. It will not on its own stamp out homophobia, but it will be a catalyst for change in that it will build a more equal Scotland where diversity is embraced not feared, encouraged not denied. The bill will confer rights and responsibilities, but crucially, for couples, it will mean that their commitment to one another will be recognised legally and financially by the state.

I cannot overstate the importance of the bill—and of Parliament's support for the bill today—to LGBT people in Scotland. That is why the Equality Network is urging all MSPs to support the Sewel

motion. It is not that the Equality Network, I or many others do not have a sense of disappointment that we are not considering the bill in a more in-depth way—we all share that disappointment, but we are being pragmatic. I do not want the bill to be delayed by a single day, because that would mean one more day of discrimination against people in the LGBT community in Scotland. I urge SNP members and others to put to one side justifiable constitutional concerns and to actively support Scotland's gay people by voting for the motion today.

Nicola Sturgeon: Will the member take an intervention?

Margaret Smith: No. I have a lot to get through.

Civil partnership is not marriage, but it is a new legal state that shares many of the aims of marriage. Therefore, it is not surprising—indeed, it is only right—that it should mirror the legal and financial attributes of marriage to a large extent. I agree with Michael Howard that it should not be the role of the state to discourage loving, committed relationships of any kind. By giving same-sex couples the option of civil partnerships, we are not undermining marriage between a man and a woman in any way—in fact, we are showing confidence in their commitment to one another.

There is clear consensus that the present arrangements are unfair. A gay couple might have lived together for 20 years, but the law still regards them as strangers. Currently, they suffer discrimination in a number of areas—pensions, tax, benefits, tenancy, succession rights and recognition as next of kin, to name but a few. Many of those problems surface at times of great stress when a partner dies or is ill, or when a long-term relationship ends. That is why 86 per cent of people who responded to the consultation supported the proposals. We should consider mixed-sex cohabiting couples and whether we can extend greater rights to them in the forthcoming bill on family law. The Department for Constitutional Affairs is also doing that.

The Civil Partnership Bill is a complex piece of legislation and I pay tribute to the Executive civil servants who have been working on it. However, I believe that the bill is flawed and the minister would be surprised if I did not mention a couple of reasons why I think that. Two major prejudices that give me cause for concern remain in the bill. The first of those is the point that was raised by the Holy Trinity Metropolitan Community Church in its recent petition on the religious aspects of the solemnisation of ceremonies and on registration. My second concern is about a reserved matter—the retrospection of pension rights.

The Justice 1 Committee report asked the Executive to address a number of other issues

and I am pleased to see in the minister's letter to us today that the Executive will lodge amendments on registration and consent, to join those that it has already lodged on the law of succession and forbidden degrees. The Executive will continue to consider whether amendments need to be lodged on right of appeal, validity and provisions for children. That is very important.

Although I have a certain amount of sympathy for the Holy Trinity Metropolitan Community Church's views on religion, I will not dwell on that matter. However, I will say that it would have been much better to deal with the related issue of the place of registration in regulations instead of in the bill itself, because that would have allowed time to find out whether the churches would have been happy for such registrations to take place in their establishments. I note that the Executive has lodged an amendment to that clause of the bill. As with many other issues, we simply seek parity. I therefore welcome the fact that we will achieve such parity with the amendments to the civil marriage regulations.

I said earlier that, despite the fact that the bill is good legislation, two great prejudices remain. Our Westminster colleagues will have to deal with the greater prejudice, which is the way in which civil partners will be dealt with in pension schemes. The fact is that pension rights will not be retrospective. I will return to the issue of the Sewel motion when I wind up.

16:21

Pauline McNeill (Glasgow Kelvin) (Lab): I have supported the introduction of legislation for same-sex couples for 20 years and no technical or other issue will stand in the way of that principle today. I know that the bill is not perfect—indeed, no one expects a bill to be perfect at this stage—but I believe that the Justice 1 Committee has made a major contribution to its overall consideration.

In addressing Cathy Jamieson's motion, I almost find it hard to believe that the day has come that a Labour Government at Westminster has made it a priority in its legislative programme to give same-sex couples equality under the law. As a result, I cannot share other members' cynicism about the use of a Sewel motion. I accept the SNP's legitimate right to comment on the Sewel mechanism, but if the nationalists are genuinely behind the important principle that is embodied in the bill—which, after all, has been the subject of campaigns for decades—they should make that principle the focus of today's debate. They should also acknowledge that a Labour Government at Westminster has made this issue a legislative priority.

Civil partnership legislation is long overdue and many witnesses told the Justice 1 Committee that the bill is a remarkable piece of work. That said, we have debated a number of technical and legal issues with the Executive, and I commend the Executive's genuinely responsive attitude to the issues that our report raises. I should add that the members of the Justice 1 Committee made space in the timetable, because we thought that it was very important to comment on the report.

As Margaret Smith pointed out, by giving same-sex couples the same rights as mixed-sex couples, we are creating a new legal institution. Nicola Sturgeon raised the question of why the law cannot recognise and legitimise the relationship between two men or two women who have lived together and are committed to one another and allow them to have the same legal protection as those who are married. By seeking to allow such recognition, the bill will correct a clear injustice.

I want to comment on a couple of technical matters, the first of which is the issue of consent. The legislation implies that people would enter a civil partnership freely in the same way that mixed-sex couples freely enter a marriage. However, unlike the legal provisions for marriage, the bill does not explicitly mention consent. I welcome the Executive's response on that point; it was important to clarify the matter, because any undue pressure that might be apparent in such a relationship would certainly invalidate it.

The committee raised the question of a relationship that is made void because of a failure to comply with procedural requirements. In marriage, such a failure can be corrected very simply. The committee felt that the proposed legislation had to address the matter, particularly given that members believed that civil partnerships are more likely to be challenged under the law of succession. For example, a blood relative might wish to challenge their rights under a will. Moreover, although the debate about cohabitation rights continues, it is important to note that we are also equalising the law for same-sex cohabitants.

The law of succession is fundamental to the civil partnership, and there has been some discussion about the need to ensure that the bill addresses the important question of legal rights. Common law affords those who are married certain legal rights to protect them if there is no will and it is not clear who will succeed to someone's property. The committee was clear that those rights should be extended to same-sex relationships—another point to which the Executive has responded positively.

The grounds for dissolution should be looked at on their own, to ensure that there is no prejudice. There has to be a simple way of ensuring that,

when a partnership breaks down, there is a legitimate way of getting out of it.

The committee felt, generally, that there was no importing of English law into the legislation. We acknowledge that the Executive bill team and the ministers have worked very hard with people at Westminster to ensure that the Scottish provisions of the bill are genuinely Scottish. This is an excellent piece of equality legislation. Let us get behind it at decision time tonight.

16:25

Linda Fabiani (Central Scotland) (SNP): This is not a mere constitutional objection by the SNP; civil partnerships are an equality issue and we do not feel that the Westminster legislation addresses equality as it should do. Pauline McNeill said that the Labour Government had made the issue a priority, but it is clear from the way in which the issue has been handled in Scotland that the Scottish Executive has not made it a priority.

A specific equality issue came to the attention of the Public Petitions Committee and I was horrified to learn about the discrimination that will continue because of this bill. We could stop that discrimination, here in Scotland, if we chose to go for real equality.

I asked the minister a parliamentary question on whether the Civil Partnership Bill, if enacted in the form that is currently proposed, would be contrary to the European convention on human rights. The answer I received was:

"The Scottish Executive is satisfied that the devolved provisions in the Civil Partnership Bill comply with the requirements of the European Convention on Human Rights."—[*Official Report, Written Answers*, 26 May 2004; S2W-8246.]

I am concerned about the non-devolved provisions as well.

Hugh Henry: If that is the case, will Linda Fabiani explain how separate Scottish considerations could deal with the non-devolved provisions, given that the responsibility lies elsewhere? If the Parliament were to take her advice and that of her colleagues—who support the principles but will vote against the motion today—how long would the SNP be prepared to wait for measures to be enacted? How would the SNP deal with the reserved provisions?

Linda Fabiani: Mr Henry's party has been in power for five years in this Parliament but has chosen not to act on this issue.

Another very worrying aspect is that this Parliament has to take cognisance of ECHR, but Westminster does not. It seems that we are opening the door for an unscrupulous Executive—I do not necessarily mean the present Executive—

to decide, quite calculatedly, to use a Sewel motion if it does not want to face the big issues and does not want to be challenged under ECHR in this country. Such an Executive could just let Westminster do the work. That would not be a good way to work on legislation; we are elected to guarantee the equal rights of all people in this country. This bill does not do that.

Same-sex couples will not be allowed to have their ceremony solemnised by a minister of religion, even if that minister is happy to carry out the ceremony. That is just not fair. How can anyone sit here and say that it is equality if same-sex couples are not allowed to manifest their faith in the same way that mixed-sex couples can? Basically and simply, that is not equality.

Margaret Mitchell (Central Scotland) (Con): Does the member accept that what we are considering is a legal contract and not a marriage? The religious aspect should not concern us today; we are considering a purely legal contract.

Linda Fabiani: What about civil marriage?

Another difference between Scotland and England is that, in England, a minister of religion can have himself declared a registrar and can carry out the ceremony, but that cannot happen here. We are talking about equalising things across the border, but things are not equal across the border. We heard Mary Mulligan say earlier that property law is very specific in Scotland. Well, the laws that govern this issue are specific in Scotland, too.

The way to ensure equality for all—an issue that we keep bumping our gums about—is to fast-track legislation on this subject through this Parliament and to consider what was said by the this Parliament's Equal Opportunities Committee, which was that the bill, as it stands, is not fair.

16:30

Donald Gorrie (Central Scotland) (LD): I support strongly the principles of the bill that is going through Westminster and I will support the Sewel motion, although I feel that it is a mistake to deal with the matter in this way—it is a Sewel motion too far.

Every time people like me express concern about a Sewel motion we are told that we will, if we vote against it, be stopping the progress of a very desirable reform. On that basis, we will have more Sewel motions for ever and ever, amen. We really must address that issue by keeping Sewel motions for the minor matters for which they were intended. It is wrong to use a Sewel motion for matters such as that which we are considering today. However, to my mind, the principle of supporting the principle of a bill comes above the

principle of opposing Sewel motions. To address the issue of Sewel motions, we might have to spend more time in Parliament or in committees to consider more of our own legislation more thoroughly.

As has been said, it looks as though the Civil Partnership Bill will be far from perfect. The minister said that we are voting on whether the bill is an appropriate vehicle. It might be an appropriate vehicle—it is a nice motor car, but where is that motor car going? We have no idea whatever. It might go to John o' Groats when we want to go to Land's End, or vice versa. We have been given various promises about seeing how the process of amending the bill goes, but—to change my metaphor—once a Sewel motion on a bill has been launched, we wave goodbye to the bill; it goes away and does its own thing.

Johann Lamont (Glasgow Pollok) (Lab): Such bills do not go off to do their own thing—they go into another democratic structure in the United Kingdom. In the House of Lords and, in particular, in the House of Commons, such bills can be scrutinised by people who were elected in Scotland to consider such matters. They do not just disappear.

Donald Gorrie: I wish I shared Johann Lamont's confidence.

We are also being asked to endorse the principle behind the bill. That is fine—I endorse it. However, we are being asked to endorse the details which are as yet uncertain. There is a serious issue about the nature of the bill. We must obtain some system whereby we can put things right if they go wrong.

Hugh Henry: I am quite happy to give Donald Gorrie the assurance that I gave to the Justice 1 Committee. If there are any significant changes to the bill that impact on this Parliament's legislative responsibilities, they will be brought back here for consideration.

Donald Gorrie: Thank you very much; I appreciate that.

I will make two other points. It is very important that we address as soon as possible the issue of cohabiting mixed-sex couples through the family law bill, or whatever vehicle is appropriate. It is an affront that such couples will be denied rights that everyone else—whether married couples or same-sex couples in civil partnerships—will have.

The issue of not being allowed to register a civil partnership in a church is fundamental. In the 17th century, people killed each other in large numbers over such matters. I thought that the system in this country was that the church did its thing and the state did its thing. It is quite wrong for the state to tell the church what it may or may not do. We

should not impose anything on it, nor should we prevent things from happening using blanket provisions. That the bill will do that is a very serious error.

16:34

Kate Maclean (Dundee West) (Lab): I am happy to support the Executive on this matter. I would go further than to endorse the principle of giving same-sex couples in Scotland the opportunity to form civil partnerships; I warmly welcome it. I suppose that I am one of the people the minister said would be happy if the bill went much further.

The objections that we have heard today seem to fall into two categories. The objections in the first category are consistent with the SNP's position that the Parliament should legislate rather than use Sewel motions. That is a position of principle, which I respect. I suppose that that would enable us to have a longer and much wider debate on the subject and to scrutinise fully certain aspects of the proposals, but I also agree with the minister that it would be more complicated and take much more time.

Given that many of the substantive issues that will be resolved in the bill are reserved to Westminster, a Sewel motion seems on this occasion to be the most sensible and speedy way to start to address the disgraceful discrimination that same-sex couples experience in Scotland. The Equality Network supported the use of a Sewel motion with certain provisos, which the minister has gone a long way to fulfil. If use of a Sewel motion is good enough for the Equality Network, it is good enough for me and it should be good enough for the rest of the members of Parliament.

The other objection, which is implied in the Tory amendment—to which Bill Aitken did not really speak—is based on discrimination and a willingness to allow a significant minority of the population to be discriminated against because of others' so-called moral and personal objections. Although the Tories did not get round to saying that, it is what their amendment is all about.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will Kate Maclean give way?

Kate Maclean: No—I do not have much time.

Mr Monteith: Kate Maclean can dish it out, but she cannot take it.

Kate Maclean: I can take it if it is worth listening to.

Bill Aitken rose—

Kate Maclean: I will not give way. Bill Aitken will find that, when I say that I will not give way, he should sit down again.

The bill is not about deciding on people's morals. Although morality and legislation are not mutually exclusive, they are two different things for the purpose of what we should be doing in the Scottish Parliament. However, if we are talking about morals, I think that it is immoral to discriminate—on a wide range of issues such as pensions, benefits and succession to homes—against adults who are in committed relationships. We should think about that.

Any member's objecting to the use of a Sewel motion is a legitimate position to take; it is only a matter of opinion about the best way to legislate to end such discrimination. I support the Scottish Executive and the Equality Network on the use of a Sewel motion. As MSPs, we all have constituents who suffer severe discrimination because of their sexual orientation and because they are in same-sex partnerships. We all have in our constituencies same-sex couples who are denied rights on a wide range of issues, and any members who do not support the bill for personal reasons should be thoroughly ashamed of themselves.

16:38

Patrick Harvie (Glasgow) (Green): Shortly after the election last year, I was warned that I should remain silent on issues of sexuality for fear of pigeonholing myself—I was told that I would become known as “the gay one”. I considered the scenario of a black MSP being warned, “Don't talk about racism: you'll just been seen as ‘the black one’,” and I did not think that such advice would even have been offered, so I rejected the advice that I was given.

I was proud to get involved in the issue and to argue for real debate on it in the Scottish Parliament. Debate is needed because of the strong feelings on both sides of the issue and because of the weak scrutiny that is offered by the Sewel convention, which looked likely to be used. I opposed the use of a Sewel motion, but I have come to accept it out of necessity, albeit with reservations. The Scottish Parliament should have legislated for itself on the devolved aspects of the issue, not only to ensure full scrutiny, but to make it clear that equality in Scotland is a priority and that homophobia in Scotland is unacceptable to us. However, we now have a Sewel motion and I am not prepared to throw the baby out with the bath water.

A common criticism of the idea of civil partnerships is that they are anti-family, but that is a gross misunderstanding. The introduction of civil

partnerships is a significant pro-family measure because it is about supporting same-sex families, many of which have parenting responsibilities. To be pro-family does not mean to impose one family model on all and to denigrate those who differ; it means supporting and meeting the needs of all families in our diverse society.

Unfortunately, the bill creates a separate-but-equal arrangement—civil partnerships for same-sex couples and marriage for mixed-sex couples—and implies a moral value judgment between the two options. That is one reason why some people are suspicious of the Executive's use of the Sewel motion, which can be perceived as buck passing.

Three things are necessary to address the problem. First, we should agree to the motion unamended. Secondly, the minister's commitment to our having a second debate, if there are changes to the bill, is welcome. Thirdly, we must endorse explicitly the principle of equality that underlies the motion and we must do so with pride.

The Deputy Presiding Officer (Trish Godman): Before we move to wind-up speeches, I apologise to the three members whom I have been unable to call. This was a very tight debate and I tried to get you all in, but that was impossible.

Frances Curran (West of Scotland) (SSP): On a point of order, Presiding Officer. I raise the issue of the balance of the debate. First, this is a six-party Parliament. Secondly, the Equal Opportunities Committee took extensive evidence on the issue, but no member of that committee has been allowed to participate in the open part of the debate. Margaret Smith spoke, but she did so as a representative of the Liberal Democrats. I am a member of the Equal Opportunities Committee, but I was not called to speak in the debate.

The Deputy Presiding Officer: The member will find that I tried to get in every member who pressed their request-to-speak button and notified us that they wanted to speak. We knew from the beginning that the debate would be very tight. When the member examines the *Official Report*, she will see that I have treated members as equally as I could.

16:41

Margaret Smith: It is noticeable that more members wanted to speak than were given the chance to do so, that everyone who spoke did not have enough time, that issues are unresolved and that Parliament has not examined the subject in the way it can. Some months ago, the Equal Opportunities Committee took it upon itself to examine the matter, so that evidence could be on the record and we could come back to the matter if

there were not enough time to debate the bill in Parliament. The Justice 1 Committee also took it upon itself to devote time to the bill.

Like Donald Gorrie, I will vote for the Sewel motion tonight, but I will do so under a certain amount of duress. This is a Sewel motion too far. Part of the bill should have been considered here, as part of an examination of family law. I heard what Johann Lamont said about scrutiny at Westminster, but the House of Lords Grand Committee on the Civil Partnership Bill did not table amendments to, or scrutinise, the Scottish clauses of the bill. It has been left to the Justice 1 Committee to do that job. When I asked whether the Justice 1 Committee's report could be laid before the relevant parts of the House of Commons and House of Lords, I was told that there was no mechanism for us to do that.

Johann Lamont: Will the member give way?

Margaret Smith: I am sorry, but I cannot. I have only a few minutes.

It is absolutely right that we should re-examine the mechanism for and development of Sewel motions.

My final point concerns equality. Several speakers picked up on an issue that I raised in my opening speech. It is wholly wrong in terms both of equality and of the religious freedom that I thought we enjoyed in this country that people of faith—albeit gay people of faith—should be excluded from churches when they want to celebrate what will be the most important day in their lives. Such discrimination will be unique in Scots law.

We must re-examine the use of Sewel motions, but I call on members to support the motion that is before us today. If they do not, discrimination will continue. I hope that Parliament will reject the Tory amendment whole-heartedly and endorse the principles of the bill, which are principles of fairness, equality and justice. I hope that we can all support those principles, irrespective of our views on whether the matter should have been handled procedurally in this way.

16:43

Murdo Fraser (Mid Scotland and Fife) (Con): As the minister and others have acknowledged, the question of civil partnerships for same-sex couples is one of the most controversial issues that Parliament has debated. I appreciate that there are strong opinions on all sides about whether such partnerships are the right way forward; I have severe reservations about whether the introduction of civil partnerships exclusively for same-sex couples is the right way in which to approach the problem.

I have listened with great interest to the debate and to the comments that have been made, and I have no doubt that there are areas of genuine social concern relating to cohabiting same-sex couples. Issues such as the law of succession, inheritance tax law and the lack of hospital visiting rights are often cited. I have a great deal of sympathy for people who are affected by those issues.

Some social conservatives—in this instance, the word conservative has a small “c”—believe that the law should be used like a dam to hold back changes to society, but I do not share that view. We must accept that society changes, albeit that there will always be some people who are uncomfortable with the way in which that happens. When society changes it is important that the law reflect those changes in order to avoid the development of anomalies. My view is, therefore, that matters such as the rules of succession, inheritance tax rules or rules on hospital visiting rights not allowing for same-sex cohabiting couples should be addressed by changes in the law.

That is not to say that I accept the principle—at least as currently proposed—of civil partnerships. It seems to me that the current proposal will, in effect, create a shadow of marriage that is exclusively for same-sex couples. However, other family relationships face the same problems as same-sex couples. What about cohabiting heterosexual couples for whom marriage is not an option? What about people who are in loving non-sexual family relationships that are characterised by interdependent support, such as unmarried siblings who share the same house and elderly parent who lives with a single caring child?

Patrick Harvie: Will the member take an intervention?

Murdo Fraser: I am sorry, but I do not have time.

Should not people in such circumstances be given the protection of the law and the same rights as are currently being proposed for cohabiting same-sex couples? The Civil Partnership Bill is therefore a missed opportunity at best and for that reason, I do not think that it deserves our support.

What we are discussing today is a Sewel motion that both endorses the principle of civil partnerships and seeks to pass to Westminster responsibility for the legislation. It is a sad day when the Scottish Parliament is not considered to be mature enough properly to discuss such issues and legislation on it in so far as it is devolved.

It looks as though the Scottish Executive is running scared of public opinion on the issue, which is deeply regrettable. Surely Parliament is capable of debating the issues maturely and

responsibly and of avoiding the calls on the one hand of sin and darkness and, on the other hand, of bigotry and homophobia. That Parliament seems to be unable to do that must be a matter of regret for us all.

16:47

Michael Matheson (Central Scotland) (SNP): Whether members support or oppose the general proposals within the Civil Partnership Bill, the fact is that by using the Sewel convention the Scottish Executive is denying members of Parliament an opportunity to consider the matter in detail.

I am a member of the Justice 1 Committee. We had, in effect, one oral evidence session on the bill and very limited written evidence was submitted to us. Our ability to consider the provisions in this complex bill was severely curtailed because of the limited time that was available to us. When we were drafting the committee's report, I found that I had more questions than answers because time had been so limited.

Ministers have said that they will bring the matter back to Parliament if the bill is substantially changed. That begs the question: what if it is not substantially changed? Given the bill's defects, it needs to be substantially changed—a number of areas must be addressed. However, if the minister brings it back to Parliament, what would that be for? What could we do? The bill is being dealt with at Westminster—primarily by the House of Lords. There is no point in the minister kidding on that he will bring the matter back to the Scottish Parliament and that we will start to address the issues: we have no power on the matter, so to all intents and purposes it is futile for the minister to say that he will bring the matter back to the Scottish Parliament later.

Now that ministers have stated that they will bring the matter back if the bill is substantially changed at Westminster, can we accept that the new convention on dealing with all Sewel motions will be that if the bills are substantially changed later at Westminster, they will be brought back? Is that now the agreed convention throughout the Scottish Executive? That has not been the case until recent times—in the past the Executive has forced bills through and ignored what has been changed at Westminster.

Margaret Smith highlighted the fact that although we have a full committee report on the matter, there is no clear mechanism for that to be fed into the Westminster system for consideration. If the Executive were serious about the issue, it would ensure that there was in place a proper procedure for that. Perhaps the Minister for Parliamentary Business will turn her attention to that.

It is simply not true to say that we must support the Sewel motion because if we do not support it we will delay consideration of the bill at Westminster and thereby delay addressing a matter that has needed to be addressed for a long time. The Sewel convention is nothing more than a simple convention. Westminster remains sovereign in legislating on the matter and can continue to proceed with the issue if it chooses to do so, whether or not the Scottish Parliament agrees to the motion. Members should not kid themselves that we have any more power than we actually have. We should not agree to the Sewel motion because we should have the right to consider the proposals and the issues in detail, rather than pass them off to Westminster.

16:51

Hugh Henry: I thank members for their contributions to this very short debate. Perhaps the fact that time has been short has focused people's attention more sharply, because good points have been made concisely and clearly on all sides of the argument.

I fear that Michael Matheson is under a misapprehension about the Sewel process. It is clear that Westminster will not legislate on devolved matters without our consent. He suggested that there is a new convention on how we deal with Sewel motions, but it has always been the case that significant changes to proposed legislation are brought back to this Parliament. Other ministers and I have given the Parliament that assurance on a number of occasions.

Nicola Sturgeon: Does the minister accept that Michael Matheson was making the point that the Sewel convention is just a convention. The Scotland Act 1998—I suggest that the minister reads it—says that Westminster can legislate on whatever matter it likes, whenever it likes.

Hugh Henry: Yes. In theory, Westminster could vote to abolish this Parliament if it wanted to do so. However, the Sewel convention has never been broken.

I suspect that, once again, SNP members are crying wolf. They are using the debate not to further the interests of the people whom we seek to support and who will benefit from the bill, but to introduce constitutional niceties and to advance their own political point of view. I regret that.

During the debate, we have recognised that same-sex couples are denied the opportunity to have their long-term, committed relationships recognised in law. Same-sex couples should be allowed legal recognition and they should be able to access basic rights that are available to opposite-sex couples who marry. The bill fulfils

that intention comprehensively and consistently through our relationship with the United Kingdom.

Linda Fabiani: Does the minister agree that someone's right to manifest their faith is a basic right?

Hugh Henry: That is a separate issue. People who want to marry in a religious ceremony may do so, but I am not aware that any minister of religion who is authorised to conduct religious services has asked for that right to be extended. I do not see Linda Fabiani's point.

A number of issues have been raised during the debate.

Margaret Smith: Does the minister agree that there has been no consultation of churches since the bill was published and that the issue of registering a partnership in church was not trailed in the consultation? It would be useful to remove the relevant clause from the bill and deal with the matter through regulations. That would enable us to consult churches about whether they want to be involved.

Hugh Henry: Whatever we did, we would still have the argument. Churches have been well aware of the debate for a considerable time. No church other than the Metropolitan community church, which one member identified, has raised the issue as a concern. I am not sure that making such a change at this late stage would make any considerable difference.

Nicola Sturgeon talked about the interaction with the proposed family law bill. We would be criticised if we attempted to pre-empt the provisions of future bills. Passing a Sewel motion does not preclude the Parliament from returning to the issue in the future. Michael Matheson suggested that the evidence on the bill has been limited. However, we set out a comprehensive and extensive Sewel memorandum and we gave formal letters and informal briefings to the Justice 1 Committee. Extensive contact and discussion have taken place.

Bill Aitken's point about home sharers is a red herring; that is a different issue and it should not distract us from the important issue of legal protection for same-sex couples. Linda Fabiani talked about English ministers being appointed as registrars but, to the best of my knowledge, that is not correct. Ministers of the Anglican church, as authorised persons, can record a marriage in a register that they keep for the purpose, but they are not appointed as registrars of births, deaths and marriages.

Phil Gallie (South of Scotland) (Con): Will the minister give way?

Hugh Henry: I am sorry, but I am running out of time and I have already taken a number of interventions.

Linda Fabiani also mentioned ECHR compliance. Westminster must take cognisance of the ECHR and the bill has been given a certificate under section 19 of the Human Rights Act 1998, which means that it is compliant with the ECHR. Donald Gorrie, echoing Michael Matheson, said that the details of the bill were vague, but they have been fully set out and there has been consultation. I dispute fundamentally the point that there is vagueness in the discussions that we have had so far.

Patrick Harvie talked about a missed opportunity to signal support for equality. I put on record yet again that the Executive firmly believes that Scotland has no place for homophobic prejudice or discrimination. There are many examples of the work that the Executive is doing to promote equality in all its forms but, unfortunately, I do not have time to specify them.

I thank the Parliament for a constructive and positive debate. I understand some of the concerns that have been expressed, but I argue yet again that the procedure that we are following is the best and most comprehensive way of dealing with this complex bill. I hope that, even at this late stage, all those in the Parliament who say that they believe in equality and argue that same-sex couples should be afforded the same rights as others to have long-term relationships recognised will put aside their constitutional prejudices and vote for the motion.

Business Motion

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-1378, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a timetable for legislation. I ask Patricia Ferguson to move the motion.

16:58

The Minister for Parliamentary Business (Patricia Ferguson): I will move the motion, but I refer to the business motion that was moved yesterday, which showed that there will be Executive business at the meeting on Wednesday 9 June. Business managers have been advised of this, but I confirm to members that the business will be an Executive debate on promoting choice and good citizenship—towards more smoke-free environments.

I move,

That the Parliament agrees—

(i) that the Justice 1 Committee reports to the Justice 2 Committee by 4 June 2004 on the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2004; and by 11 June 2004 on the draft Advice and Assistance (Financial Limit) (Scotland) Amendment Regulations 2004; and

(ii) that the Justice 2 Committee reports to the Justice 1 Committee by 11 June 2004 on: the Crofting Community Body Form of Application for Consent to Buy Croft Land etc. and Notice of Minister's Decision (Scotland) Regulations 2004, (SSI 2004/224); the Crofting Community Right to Buy (Grant Towards Compensation Liability) (Scotland) Regulations 2004, (SSI 2004/225); the Crofting Community Right to Buy (Compensation) (Scotland) Order 2004, (SSI 2004/226); the Crofting Community Right to Buy (Ballot) (Scotland) Regulations 2004, (SSI 2004/227); the Community Right to Buy (Ballot) (Scotland) Regulations 2004, (SSI 2004/228); the Community Right to Buy (Compensation) (Scotland) Regulations 2004, (SSI 2004/229); the Community Right to Buy (Register of Community Interests in Land Charges) (Scotland) Regulations 2004, (SSI 2004/230); the Community Right to Buy (Specification of Plans) (Scotland) Regulations 2004, (SSI 2004/231); and the Community Right to Buy (Forms) (Scotland) Regulations 2004, (SSI 2004/233).

Motion agreed to.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Patricia Ferguson to move motions S2M-1362, on committee substitutes, and S2M-1390, on the office of the clerk.

Motions moved,

That the Parliament agrees that Tricia Marwick be appointed to replace Brian Adam as the Scottish National Party substitute on the Education Committee.

That the Parliament agrees that between 8 January 2005 and 2 September 2005, the Office of the Clerk shall be open all days except: Saturdays and Sundays, 25 and 28 March, and 2, 27 and 30 May 2005.—[*Patricia Ferguson.*]

The Presiding Officer: The questions on those motions will be put at decision time.

Decision Time

17:00

The Presiding Officer (Mr George Reid): There are nine questions as a result of today's business. The first question is, that amendment S2M-1395.2, in the name of Jim Mather, which seeks to amend motion S2M-1395, in the name of Jim Wallace, on the economy of the Highlands and Islands, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 26, Against 65, Abstentions 14.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-1395.1, in the name of Murdo Fraser, which seeks to amend motion S2M-1395, in the name of Jim Wallace, on the economy of the Highlands and Islands, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)

Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

McFee, Mr Bruce (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 14, Against 91, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S2M-1395.3, in the name of Eleanor Scott, which seeks to amend motion S2M-1395, in the name of Jim Wallace, on the economy of the Highlands and Islands, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Leckie, Carolyn (Central Scotland) (SSP)
 Martin, Campbell (West of Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 15, Against 73, Abstentions 17.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that motion S2M-1395, in the name of Jim Wallace, on the economy of the Highlands and Islands, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Annesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 59, Against 38, Abstentions 9.

Motion agreed to.

That the Parliament endorses the ambition to create a diverse, dynamic and sustainable economy in the Highlands and Islands; congratulates Highlands and Islands Enterprise on the progress it has made with local partners towards realising this ambition, particularly in the areas of telecommunications, research and development and renewable energy; further welcomes the significant investment in critical transport infrastructure in the Highlands and Islands; recognises that serious challenges still lie ahead for the Highlands and Islands economy, not least in terms of sustaining more fragile areas, but believes that these can best be addressed through continuing the approach set out in *A Smart, Successful Scotland*.

The Presiding Officer: The fifth question is, that motion S2M-848, in the name of Margaret Curran, on the general principles of the Tenements (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Tenements (Scotland) Bill.

The Presiding Officer: The sixth question is, that amendment S2M-1202.1, in the name of Bill Aitken, which seeks to amend motion S2M-1202, in the name of Cathy Jamieson, on the Civil Partnership Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 14, Against 92, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The seventh question is, that motion S2M-1202, in the name of Cathy Jamieson, on the Civil Partnership Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Scanlon, Mary (Highlands and Islands) (Con)

The Presiding Officer: The result of the division is: For 80, Against 25, Abstentions 1.

Motion agreed to.

That the Parliament endorses the principle of giving same sex couples in Scotland the opportunity to form a civil partnership and agrees that the provisions in the Civil Partnership Bill that relate to devolved matters should be based on Scots law and considered by the UK Parliament.

The Presiding Officer: The eighth question is, that motion S2M-1362, in the name of Patricia Ferguson, on committee substitutes, be agreed to.

Motion agreed to.

That the Parliament agrees that Tricia Marwick be appointed to replace Brian Adam as the Scottish National Party substitute on the Education Committee.

The Presiding Officer: The ninth and final question is, that motion S2M-1390, in the name of Patricia Ferguson, on the office of the clerk, be agreed to.

Motion agreed to.

That the Parliament agrees that between 8 January 2005 and 2 September 2005, the Office of the Clerk shall be open all days except: Saturdays and Sundays, 25 and 28 March, and 2, 27 and 30 May 2005.

Asbestos-related illnesses

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-866, in the name of Des McNulty, on asbestos-related illnesses. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with deep concern recent projections regarding the increasing prevalence of asbestos-related illnesses in Scotland; notes that the historic concentration of heavy industry on Clydeside has left a devastating health legacy, affecting many former shipyard and engineering workers and their families; notes that although former shipyard communities show the highest incidence of asbestos-related disease, evidence now shows that ever-increasing numbers of workers from other parts of Scotland have also become victims of asbestos-related illnesses due largely to the past use of asbestos in construction; considers that the Scottish Executive should give urgent consideration to bringing forward an integrated strategy to assist all those affected by asbestos-related illnesses, which should combine screening and testing people who may have been at risk in order to ensure early diagnosis, counselling and support for victims and their families, and the provision of specialist palliative care, and further considers that the Scottish Executive should work along with COSLA, NHS boards and other key bodies, including the Health and Safety Executive to ensure that necessary information is made available to potential sufferers from asbestos-related illnesses and all those professionals in health, local government and other services who may be in the position of assisting victims and their families.

17:08

Des McNulty (Clydebank and Milngavie) (Lab): Sam Irvine, the long-standing chairman of the Clydebank Asbestos Group, died earlier this year. He worked for various employers in Clydebank, including the Singer sewing machine company and the John Brown shipyards, and he spent some time in the building industry as a master joiner. He was an asbestos victim and he suffered many of the classic symptoms of acute respiratory disease, but in his later years he devoted much of his time to campaigning for justice along with other members of the Clydebank Asbestos Group, Clydeside Action on Asbestos, the Scottish Trades Union Congress and its affiliates. That justice was all too often denied victims and their families as a result of the machinations of former employers and insurers such as Chester Street Insurance Holdings and Federal Mogul, which sought to evade liability for the damage that had been done.

My Westminster colleague Tony Worthington MP has played a prominent role in those campaigns, along with other MPs, including Margaret Ewing when she was a member of the House of Commons. As a result, new legislation

has been introduced, the most recent example of which is the Control of Asbestos at Work Regulations 2002 (SI 2002/2675), part of which came into force only a fortnight ago on 21 May. The regulations aim to reduce the risk of exposure to asbestos in the work place and require anyone who is responsible for maintaining commercial, industrial or public property to check for asbestos and take appropriate action if it is discovered.

It is estimated that 500,000 properties in the United Kingdom contain asbestos, which was widely used in properties that were built or renovated between 1950 and 1980. Its use was especially widespread on Clydeside, where asbestos was used as insulating material in much of the rebuilding after the war. However, it was the widespread use of asbestos in fitting out and repairing ships that gave West Dunbartonshire the highest percentage of deaths from mesothelioma of any area in the UK.

The mortality rate in West Dunbartonshire from asbestos-related disease is more than six times higher than that in the rest of the UK. East Dunbartonshire, Fife, Glasgow, Inverclyde and Renfrewshire are all disproportionately affected, but the scale of the damage that asbestos has wrought throughout the UK means that every elected member must take the issue seriously.

One in every 100 British men who were born in the 1940s will die of malignant pleural mesothelioma, which is almost exclusively a consequence of exposure to asbestos and has a lag time that is rarely less than 25 years and is often more than 50 years from first exposure. Half of all the people affected are now over 70 years old, and 80 per cent are men.

For men who were first exposed as teenagers and who remained in high-risk occupations, such as insulation, throughout their working lives, the lifetime risk of mesothelioma can be as high as one in five. More than 1,800 deaths occur from the disease per year in Britain. The disease causes about one in 200 of all deaths in men and one in 1,500 in women, and those proportions continue to increase.

The peak of the epidemic has not been reached and is expected to occur between 2015 and 2020, when the death rate is likely to be 2,000 per year in the UK. The situation in Europe is similar and in some parts of the world it is worse. My namesake, Dr Jim McNulty, played the leading role in identifying the ingestion of asbestos as the cause of the level of mesothelioma in Western Australia, which is the jurisdiction with the highest level of asbestos-related disease in the world.

In much of the developed world, asbestos use and removal are subject to stringent regulation that limits new contamination, but in the

developing world, asbestos continues to be imported and used. That will store horrific health problems for the future.

Since the Parliament was established, steps have been taken to speed court processes. In the past, Scottish courts took so long to process claims that many sufferers died before their cases were dealt with. I thank members who supported the Clydeside Action on Asbestos petition and the then ministers—Richard Simpson and Hugh Henry—who responded positively and sympathetically.

However, we need to do more, especially to address the health and welfare needs of victims and families. Relatively short periods of exposure to asbestos can lead to tumours 30, 40 or 50 years later. Mesothelioma is a particularly distressing and painful condition that inevitably results in death, but other forms of asbestos-related disease can also be profoundly debilitating and can sharply reduce the sufferer's quality of life.

Asbestos-related diseases are a quiet epidemic. We know how many people are affected and we can make well-founded estimates of the number of people who are likely to be affected in future, given that most victims have carried the carcinogen in their bodies for at least 20 years. As I said, the peak of the epidemic is still to come and we urgently need a strategy to assist those patients. The demand on the health service to treat people with asbestos-related illnesses will grow, and we should put resources and policies in place to deal with the needs of victims and their families. I would like dedicated support to be given to those people by specialist nurses who have experience of dealing with asbestos-related disease. Some parts of Scotland already have specialist nurses for sufferers of multiple sclerosis. Those nurses deal not only with their patients' health needs, but with the social consequences for victims and their families. That is a good model that can be translated into support for victims of asbestos-related disease and their families.

In 2002, Westminster approved a fast-track system for mesothelioma sufferers to access welfare benefits. It is no longer necessary for sufferers to wait to be examined by a doctor whom the Department for Work and Pensions has appointed before industrial injuries disablement benefit can be awarded. As soon as a diagnosis of mesothelioma is confirmed by the patient's consultant, 100 per cent entitlement to IIDB is awarded. A claim for disability living allowance can immediately be processed under special rules. I think that this Parliament should be able to introduce parallel fast-track health and counselling support—which does lie within its powers—to assist mesothelioma sufferers in particular and

victims of asbestos-related diseases more generally.

My motion suggests

“screening and testing people who may have been at risk in order to ensure early diagnosis”.

Scanning technology exists that would not only allow early diagnosis, but would put people’s minds at rest if they had symptoms that could be associated with asbestos-related disease.

We could also provide better funding for counselling and support for victims and their families, and we could consider the provision of specialist palliative care.

I suggest in my motion that

“the Scottish Executive should work along with COSLA, NHS boards and other key bodies, including the Health and Safety Executive to ensure that necessary information is made available to potential sufferers from asbestos-related illnesses and all those professionals in health, local government and other services who may be in the position of assisting victims and their families.”

Excellent work is going on through the short-life working group of the Convention of Scottish Local Authorities on asbestos, which is considering local government’s involvement in tackling problems arising from the legacy of asbestos use. I am sure that the minister will not allow the national health service to lag behind in paying specific attention to victims of asbestos-related disease. There is much that can be done, especially in developing partnership working, towards the development of an integrated service. I look forward to hearing my colleagues’ contributions to the debate. These people deserve our support.

The Deputy Presiding Officer: There is quite a long list of members wishing to speak, so I must restrict speeches to a maximum of four minutes.

17:16

Mrs Margaret Ewing (Moray) (SNP): Thank you, Presiding Officer. I hope that I am not going to get a lecture from you on how to make speeches—given your intervention during question time this afternoon.

I congratulate Des McNulty on his extensive motion, which covers a series of aspects of the problems that asbestos-related illnesses bring to families. I emphasise the point about the hot spots—we all know where they are. Generally, they are concentrated around the Clyde, which is because of its traditions. However, as the member for Moray, I can assure members that cases from that area have been brought to my attention. Many of the people concerned have worked in the Royal Navy, or have been carpenters or joiners. The problem affects every constituency the length and breadth of the United Kingdom.

I wish to explain how I became involved with asbestos-related illnesses. When I was first elected for East Dunbartonshire, way back in 1974, I was approached by Nancy Tait, who is a well-known campaigner on the subject and who has written many articles and books on it. That took me into being a long-term campaigner on the subject. In the beginning, many people thought that Clydebank was in the then East Dunbartonshire constituency. It was not, although many of my constituents travelled back and forth to Clydebank. The more I read and heard about asbestos-related illnesses, the more my eyes were opened to what we had done to a generation of workers.

Essentially, we are dealing here with the health aspects of asbestosis and related illnesses, and I congratulate Pauline McNeill on the sterling work that she did on fast-tracking justice when she was convener of the Justice 2 Committee in session 1. That committee’s report concerning asbestosis victims was excellent, and it moved things forward for people seeking compensation.

We all know that, when asbestos was invented, it was viewed as a great post-war development—as a substance that could be used in a variety of ways. There was a fast-build programme at that time, and asbestos was used in it a great deal. At the time, we did not have the same health and safety strictures that we do now. We did not have the same education that we do now, so people did not realise the dangers of the substance with which they were working. That also applied at home. I vaguely remember my mother having an ironing board with asbestos in it, because it was seen as a good lining material. The legacy of those times is with us still, and we owe a debt to those who are suffering.

We can look at all the old movies of Clyde-built ships being launched, and we can be proud, but that pride is detracted from by people’s lingering illnesses and very painful deaths. Between 1997 and 2001, some 1,800 people died in Scotland as a result of asbestos-related illnesses. As Des McNulty pointed out, we are sitting on a time bomb: there will likely be a peak in 2015 to 2020. I entirely agree that diagnosis and help must be given. We spend a lot of time in the chamber discussing waiting lists and waiting times, but time is running out for many people who are affected and we must ensure that there is good diagnosis, treatment and support in all aspects. General practitioner training, nurses’ training, screening and scanning should all be made available to such people as a thank you for their work in the past.

On specialist palliative care—I promise that this is my final sentence—I might take up with Michael McMahon the possibility of the Scottish Parliament

cross-party group on palliative care considering this particular issue.

17:21

Trish Godman (West Renfrewshire) (Lab): I, too, congratulate Des McNulty on securing such an important debate and support his call for the Scottish Executive to work with COSLA, the NHS and other bodies to assist those who are affected by asbestos-related illnesses.

I would like to make a couple of points in my brief speech. First, I pay tribute to the Scottish Trades Union Congress, trade unions such as the Union of Construction, Allied Trades and Technicians and the GMB for their commitment to alleviating the suffering of many trade unionists who have been unknowingly exposed to the foul threat that is posed by working with such materials. The blunt but sensible advice to its members from UCATT is to stop work immediately if they believe at any point that they are working with asbestos and to get things checked out and get out. That is sound advice indeed.

Des McNulty mentioned another group of men and women that has tirelessly campaigned down the years on behalf of people suffering from the dreadful illness that we are discussing—Clydeside Action on Asbestos. Some of its members have also been sufferers. That group, with the assistance, as has been said, of MPs such as Margaret Ewing, Tony Worthington, Frank Field and—dare I say—Norman Godman, managed to persuade Westminster Governments that were indifferent to asbestosis sufferers for too long to change the law on claims on behalf of people who had died during lengthy court proceedings. Westminster Governments and insurance companies are not exactly covered in glory in respect of the speed of response to the utterly innocent victims of asbestosis.

Once somebody has met a constituent who has been made ill by this occupational disease, they cannot be other than deeply committed to the defence of such innocent victims, and to the campaign to eliminate such toxic materials from our industries, buildings and work places.

I ask the minister what the Scottish Executive has done to ensure that insurance companies and courts cannot slow matters down. I remind him of the Clydeside action group's petition, with a request—which should have been a demand—that those suffering from the ravages of asbestosis should receive compensation within six months of litigation. It continues to have to monitor things.

Before the law was changed in Scotland anent court proceedings, it was commonly believed—with justification—that insurance companies procrastinated on the basis that a case for

compensation dies when the victim dies. I thank God that those days are over. Delays in legal proceedings should be kept to a minimum—that also goes for other aspects of compensation cases. A person suffering from such an awful illness, which is often terminal, should not suffer stressful and undignified delays in having his or her legitimate claims met. Down the years, employers, their insurance companies and Westminster Governments betrayed the concerns and legitimate claims of many working people and their families, including many people in Port Glasgow in my constituency.

I urge the Scottish Executive to use what powers it has to do what is right by fellow Scots. I refer to what Des McNulty said about counselling, support, special nurses and all the measures that can be implemented through the auspices of the NHS. The Executive must do all that is in its power to ensure that younger people are not exposed to an invisible and lethal danger that has affected the lives of many people and their families.

17:25

Mrs Nanette Milne (North East Scotland) (Con): I am pleased to have the opportunity to take part in the debate not because I can contribute a great deal to it, but because I know that there is a lot that I can learn from members who have more experience of asbestos-related diseases than I have.

These members' business debates are a feature of the Parliament that has impressed me greatly since I came here just over a year ago. Many of them cover health-related issues, often the cinderella diseases that do not grab public attention or hit the headlines but which, nonetheless, devastate the lives of those who are unfortunate enough to have to live with them and, sadly, die from them. I have been humbled by my relative ignorance of the impact of some of the diseases, and I have become increasingly concerned by the degree of unmet need—whether for information, counselling, specialist nursing or palliative care—that is experienced by those who are suffering from those diseases throughout Scotland. I hope that earlier diagnosis and better support services will be the end result of our raising awareness generally and highlighting the gaps in provision.

Today's debate is a case in point. When a motion is signed by more than third of all MSPs and when a health issue is the topic of a members' business debate for the third time in the first five years of the Parliament, there is clearly awareness and concern within this institution, and quite rightly so. What we are discussing is of extreme importance to the victims and their families.

Asbestos-related illnesses used to be looked on as a tragic legacy of Clydeside industry, and they were rarely encountered in my neck of the woods. Indeed, one of the only two people whom I have known to die of mesothelioma had spent most of his working life on the Clyde before he retired to the north-east of Scotland. However, we are now reaping the results—throughout the country, as Margaret Ewing said—of the popular use of asbestos in construction work in post-war Britain. Workers were exposed to its fibres at a time when the hazards were not fully appreciated. That risk of exposure continues today as many buildings from that era come to require renovation or demolition. Fortunately, the risks are now well known, and health and safety measures are in place to deal with them.

Nevertheless, the legacy is still there, and the number of people who are ending their days in pain or gasping for breath as a result of exposure to asbestos has, sadly, not yet reached its peak. People who have been exposed to it are sitting on a time bomb. People who are diagnosed with asbestosis, lung cancer or mesothelioma are, essentially, living with a death sentence. Anything that can be done to help them and their families to cope with that state of affairs should be done.

The second person whom I knew who had mesothelioma was a constituent of mine when I was an Aberdeen city councillor. I had known her for most of my life, and I have no idea when or how she was exposed to asbestos. She bravely accepted her death sentence, following diagnosis, and got on with her remaining life. Her main worry was that the cemetery in which she wished to be buried was nearly full. She was afraid that the new graves that were due to be created there by the council would not be ready in time. My contribution was small, but I was able to get reassurance for her that she would find her last resting place where she wanted it. I think that the peace of mind that that gave her helped her through her final few months as the disease took its unrelenting course.

It is extremely important that information, help and support, of whatever nature, is available to victims and their families. If today's comprehensive motion is acted upon, the lives of future sufferers of asbestos-related diseases could be made more bearable and their families and friends could be better prepared to cope with the diagnosis and its consequences. I am, therefore, more than happy to give the motion my full support.

17:28

Jackie Baillie (Dumbarton) (Lab): Like other members, I congratulate Des McNulty on securing the debate. In all the years that I have known Des, he has long championed the cause of those who

have asbestos-related illnesses—as have many MPs who have been mentioned this evening. All are to be commended for their tenacity in pursuing the issue.

As Margaret Ewing has said, it is estimated that around 1,800 people have died from asbestos-related illnesses in Scotland. That is an incredible number. Clydebank is recognised as the cancer capital of Europe because of the devastating impact that asbestos has had on the town—a tragic legacy from the days of shipbuilding. As has been mentioned, West Dunbartonshire has the highest death rate from asbestos poisoning in the UK. We cannot take any pride at all in any of those statistics.

As Des McNulty said, from the mid-1950s to the mid-1980s, asbestos was a common component in building materials. That means that, for many buildings, asbestos can and will be a problem for us in the future with the slightest disturbance. As many members will be aware, the danger of asbestos lies in the fact that it is made of microscopic particles that become airborne when they are disturbed. It is worth reminding ourselves of the ease with which such particles can enter people's lungs. That was highlighted for me by the astonishing stories of women who became infected through washing the clothes of shipyard workers.

A particularly tragic consequence of asbestos inhalation is mesothelioma, which is a painful disease that is largely resilient to surgery. An astonishing fact that I had not known was that it can take as long as 50 years for the cancer to develop. Doctors have warned that, because of the length of the incubation period, the number of cases has still to peak.

On what can be done to help those who are affected by this ticking health care time bomb, I think that the motion's call for an integrated strategy of care gets to the root of the matter. Those who have developed asbestos-related illnesses need counselling and the families of such victims need support. However, that should be provided alongside specialist palliative care. Des McNulty is absolutely right that early diagnosis of the disease is vital. Early screening and more information is needed to help that process.

At the moment, support groups such as the Clydebank Asbestos Group play a vital role in raising awareness of asbestos-related illnesses, in supporting victims and their families and in helping sufferers to obtain compensation. The impact of such groups has already been outlined by other members, so I do not propose to add to what has been said on that.

I echo Trish Godman's sentiments on the positive role that trade unions have played, which I

am sure will continue. Like her, I support the need for COSLA, health care professionals and the whole health service to work together alongside the Scottish Executive in providing practical help and assistance. We need to ensure the wide availability of information about where asbestos can be found, what its effects are and how those who are suffering from asbestos-related illnesses can be helped. An integrated strategy is our best chance of helping the lives of both present and future sufferers.

I have no hesitation in supporting the motion. Like others, I urge the Executive to do all in its power to effect change.

17:32

Mark Ballard (Lothians) (Green): I join others in congratulating Des McNulty on securing tonight's debate on what is a very important subject.

Data from the Health and Safety Executive show that asbestos is the greatest single cause of work-related death in the UK, with up to 3,500 people dying each year as a result of asbestos-related illnesses. The bulk of those who suffer painful and distressing deaths from such illnesses were first exposed to asbestos in the workplace.

Like many others, I have been appalled to read about the conditions in which people had to work, particularly on Clydeside. Thousands of shipyard employees, boiler-makers and insulators were routinely exposed to great clouds of asbestos. People had to cut up asbestos with knives and were given only limited protective equipment. As previous speakers have outlined, many such workers have gone on to develop asbestos-related illnesses.

The tragedy is that many of those deaths and illnesses could have been prevented. The risks of asbestos exposure were well known, but up until the 1970s workers were still handling asbestos without proper protective equipment. Much of the blame for that must lie with the management of the many companies, such as the cement works in Dumbarton, that let workers deal with asbestos without proper protection.

One Clydeside insulator put it like this:

"If you put a guy into a car and push him down a hill with no brakes in it and it crashes at the bottom and kills him, you've murdered him. Well, it's the same with us. They made us work with poisonous materials that were killing us, and never told us."

That is a damning indictment.

Although we now know the truth about the deadly legacy of asbestos and we no longer use it routinely as we once did, there remains a great deal of asbestos in ships, factories and buildings. I

have a particular concern about the way in which developing countries are attempting to deal with the problem. There are now four ghost ships in Hartlepool that were considered too toxic and contaminated with asbestos and other chemicals such as dioxins to be dealt with in the United States. Nine such ships still remain in the United States. The US companies are desperately trying to find somewhere to get rid of those ships in order to dismantle them. Such problems must be dealt with. We cannot hope to export our legacy of asbestos to developing countries.

I congratulate Des McNulty on the measures that he outlines in his motion. There must be an integrated approach to the treatment of asbestos-related illness, not only to treat the symptoms but to recognise the causes. Every worker must be made aware of the risks of asbestos exposure and every former worker or their relatives must be made aware of the proper support that must be made available.

It took many years for health concerns about asbestos to be translated into effective regulations and health protection and I recognise the role that trade unionists and local members of Parliament played to achieve that. As we become aware of other potentially dangerous substances, we must learn the lessons of asbestos and not wait so long to act next time.

17:36

Frances Curran (West of Scotland) (SSP): I thank Des McNulty for bringing the debate to the chamber. The prevalence of asbestos, lung cancer and mesothelioma in the west of Scotland is one of the greatest injustices suffered by the working class in that area. It is not as if people did not know about it. We can now read the minutes from board meetings in the 1950s and 1960s at which it was said, "Keep a lid on it." Employers denied that those illnesses existed and they denied that there was any link between asbestos and the deaths that occurred.

I have a vested interest in that my dad worked in the shipyards. He was a plater who worked among the dust and he died in 1979 at the age of 45. It has only now become clear that he died of mesothelioma because we have more information about the disease. There was nae compensation, nae nothing. There were five months between his going into hospital and his death. Twenty-odd years later, the same thing is happening and we are still having this fight.

I echo the points that Trish Godman made to the minister. A petition has been lodged and there have been meetings between the Minister for Justice and members of the legal profession. However, what can we do to stop those

companies that are literally getting away with murder by delaying, twisting and turning? I know that this is a health debate, but the issue of compensation is outstanding.

Asbestos campaigners won compensation from Chester Street Insurance Holdings, which in 2001 called in the liquidator. Chester Street had sold the profitable part of the company—Iron Trades Insurance—to an Australian company and made the other part unprofitable, so that it could not pay the compensation claims. That left many men—although there were some women—without any compensation. The Government stepped in and awarded them compensation, but how are we going to get to court those other companies in America that are also selling off their assets to make themselves unprofitable so that they cannot pay compensation? We need justice for the profits that they made and the lives that they cost over a long period. What can we achieve through the petition and the legal system? We must fast-track the matter in Scotland.

My last points are about health. As soon as someone got a diagnosis of mesothelioma in the past, they knew that that was it—there was no cure and the illness would be short lived. I speak from experience when I say that it is not pleasant to watch someone die from that agonising disease.

We know that death and disease rates have not yet peaked. We need a health strategy, to which Des McNulty referred in his motion. This is where the Scottish Executive Health Department comes in. We do not have to reinvent the wheel. Ten years ago, pioneering work in Australia led to the establishment of a strategy that brought everything under one banner. Those involved then began to experiment with chemotherapy, tumour removal, vaccines and other techniques in order to manage the disease and prolong sufferers' lives.

One of the most interesting techniques that I read about was gene therapy. Surgeons take away as much of the tumour as possible and instead of putting it in a bucket—it was obviously a typical Australian speaking—they grab it and inject it into the patient as a vaccine alongside other vaccines. Such therapy definitely prolongs life and raises the possibility of being able to manage mesothelioma as a chronic disease. However, we are lagging well behind such approaches and highlighting them in such a debate will allow the health service to develop the kind of strategy that we are soon going to need.

17:41

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Here we are in another debate about asbestos-related diseases. I thank Des McNulty

for managing to get the issue on the agenda once again.

Members have already pointed out that Clydesiders have in this matter been victims of their past. Day and daily now, people are presenting with asbestos-related diseases. It is still a huge problem—a recent study has shown that the European asbestos epidemic has not yet reached its peak and that more people are affected by asbestos-related cancers than are affected by, for example, cervical cancer.

Previous debates in Parliament have concentrated on justice and compensation issues and members have already acknowledged the part that was played by the Justice 2 Committee and others in ensuring that this much-maligned Parliament made a difference. Indeed, we should celebrate the fact that we have made a difference to the lives of people who suffer from asbestos-related cancers.

Although it was necessary and right for us to tackle the injustice of the legal system in respect of treatment of asbestos victims, and to focus on issues such as compensation and justice, such an approach might well have sidelined the human and health aspects of the problem. It was as if compensation would dull the pain and erase the sense of bereavement that families felt but—of course—it did not and has not. Des McNulty's excellent and detailed motion takes things a step further by bringing us back to, and making us focus on, the health aspects.

There is no doubt that asbestos-related diseases are horrible but, because of the legal system's adversarial nature, for people who presented as suffering from these illnesses, the matter was almost dehumanised. For example, they were said to have mesothelioma or an asbestos-related disease. Let us call mesothelioma what it is: it is a particularly horrible cancer. It is a cancer like any other cancer, which is why, as Des McNulty rightly points out in his motion, it is essential that people be diagnosed early. After all, early diagnosis prolongs lives—compensation does not.

Obviously, we support Des McNulty's call for the Scottish Executive Health Department to develop a comprehensive strategy to deal with the matter. However, we should also remember that the legal system traumatised the people who were involved. Not only were they presented with horrible medical evidence about how their bodies were breaking up, but they and their families had to sit through discussions about that evidence in courtrooms and with lawyers. We had to deal with such a dehumanising system.

Tonight's motion gives us a real opportunity to get on to the preventive issues and the more

human issues, and to offer the support that families need. We need to get on to health interventions, so that we can prolong life and not merely increase compensation.

17:45

John Swinburne (Central Scotland) (SSCUP):

I want to thank Des McNulty for bringing this very important issue before Parliament this evening. I doubt very much whether anyone else here today has any conception of what it was like to work in conditions in which exposure to deadly material was all too often the norm.

In 1947, a refrigeration boat—or ship, or vessel—was launched from the Barclay Curle shipyard. It was called the City of Johannesburg and was similar in size to the building that we are in now. It would have stretched from the pillar on the left to the pillar on the right and its depth would have been perhaps twice or three times the height of the building. The whole structure was covered by asbestos blocks, which were about 3ft long, 1½in wide and 6in broad. The apprentices would be up in the structure putting on those blocks and, in their naivety, they would break off lumps and have snowball fights, with the lumps battering across the structure. The dust fell like snow and when they went home at night or into the changing rooms, their overalls were pure white. When they took those overalls home at the weekend, their mothers or whoever had to wash them. Jackie Baillie was right to say that innocent housewives, who had nothing to do with asbestos, would very often have it brought into their homes, with dire consequences.

The young apprentices knew no better; it was through pure naivety and devilment that they were throwing the stuff about. The dust lay caked thick at the bottom of the tank top, as it was called. Believe it or not, I worked in that environment, and at the same time smoked about 40 cigarettes a day. I do not know who is looking after me, but someone has done quite a good job so far. I have managed to stop the smoking, but I do not know whether I have managed to get rid of all the carcinogens that I ingested into my lungs. I will just keep on walking up and down the hill in the mornings and hoping that I have.

Asbestosis has wreaked havoc in the lives of thousands of shipyard workers who were unwittingly exposed to a life-threatening hazard. Friends of mine have died of asbestosis—good, close friends. Fortunately, as time has moved on, we have become aware of the dangers, but that has sadly come too late for all too many.

I congratulate Des McNulty on his motion. It is unacceptable that people in this world try to evade their responsibilities and when people are to

blame for something as basic as endangering other people's health through exposing them to asbestos or any other evil form of insulation, it is good that something is to be done. I experienced asbestos. It was not pleasant but, at the time, we did not realise the danger that we were in. Thank you, Des.

17:48

The Deputy Minister for Health and Community Care (Mr Tom McCabe): I join other members in congratulating Des McNulty on securing this debate. The motion gives us the opportunity to debate an issue that is of the deepest concern to many families in Scotland today and which, perhaps even more relevant, is extremely pertinent to Les McNulty's constituency. After all, that is the whole purpose of this parliamentary slot.

The disease and its various implications touch on reserved matters within the domain of the Health and Safety Executive. However, they also touch on devolved functions, which underlines the need for the closest collaboration among all the key interests—an objective that is, of course, at the heart of the motion.

Des McNulty and other members have graphically set out the devastating consequences for those who suffer from asbestos-related illnesses, and the anguish and anxieties of their families and friends. Our past industrial successes—especially in shipbuilding but in other fields as well—have come at a heavy price for many. We owe it to them and their families, as well as to work forces now and in the future, to ensure that regulatory frameworks and working practices are sufficiently robust to reduce the impact of these distressing illnesses. For those who suffer, treatment and care must be of the highest standards.

The facts—some of which we have already heard about—are stark. In the period between 1981 and 2000, there were some 2,000 deaths involving mesothelioma in Scotland. That sobering statistic brings into sharp focus the high cost in human lives that exposure to asbestos can bring.

As has been said, there is a well-established link between mesothelioma and exposure to asbestos in the shipbuilding industry. The areas with the highest mesothelioma excesses in males tended to be those that contained ports and dockyards. In six Scottish local authority areas, all of which can be associated with shipbuilding, the number of mesothelioma deaths in the period that I mentioned was, statistically, significantly higher than expected.

Unfortunately, the number of mesothelioma deaths each year in Great Britain as a whole is

continuing to rise. Predictions that are based on the latest statistical model show that the annual total number of deaths from the illness is expected to peak at a figure of between 2,000 and 2,500 sometime between 2011 and 2015. The message from that model is that although the effect of specific high-risk activities in the past, such as shipbuilding, appears to be weakening, other sources of asbestos exposure have developed more recently across a wider range of industrial activity. In fact, nowadays, most asbestos exposures occur as a result of building maintenance and asbestos removal work.

What is the Executive doing about the problem? It is clear that a key thrust must be to ensure that the regulatory controls are rigorous and effective. Exposure to asbestos has been regulated in the United Kingdom since the 1930s. The controls were increased significantly in 1969, when new regulations were made in response to increasing knowledge of the risks of contracting lung cancer and mesothelioma. Since then, there has been a progressive tightening of that framework, culminating in a total ban on the importation and supply of all forms of asbestos.

The Health and Safety Executive has been working continuously to improve standards through legislation and enforcement. It is worth mentioning two recent developments. First, the Control of Asbestos at Work Regulations 2002 were a significant development. Secondly, as recently as May this year, a new duty to manage asbestos in non-domestic premises became law under those regulations. The HSE has undertaken a five-year implementation campaign to raise awareness of the duty, which obliges the people responsible to take a range of actions to ensure that any materials on their premises that contain asbestos are properly managed. Given that it is estimated that the new regulation could prevent 5,000 deaths in the commercial sector alone, it is a measure that will make a substantial contribution to reducing mortality from asbestos-related disease.

The motion seeks the introduction of a screening and testing programme for people who have been at risk. Des McNulty is right to draw attention to the benefits of screening, as it is an invaluable tool in the early detection of disease that allows appropriate treatment to be given, where such treatment is available. However, the reality is that, with mesothelioma, there is no established effective screening method. A recently reported method examines markers in blood as an indication of a person's potential to develop the disease, but it is not yet an established and validated measure.

Nonetheless, the Executive is concerned to ensure that the most appropriate treatment and

care are given to those who suffer from asbestos-related illnesses. The key is to have a multidisciplinary approach to diagnosis and to decisions about treatment, including symptom control. New avenues are being explored in research trials worldwide. It is the Executive's policy to encourage patient entry into robust clinical trials through the regional lung cancer networks. Indeed, the Scottish cancer research network, which is funded by the Executive to the tune of £1 million per year, is recruiting patients for a number of mesothelioma research projects, including a Medical Research Council trial.

The motion also mentions specialist palliative care. The regional networks that I have mentioned link into palliative care, which is a dimension to which the Executive attaches great importance. Our policy is that everyone who is suffering from an incurable, progressive illness should receive palliative care, regardless of their age. Although that care has traditionally been associated with cancer, it has a role to play in all progressive, incurable conditions, including asbestos-related illnesses.

In order to promote the palliative care approach, the Executive is supporting the development of managed clinical networks in palliative care. A number of those networks for palliative care, with particular reference to pain relief, have been set up across the country and we will work with the Scottish partnership for palliative care to identify other board areas where local MCNs could be established. As I said, asbestos-related illnesses, like any other incurable conditions, come within the range of palliative care, which should be available to everyone who needs it. However, I give Des McNulty the assurance that I will draw the issues that were raised in the debate to the attention of those responsible for the development of the MCNs.

The motion refers to the need for the Executive to work with COSLA, NHS boards and other key bodies, including the HSE, to ensure that all necessary information is made available to potential sufferers and other key interested parties. The Executive agrees that that is important. The HSE produces a range of information for people who have either worked with asbestos or come into contact with it and the HSE website contains a section with current information about asbestos. I also give the assurance that we will discuss with the HSE and other partners whether, in light of the points that were made in the debate, we can enhance the available information.

Like Des McNulty and other members, we are concerned to ensure that claims for compensation from patients are determined as expeditiously as possible by the courts. Des McNulty met the

Deputy Minister for Justice on 2 February to discuss that issue. The new rules provide for a diet of proof 12 months from the date on which a case was raised. However, where the life expectancy of a patient is expected to be less than in the region of 12 months, an application for acceleration of that timetable is available. Again, I give the firm assurance that the Executive will keep those rules under careful review.

Meeting closed at 17:57.

We are aware of the distressing consequences of asbestos-related disease. Action is proceeding in a joined-up way on a wide front, across the responsibilities of the Scottish and Westminster Administrations. There is a common resolve to do what we can to help those who are affected by this terrible disease and to reduce the risk of people acquiring it in the future.

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