

# **MEETING OF THE PARLIAMENT**

Wednesday 26 January 2005

Session 2

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# CONTENTS

Wednesday 26 January 2005

## Debates

Col.

|   |       |
|---|-------|
| <b>TIME FOR REFLECTION</b> .....                                  | 13837 |
| <b>QUESTION TIME</b> .....  | 13839 |
| <b>OLDER PEOPLE</b> .....   | 13846 |
| <i>Motion moved—[Johann Lamont].</i>                              |       |
| <i>Amendment moved—[Christine Grahame].</i>                       |       |
| <i>Amendment moved—[Mary Scanlon].</i>                            |       |
| <i>Amendment moved—[John Swinburne].</i>                          |       |
| The Deputy Minister for Communities (Johann Lamont).....          | 13846 |
| Christine Grahame (South of Scotland) (SNP).....                  | 13850 |
| Mary Scanlon (Highlands and Islands) (Con).....                   | 13854 |
| John Swinburne (Central Scotland) (SSCUP).....                    | 13856 |
| Donald Gorrie (Central Scotland) (LD).....                        | 13859 |
| Paul Martin (Glasgow Springburn) (Lab).....                       | 13861 |
| Tommy Sheridan (Glasgow) (SSP).....                               | 13862 |
| Linda Fabiani (Central Scotland) (SNP).....                       | 13864 |
| Mr David Davidson (North East Scotland) (Con).....                | 13866 |
| Irene Oldfather (Cunninghame South) (Lab).....                    | 13868 |
| Dr Jean Turner (Strathkelvin and Bearsden) (Ind).....             | 13869 |
| Robert Brown (Glasgow) (LD).....                                  | 13871 |
| Mrs Nanette Milne (North East Scotland) (Con).....                | 13873 |
| Ms Sandra White (Glasgow) (SNP).....                              | 13876 |
| The Minister for Communities (Malcolm Chisholm).....              | 13878 |
| <b>RAILWAYS BILL</b> .....  | 13883 |
| <i>Motion moved—[Nicol Stephen].</i>                              |       |
| The Minister for Transport (Nicol Stephen).....                   | 13883 |
| Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....      | 13885 |
| David Mundell (South of Scotland) (Con).....                      | 13887 |
| Michael McMahon (Hamilton North and Bellshill) (Lab).....         | 13888 |
| Helen Eadie (Dunfermline East) (Lab).....                         | 13890 |
| Bristow Muldoon (Livingston) (Lab).....                           | 13891 |
| David Mundell.....  | 13893 |
| Mr Kenny MacAskill (Lothians) (SNP).....                          | 13893 |
| Nicol Stephen.....  | 13895 |
| <b>BUSINESS MOTION</b> .....                                      | 13898 |
| <i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>           |       |
| Dennis Canavan (Falkirk West) (Ind).....                          | 13899 |
| The Minister for Parliamentary Business (Ms Margaret Curran)..... | 13900 |
| <b>PARLIAMENTARY BUREAU MOTIONS</b> .....                         | 13905 |
| <i>Motions moved—[Ms Margaret Curran].</i>                        |       |
| <b>DECISION TIME</b> .....  | 13906 |
| <b>ST MIRREN FOOTBALL CLUB</b> .....                              | 13916 |
| <i>Motion debated—[Ms Wendy Alexander].</i>                       |       |
| Ms Wendy Alexander (Paisley North) (Lab).....                     | 13916 |
| Murray Tosh (West of Scotland) (Con).....                         | 13918 |
| Donald Gorrie (Central Scotland) (LD).....                        | 13920 |
| Bill Butler (Glasgow Anniesland) (Lab).....                       | 13921 |
| Tommy Sheridan (Glasgow) (SSP).....                               | 13923 |
| Ms Sandra White (Glasgow) (SNP).....                              | 13924 |
| The Deputy Minister for Justice (Hugh Henry).....                 | 13925 |

## Oral Answers

**Col.**

|  |              |
|--|--------------|
| <b>SCOTTISH PARLIAMENTARY CORPORATE BODY .....</b> | <b>13839</b> |
| BBC Scotland (Videotapes).....                     | 13839        |
| Commissioners' Budget Allocations .....            | 13843        |
| Crèche Facility .....                              | 13841        |
| Sir Robert McAlpine Court Action.....              | 13840        |
| Temporary Security Passes .....                    | 13842        |

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## Scottish Parliament

*Wednesday 26 January 2005*

[THE PRESIDING OFFICER *opened the meeting at 14:15*]

### Time for Reflection

**The Deputy Presiding Officer (Murray Tosh):**

Our first item of business is time for reflection, which is led today by Dr Kenneth Collins, the president of the Glasgow Jewish Representative Council.

**Dr Kenneth Collins (Glasgow Jewish Representative Council):** Tomorrow is Holocaust memorial day, the 60<sup>th</sup> anniversary of the liberation of the Auschwitz death camp. People from all over the country will be gathering for the Scottish ceremony in Hamilton, focusing on survivors, liberators and rebuilding lives. However, a memorial day is more than just a ceremony, and South Lanarkshire will be hosting a series of events to ensure that the unique lessons of the Holocaust are passed on to future generations.

We have the good fortune in Scotland to have some outstanding people who survived the torments of evil and rebuilt their lives in this country. After their liberation, few survivors shared their stories, as if the murder of their people was too much to bear. As time has passed and lives have, indeed, been rebuilt, they have recalled their ordeals and given thanks for their reception in Scotland. It is our duty to remember their stories.

Growing up in post-war Scotland, I thought that the places that my grandparents had fled from a century ago, from an earlier era of anti-Semitism, in Tsarist Russia, seemed remote. Last year, I visited the Ukrainian village where my grandfather was born and said the Jewish memorial prayer in a ravine near the village at the monument to the 44 Jewish villagers who were killed there by the Nazis in the autumn of 1941. The chill of that moment was softened by the knowledge that the local high school had, uniquely, researched the story of the final days of their destroyed Jewish community, so that the painful past could be understood.

When we consider past and present tragedies, both natural and man-made, we often find it hard to discern the spark of the divine in our world. When Ernest Levy, a survivor of Auschwitz and the first Jewish speaker at the Scottish Parliament's time for reflection, was asked where God had been, he replied humbly that God had been with him and the other prisoners, experiencing their pain.

In recent weeks, we have seen that, when humanity is affected, citizens around the world feel the call to help and to show that there is a common, shared bond. We can mourn the fact that such a worldwide mission did not happen 60 years ago, but we can rejoice that today there is some hope in an imperfect world. For that we can truly thank God.

## Question Time

### SCOTTISH PARLIAMENTARY CORPORATE BODY

14:18

#### BBC Scotland (Videotapes)

**1. Margo MacDonald (Lothians) (Ind):** To ask the Scottish Parliamentary Corporate Body whether it will request BBC Scotland to make the material gathered on videotape for “The Gathering Place” regarding the decision-making process on the Holyrood project available to the Parliament. (S2O-5046)

It is great to break new ground.

**Robert Brown (Scottish Parliamentary Corporate Body):** I thank Margo MacDonald for her question, and observe in passing how wondrous are the workings of what I am assured is a random ballot, even though it resulted in the first two questions being from Margo MacDonald and Fergus Ewing.

The Parliament made its views on the tapes known in a motion that was passed on 31 March 2004, when it strongly encouraged the BBC to allow the Fraser inquiry access to the tapes, while supporting the independence of the BBC against political interference.

As the First Minister told the chamber during First Minister’s question time on 31 January this year, he, too, has made the BBC well aware of his views on the matter. The Presiding Officer has made it clear that he did not intend to become involved in the matter without invitation. The Scottish Parliamentary Corporate Body sees no point or advantage in raising the issue further at this stage.

**Margo MacDonald:** May I remind the SPCB of the powers of this Parliament in a situation in which it is felt necessary to require the attendance of witnesses or the submission of material? I put it to the SPCB that the situation has changed since the views to which Mr Brown referred were given, in that the television programme is unlikely to be shown before autumn because of the pending general election, during which time Lord Fraser’s investigation will be kept open—quite artificially—and the SPCB will have to go to court to defend its decision making, a record of which can probably be accessed only on those dates.

**The Deputy Presiding Officer (Murray Tosh):** Can we come to the question?

**Margo MacDonald:** I have asked the SPCB whether it will invoke the powers of the Parliament. That was my question.

**The Deputy Presiding Officer:** I think that you can probably answer that in one word, but on you go, Mr Brown.

**Robert Brown:** I can answer it in a sentence. Ultimately, the matter is one for the Parliament, which has already made a decision. The corporate body is the trustee of the Parliament and would follow the Parliament’s directions, if the Parliament was so minded and if the situation arose. Beyond that, we do not intend to take further action on what Margo MacDonald suggests.

**Margo MacDonald:** May I ask on a point of order then—

**The Deputy Presiding Officer:** You are going to bite very deeply into other people’s time, Mrs MacDonald.

**Margo MacDonald:** I am very sorry, Presiding Officer, but I say, with respect, that this is important. In what way will the corporate body accept an expression of the Parliament’s opinion on the matter?

**The Deputy Presiding Officer:** That is a question, not a point of order. I remind members that the normal rules for framing and asking questions apply in this session as much as in any other session.

#### Sir Robert McAlpine Court Action

**2. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the Scottish Parliamentary Corporate Body whether it will ensure that the defence of the court action against the claims by Sir Robert McAlpine will be fully prepared, including taking precognitions from those who were involved in the decision to select Bovis as the construction managers. (S2O-5162)

**Robert Brown (Scottish Parliamentary Corporate Body):** The SPCB has already stated clearly that, in the interest of the public purse, it will vigorously contest the cases that have been brought by McAlpine’s. I confirm that the SPCB will ensure that its defence to the court actions is fully prepared. The preparations will include taking precognitions as and when appropriate.

**Fergus Ewing:** I make it absolutely clear that, as far as I am concerned, the SPCB is not the target or the enemy but has accepted legal responsibility for a matter that arose before the Parliament existed. In that spirit, I ask whether, given that Lord Fraser concluded in his report that there was no satisfactory explanation for the selection of Bovis, Robert Brown agrees that, unless there is an explanation, the lawyers who are entrusted with the responsibility of conducting the case will be in a vulnerable position. Further, will the precognitions that Robert Brown says will be taken include responses to unanswered

questions from all the civil servants who were involved and aspects of the selection process?

**The Deputy Presiding Officer:** Quickly.

**Fergus Ewing:** Will the SPCB ensure that that task is pursued vigorously in the short term?

**Robert Brown:** Fergus Ewing rightly points out that the legal responsibility for liabilities post-devolution was determined by transfer orders that were made under the Scotland Act 1998. It is in consequence of that rather than of any actions of the corporate body that we are the defenders in the action. At the end of the day, we will be advised on the matter by counsel and, in the interests of protecting the Parliament and the public purse, it would be inappropriate for us to try in the chamber to double-check, redo or shadow the court process. It is the court, not the Parliament, that is charged with making a decision on the matter—due respect must be given to that reality and to the status of the court.

I say to Fergus Ewing that if he thinks certain issues might not have been raised or thought about, we are willing to receive from him any input that he might want to make in that regard.

**Mr John Home Robertson (East Lothian) (Lab):** Does Robert Brown share the concern that was expressed in the final report of the Holyrood progress group that the performance of the design team, the cost consultants and the construction managers in fulfilling their responsibilities to the Parliament, as the client, left something to be desired? I choose those words with some caution. Will he give an undertaking that the corporate body will be robust in its approach to the settlement of fees of consultants who did the work, and that it will be even more resolute in resisting the long-delayed claim from a company that did not do any of the work at Holyrood?

**Robert Brown:** I think that John Home Robertson will understand if I take the view that the Fraser inquiry has published its report, which is in the public domain, and that it is not appropriate for the SPCB to comment further on particular aspects that relate to that.

Suffice it to say that the corporate body intends to defend the action robustly and thinks that we have good defences. We have taken advice from senior and junior counsel on the matter and will report to the Parliament in due course.

### Crèche Facility

**3. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Parliamentary Corporate Body what success the crèche facility has had so far in improving the accessibility of the Parliament for people with young children. (S2O-5047)

**Mr Duncan McNeil (Scottish Parliamentary Corporate Body):** As she campaigned hard and successfully for the Scottish Parliament to become the first Parliament in Europe to offer a crèche facility, Elaine Smith will be pleased to learn that the crèche has had more than 200 bookings since opening. Every booking means that someone—or a group—who might otherwise have been unable to access the Parliament could do so.

**Elaine Smith:** I am sure that other members join me in picking up Duncan McNeil's point and commending the facility, the only one of its kind in Europe, for providing a unique opportunity to achieve greater participation rates among parents and others who care for young children who visit the Parliament and family-friendly support services for staff and members. Does the SPCB plan to take action to promote greater public awareness of the facility? Will it consider reviewing and extending the service that is provided to staff and members, by prioritising breastfeeding mothers' babies, for example?

**Mr McNeil:** The facility is available for breastfeeding mothers and has been used. After extensive discussion, we agreed when we established the crèche that we would monitor use in the first year, establish demand and put in place a flexible contract that allows us to make amendments that reflect our needs and those of crèche users. I give the assurance that that will be done.

We have produced about 500,000 leaflets that highlight the facility, which are distributed across 5,000 venues in Scotland. However, more needs to be done to target mother and toddler groups, for example. We will also consider signage. The new print run will emphasise the fact that the facility is available for public use.

### Temporary Security Passes

**4. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Parliamentary Corporate Body whether it will put in place a system of temporary security passes to cover foreign and other interns working in the Parliament. (S2O-5071)

**Mr Andrew Welsh (Scottish Parliamentary Corporate Body):** Security passes that allow free access into and throughout the Parliament can be issued only when security clearance has been obtained. The corporate body has no plans to put in place any system of temporary passes that might compromise our security.

**Karen Whitefield:** I have no desire for the Parliament to jeopardise its security, but I want the system for obtaining a security pass to work more effectively than it appears to at present. Recently, I took advantage of the services of an intern, who

has been with me for six weeks. He still has no security pass or computer log-on details. Does the member agree that we need to do more to ensure that interns do not face the prospect of receiving their security passes and information technology accounts on the day that they leave their placements in the Parliament?

**Mr Welsh:** The faster the system works, the better for everybody. The rules are clear. The security clearance policy is based on professional advice from the police and security services. Members must take full responsibility for interns who are not security cleared and non-passholders must be accompanied at all times. If members know definitely that interns or new members of staff will work in the Parliament, they can contact the staff to allow vetting procedures to start before they arrive. That would help.

The time that is taken depends on the checks that must be made. There is no rule of thumb. Police checks have always been well within the maximum of 10 days' clearance, but when foreign Governments or authorities are involved, the process can sometimes be lengthy.

The ultimate priority must be to ensure that the system is as thorough as possible. That is in the best interests of all and for the well-being of everyone who works in and visits the Parliament. That is the corporate body's priority.

**Karen Gillon (Clydesdale) (Lab):** The issue of passes also applies to MSPs' staff. It is particularly difficult for staff to carry out their duties if they cannot get access to a member in a committee or in the chamber. Will the member assure us that the systems that are in place for MSPs' staff are identical to those that are in place for parliamentary staff who are employed on a temporary or contract basis? I understand that that is not quite the case.

**Mr Welsh:** Yes, I can give that assurance. The same rules apply to everybody. It is important that we make the system as safe, watertight and secure as possible, as that is ultimately in the best interests of everybody who works in or visits the Parliament.

### Commissioners' Budget Allocations

**5. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Parliamentary Corporate Body how it determines commissioners' budget allocations. (S2O-5044)

**Robert Brown (Scottish Parliamentary Corporate Body):** The commissioners' initial budgets were determined at different times in line with the legislation that established them and were the subject of appropriate resource transfers from the Scottish Executive at the time. Thereafter, commissioners have been asked to submit budget

proposals that cover the range of their activities. It is a matter for the commissioners to propose a budget that is commensurate with the discharge of their statutory functions. The corporate body examines and discusses with commissioners their budget requirements. The budgets that are approved will then be submitted as part of the SPCB's overall financial requirements for the operations of the Parliament, which will be considered by the Finance Committee.

**Alex Neil:** When Robert Brown negotiates next year's budget with the Scottish public services ombudsman, will he consider the way in which commissioners' statutory requirements are carried out and, in particular, their very narrow interpretation of their responsibilities and remits? Will he consider such things before next year's budget is allocated?

**Robert Brown:** That is rather more difficult to do than Alex Neil suggests, as the SPCB has quite a delicate role in respect of commissioners. The various commissioners are appointments either by the Parliament or by the Queen. In either case, they are set up to be independent of all other bodies, including the Parliament. They were set up under the Parliament, rather than under the Executive, because the Parliament is the most independent body there is in the context. However, the SPCB has a statutory role with statutorily defined duties that have been laid down by the Parliament, and we cannot go outwith those duties, which does not allow us to do the sort of things that Alex Neil suggests.

That said, over time, I—in my corporate body role of dealing with the commissioners—and the corporate body have had a number of meetings with the commissioners individually and collectively in which a number of issues that are important to us have been discussed. There is an ability to raise issues in such meetings. However, if Alex Neil has particular problems in that regard, he should let us have further details of them and we will be happy to do what we can to follow them up.

**Mr John Swinney (North Tayside) (SNP):** I acknowledge that nobody is supposed to be beyond accountability to the people of Scotland in Scottish democracy nowadays. Does the corporate body have any plans to develop further into the role that Mr Neil suggests? If there is a sense in Parliament that commissioners must be held to greater account for how they undertake their activities, is there any more focused body than the SPCB to do that?

**Robert Brown:** There are several ways of doing that. I stress again that the commissioners operate within legislation that was passed by the Parliament. To that extent, we all operate as the Parliament instructed us to do so.



As I have explained, commissioners' budgets come to the Finance Committee for agreement as part of the corporate body's budget. In the last round, there was discussion among the Finance Committee, the corporate body and the commissioners about issues that they thought to be important at the time. That is one channel. It is also no doubt open to the Parliament to amend the legislation, if it saw fit to do so. I think that I am right in saying that all the commissioners must make annual reports, which are laid before the Parliament. All those could be the subject of committee examination, bearing in mind the fact that the commissioners are set up as office holders that are independent of Parliament and others.

**The Deputy Presiding Officer:** I am afraid that we must conclude questions, as we must proceed to the next item of business. I give my regrets to members who tried unsuccessfully to ask questions.

## Older People

**The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-2298, in the name of Malcolm Chisholm, on older people, together with three amendments to the motion.

14:35

**The Deputy Minister for Communities**

**(Johann Lamont):** I am pleased to introduce today's debate on an important issue that has probably threaded through the Scottish Parliament's discussions in the chamber, in committees and in cross-party groups since its earliest days.

Before setting out our thinking on older people and what we are doing to support them, I want to highlight some points that we must be careful about in developing policy for older people, given the diversity that exists in the age, interests, experience and opportunities of people who might be defined as old. Indeed, for some of us, even the definition of "old" is becoming a slightly touchier matter than it once was. We should not think of older people as a block or a burden or only as passive recipients of our largesse.

The issues that we must address include the demographic time bomb, the needs of carers and those for whom they care and, crucially, deprivation and the way in which poverty among older people is unevenly spread across Scotland. Of course, there are also issues around the experiences of particular groups—such as disabled people or women in older age—which are shaped by the responsibilities that those people had in earlier life.

Those are not the only issues that we need to address in developing policy for older people. We must understand that policy must cover more than just how we look after older people, albeit that that is important. We have already demonstrated our commitment through a number of flagship policies, including free personal and nursing care, free concessionary travel and the central heating programme. That important start provides a foundation on which to build, but we continue to be committed to the needs and interests of older people.

People sometimes think that new policies that are not labelled as being for older people are of no benefit to them, but the reality is that many of the Executive's actions have a direct impact on older people's lives. For example, we know that many older people are concerned about safety in their neighbourhood. Our measures to deal with antisocial behaviour will help to make the lives of

everyone, including older people, safer and more secure.

I can tell the Tories that the current generation of pensioners—especially those in their 60s and 70s who lived with the consequences of the Tory policies that created high unemployment and fractured communities—understand better than most people the importance of work and employment. From that experience, they understand that stable economic policies that are driven by social goals are also important in shaping their experience in old age.

**Phil Gallie (South of Scotland) (Con):** As the minister has referred to the Tories' legacy, will she acknowledge that private pension funds, which provided safety for many pensioners when we left office, have been destroyed by her Chancellor of the Exchequer, Gordon Brown, who has raided £5 billion from them each year?

**Johann Lamont:** No, I do not agree. We know that poor pensioners have lived with the consequences of economic policies that were shaped by the belief that unemployment was a price worth paying for the Tories' economic goals. The Tories did not live with those consequences, but ordinary people in our communities did.

We also know that older people are contributing and participating. I cannot be the only constituency MSP who is amazed at the extent to which older people support communities and hold them together. Many organisations would simply fall apart without the support of older people.

No doubt much of today's debate will be about what is being done and what should be done for older people. That is fine as far as it goes, but it is only part of the bigger picture, which should be about recognising, valuing and supporting what older people are doing for themselves and for others in their communities and about listening to what they are saying about their communities.

**Mr John Swinney (North Tayside) (SNP):** I very much agree with the minister on the need to recognise the contribution that older people make to our communities. In my constituency, one issue that has emerged among older people is a concern about the adequacy of the provision of support services, especially for those who suffer from dementia. That issue is often raised by carers of those individuals. What does the Government intend to do to pressure or to give support to local authorities to improve the provision of those services?

**Johann Lamont:** I am aware both of the issues relating to dementia and of the tireless way in which carers fight on behalf of the people for whom they are caring. That issue was raised with me when I first became an MSP. At that time, I was struck by the fact that, when developing

policy, we needed to pay much more careful attention to what people were doing. I hope that later we will be able to say more about the details of how progress can be made in that area. However, I assure the member that I recognise the importance of the issue that he has raised.

Sarah Boyack's debate last month on older volunteers demonstrated one important way in which older people are involved and contributing. I want to reflect for a moment on the extent of that and other types of involvement. Recent analysis showed that about a quarter of people aged 50 or more had done some volunteering in the past 12 months. The proportion falls with age, but many people aged 75 and over are still actively volunteering, often in ways that help other older people. As the research carried out last year for the retired and senior volunteers programme demonstrated again, volunteering benefits both volunteers and those whom they help—it has double benefits. Many of our programmes are predicated on the commitment of volunteers. The credit union movement was shaped by volunteers, who were often older people. Those people are still working in partnership with us to deliver financial inclusion.

Although most people have left the labour market by the time that they reach the state pension age, many people want to continue working, perhaps in different ways or in different jobs. According to the Scottish household survey, more than 10 per cent of men aged between 65 and 74 are still in some form of employment. That trend is growing, and longer working is associated with better health as well as higher income. There is increasing awareness among Scottish employers of the benefits of an age-diverse workforce. Employers are developing good practice in assisting older workers to continue in work in ways that suit their needs, as well as those of the employers themselves.

Most older people do not need care, but many of those who do rely on informal carers—relatives, friends and neighbours. Many of those carers are themselves older people and the value of the work that they do is incalculable. More than a fifth of women aged between 50 and 59 provide care. Almost one in 20 men and women aged between 65 and 84 provides more than 50 hours of care a week.

We also know that many older people play a significant role in their families' lives as grandparents, providing both emotional and practical support to their families. In many households, the grandparents look after the children while their parents go out to work. Where families break up or have serious problems, often the grandparents step in to look after the children. It is my experience that in some of our fragile

communities, where drug addiction is a serious problem, grandparents are holding together not just families but the broader community by their commitment.

We know that older people in Scotland are and want to stay involved. It is essential that we find ways of ensuring that older people have the best possible quality of life. We are working in a range of ways to support older people; I will mention just a few of those. The first is free concessionary travel. We want to remove barriers and what better way of doing so is there than to provide free, unrestricted national bus travel for people over 60 and those with disabilities? Recently, the Minister for Transport announced that, from April 2006, all older and disabled people will be entitled to Scotland-wide free bus travel. By offering a more joined-up scheme, we are directly addressing concerns that older people's organisations have raised about the difficulties that their members regularly experience. The scheme will provide free travel to all parts of Scotland at any time of day, not just at off-peak periods.

**Mr David Davidson (North East Scotland) (Con):** The minister mentioned disabled older people. Can she assure us today that there will be development of easy-access buses on the major routes, especially in the cities?

**Johann Lamont:** I will ensure that we raise the issues of disability and equality, for which we have responsibility, with the Minister for Transport. We must also identify areas in which community transport and so on can help people. Transport should follow the needs of those who use it and should not be restricted to the main routes. I assure the member that we will pursue the issue that he has raised.

Under the scheme, older and disabled islanders will be offered two free return ferry journeys each year. We all recognise that ferry services help to enrich the lives of islanders.

The new scheme is a significant expansion of and improvement on our existing free bus scheme. Of course, the improvements do not come without a cost. We are investing a maximum of £159 million in 2006-07 and £163 million in 2007-08. By making that investment in older and disabled people, we are listening to their requests and removing the barriers that they have experienced.

We are committed to tackling pensioner poverty. Most pensioners are not poor. The vast majority feel that they have enough to live on; just over 5 per cent of pensioners feel that they have difficulties with their finances, compared with more than 20 per cent of non-pensioners. However, some older people are poor and we need to continue tackling that problem. We all know the consequences of poverty on quality of life.

**Tommy Sheridan (Glasgow) (SSP):** In relation to the perception and reality of income poverty in particular, does the minister agree that 44 per cent of pensioner households in Scotland have an annual income of less than £10,000 and that 41 per cent of single pensioners have an annual income of less than £6,000? Surely the minister accepts that, by any definition, that is income poverty.

**Johann Lamont:** I have not said that there are not poor pensioners. Tommy Sheridan's point indicates precisely why the Government and the Executive have a strategy to commit huge resources to those who are poorest in our communities, as well as to those communities in which mostly older, poorer people live.

I will skip ahead now, because I will not have time to cover a number of points. There are issues to do with pensioner households and people who are fuel poor. We have committed through the independent review of local government finance to look at not just council tax but the distribution of funding across local authorities, to recognise the link between deprivation and poverty among older people. We also have to address health care for older people, an area in which significant progress has been made.

I trust that today's debate will be productive and constructive. Members across the chamber have shown a commitment to older people. We recognise the diversity of older people and we recognise their significance in our communities. We are determined to ensure through our policies that, in old age, people have a secure life in a secure community.

I move,

That the Parliament recognises the contribution that older people bring to our communities; recognises the substantial progress that has been made in meeting the needs of older people through policies such as free personal and nursing care, the central heating programme and free bus travel anywhere in Scotland at any time of day; welcomes other policy initiatives that benefit older people by promoting volunteering and lifelong learning and tackling anti-social behaviour; seeks to build on these by recognising the diversity of older people and tackling ageism, and welcomes the involvement of older people through the Older People's Consultative Forum, and in other ways, in the development of policy across the Scottish Executive.

14:47

**Christine Grahame (South of Scotland) (SNP):** I rise as an older person—indeed, as a pensioner—to speak to and move the amendment in my name. I advise the chamber that I will start with some quotations from what I think was the first debate in the Parliament on the elderly, which was initiated by the Scottish National Party in December 1999. In doing so, I hope to measure how far the Liberal-Labour coalition has

travelled—although often kicking and screaming—down the road to improving our older people's lives.

First, I congratulate the Parliament on the introduction of free personal care and the recent announcement of a nationwide concessionary fare scheme, albeit deferred until 2006. On that point, I ask the minister to see, when conferring with the Minister for Transport, whether the scheme can be extended to the carers of elderly and disabled people, who have to push the wheelchairs. There is no use giving free transport to the person in the wheelchair if their carer does not get it, too.

In the 1999 debate, I said in summing up as shadow deputy spokesperson for older people:

“On the matter of the Royal Commission on Long Term Care, I was pleased to see movement on Sir Stewart Sutherland's findings.”

Indeed, my first proposal for a bill in the Parliament was for free personal care in February 2000. However, it took the coalition until July 2002 to make that policy a reality—hence the kicking and screaming.

In that same speech, I said:

“Of course it is right that we have a national concessionary fare scheme in Scotland—and it is my party's policy.”—[*Official Report*, 2 December 1999; Vol 3, c 1181-82.]

I congratulate the coalition again on taking that up, even if only eventually.

**Irene Oldfather (Cunninghame South) (Lab):** Will the member take an intervention?

**Christine Grahame:** I want to get into my speech.

Other issues that were raised in that debate still remain, such as the level of the state pension and pensioner poverty, which can lead ultimately to an untimely death through fuel poverty. I found what the minister said about pensioner poverty extraordinary. In 1999, the basic state pension for a single person was £66.75 a week, when gross average earnings were £364 a week. Today, six years later, the level of that pension is just £79.60. Of course, if one is a woman, one probably will not even get that. My state pension is £72 a week because I took three years out to do a degree and six years out to look after my children. There are many women much worse off than that. Gross average earnings are now £436 a week, compared with the £79 pension a week. Six years on, the pension is just £13 more a week, compared with an increase of £72 a week for the rest of society.

**Johann Lamont:** The figures that I gave came from the Scottish household survey, which is based on people's perceptions of how they feel

about the situation. Recognising that some pensioners are not in poverty does not diminish our responsibility to address or focus on the issue of pensioner poverty.

**Christine Grahame:** The minister is talking about perceptions; I am giving her facts.

Of course, there is always the means-tested pensions credit, which is demeaning and unfair. It penalises people with small occupational pensions, who use that money to subsidise the spitefully small state pension. As a result, some 30 per cent of those who are entitled to claim the credit simply do not do so. However, if those people lived in independent Norway, they would receive a basic pension of £121 a week. If we had an independent Scotland now, pensioners would receive £106 a week. That measure can be paid for. In fact, an independent pensions survey has found that the money is in the Treasury, but the political will is simply not there.

**Robert Brown (Glasgow) (LD):** Will the member give way?

**Christine Grahame:** Sit down, Robert.

Until the will exists, there is little prospect of the one in five of Scotland's pensioners who live in poverty seeing any real change. As a result of such poverty, in 2003-04, 2,500 people over the age of 65 died from cold-related illnesses, which is 400 more than for the previous year and 1,100 more than for the year before that. In comparison, 66 people of that age group died in road traffic accidents. That means that people over 65 are 38 times more likely to die of cold in Scotland than to be killed on the road. It is a disgrace that we can have such a situation in an energy-rich nation.

An National Opinion Polls survey in Scotland found that more than one in six pensioners struggled to keep warm in their own home; one in 10 avoided using certain rooms because they were too cold; and one in three admitted to turning off their central heating in the afternoon to reduce costs. Again, those are not perceptions, but facts. There is little point in having a central heating system if people cannot afford to use it.

**Robert Brown:** Will the member give way?

**Phil Gallie:** Will the member give way?

**Christine Grahame:** Yes.

**The Deputy Presiding Officer:** I think that that was to Phil Gallie.

**Phil Gallie:** I thank Christine Grahame very much for giving way.

**Christine Grahame:** Oh, sorry. I meant Robert Brown.

**Phil Gallie:** On the issue of pensioners and fuel poverty, will the member comment on current

renewables targets, which threaten future energy supplies and will likely increase energy charges?

**The Deputy Presiding Officer:** At this point, I must apologise to Mr Brown.

**Christine Grahame:** Mr Gallie knows that I cannot comment on the matter that he raised.

I had meant to let Robert Brown in; he can come back on this next point if he so wishes. In the 1999 debate on pensioners, he said:

“there will be further measures beyond what the Government has managed to achieve so far to tackle the scourge of fuel poverty ... and ill health from hypothermia and finally to eliminate fuel poverty in this country.”—*[Official Report, 2 December 1999; Vol 3, c 1139.]*

Although that was nearly six years ago, the figures are getting worse. Does Mr Brown want to comment now?

**Robert Brown:** If I may say so, Christine Grahame is a great woman for dealing with facts. Does she agree that the money that the Scottish Executive has put into the central heating programme, free personal care and so on is real and not the fictional money that the SNP says will be available after the fêted independence?

**Christine Grahame:** It is a pity that I let Robert Brown get up.

As other members have pointed out, the burden of council tax compounds the fuel poverty trap. According to a Help the Aged survey, the council tax is, with the exception of the monthly food bill, the largest expenditure that pensioners face. That is no wonder—bills have increased by 50 per cent since Labour came to power. As a result, the £13 increase in the pension that I mentioned earlier has long since been swallowed up by council tax charges. Indeed, four out of 10 pensioners do not even claim council tax benefit, which compounds the situation even more. What is the coalition doing about the matter? It is having a review. I think that we will put that under the working title of “Keeping the Liberal Democrats Quiet”.

Scotland’s pensioners live in an asset-rich nation that has oil, gas and wave and wind power. The country is self-sufficient in food from sea and land, but many pensioners live impoverished lives, shop at the Oxfam shop and buy food that is past its sell-by date. Those impoverished lives are the responsibility of Labour and its partners in crime against the elderly, the Liberal Democrats. They should be thoroughly ashamed.

The way forward for older people is independence. Only by that route will we have, as of right, a decent pension that will enable us to lead independent and dignified lives, free from the humiliation and injustice of means testing and secure and warm in our own homes.

I move amendment S2M-2298.1, to leave out from second “recognises” to end and insert:

“for example, as role models, carers and volunteers; recognises the progress that has been made through policies such as free personal care, the central heating programme and the commitment to national free bus travel by 2006; considers, however, that the state pension is inadequate for a basic living standard and requires to be supplemented by the means-tested pension credit which some 30% of pensioners fail to claim; notes that one in five pensioners live in poverty, with some 70% in council tax poverty, and that excess winter mortality rates are three times higher in Scotland than in Germany and Sweden, and asserts that, without an increase in the powers of the Parliament to deliver a citizen’s pension providing a decent standard of living which will bring security, dignity, independence and choice, improvements to the lives of Scotland’s elderly can only be at the margins.”

14:54

**Mary Scanlon (Highlands and Islands) (Con):** First, I congratulate Christine Grahame on her miraculous recovery from her ill health, which prevented her from attending this morning’s meeting of the Communities Committee. She is certainly in good spirits this afternoon—well done.

One of the most urgent problems facing Scotland and the rest of the United Kingdom is the threat to our pensions. Personal savings in Scotland are close to a record low and people live in fear that their savings may become worthless. Debt is also at the highest level ever. The dire situation in Scotland is compounded by the possibility that our tumbling birth rate and aging population may lead to an insufficient working-age population to fund viably our pensions and other services. The period of the Labour Government has been characterised by means-tested benefits, the latest of which is the pensions credit. As Christine Grahame said, the process is now so complicated and demeaning for pensioners, who are reluctant to disclose their personal information, that one in four pensioners in Scotland does not claim their entitlement.

**Christine Grahame:** Will the member take an intervention?

**Mary Scanlon:** No. I am short of time and I think that we are almost in agreement on that issue.

The report by Adair Turner’s Pensions Commission confirmed that

“there are clearly many people for whom means-tested benefits do create a significant disincentive to save individually”.

Given that the take-up of such benefits is very low, it would be much fairer to increase the basic state pension. A Conservative Government would reduce means testing by linking the basic state pension to earnings rather than to prices. That would take 1 million pensioners out of means-tested benefits.

According to Help the Aged in Scotland, four out of 10 pensioners also fail to claim council tax benefit, which could help to lift them out of poverty. Last October, Sheila MacKay and the Highland senior citizens network conducted a survey, which highlighted the fact that, since Labour came to power, the council tax in the Highlands has risen by 50 per cent, whereas the basic state pension has gone up by only 27.5 per cent. It also highlighted the fact that council tax and water and sewerage rates are taking a higher proportion of the income of lower-paid pensioners.

The Conservatives would focus on reducing the level of tax for the benefit of all. Less than 20 per cent of council funding is raised from council tax; the rest comes from income tax and business rates. Furthermore, another £293 million is paid in council tax benefit to Scottish council tax payers, including 40 per cent of pensioners. Therefore, it would certainly not be appropriate to look at an alternative to the council tax that was based on income tax.

My colleague, David Davidson, will speak at length on care and bedblocking.

**Tommy Sheridan:** Will the member take an intervention?

**Mary Scanlon:** No. I desperately want to get this point over.

There is no doubt that the Executive's opposition to care homes that are not run by the state has resulted in an unfair financial bias against voluntary and independent homes. We have spoken about bedblocking for almost six years, but the number of beds blocked is higher now than it was in February 1999, despite the fact that £30 million has been targeted on the problem.

In the Highlands, people frequently come to me and say such things as, "There is a space in a care home and my mother has been in Raigmore hospital for nine months, so what can I do?" There is still a shortage of funding. It is time to come clean and be honest about whether social work has inadequate funding or whether its funding is being used for other services. I am fed up with the buck being passed between councils and the Scottish Executive.

Malcolm Chisholm will be familiar with my next point. When I was a member of the Health and Community Care Committee, we talked about integrated care homes, in which elderly people would not have to move when their condition deteriorated—a residential home and a nursing home would be together in one home. I ask the minister why people are now coming to me to say, "My mother has had a stroke and needs nursing care, but she is in a residential home. She cannot get funding for a nursing home and the home she is in has chosen to be only a residential home."

That is not what was in the legislation that we passed in the Parliament. I checked the matter with the Scottish Commission for the Regulation of Care and I know that my facts are right. In the Health and Community Care Committee, we agreed on a single budget. We did not agree who should hold that budget, but I still say that my point is crucial.

The Highland senior citizens network has also raised the issue of podiatry and chiropody. I remember that one of our first briefings in the Health and Community Care Committee was from Andrew Walker, who pointed out that, although members were complaining about access to beta interferon, beta interferon at a cost of £10,000 a year might benefit just one person with multiple sclerosis; however, £10,000 would pay for chiropody and podiatry care that would allow 1,000 elderly people to be mobile and independent. If we consider that simple opportunity cost, we can appreciate that investment in such services would save money elsewhere.

We are always being told that women over 60 and men over 65 have access to free national health service dentistry. However, people have access only if they can find an NHS dentist. In the Highlands, insurance through Highland Dental Plan Ltd to cover access to a private dentist costs £257—that is £5 per week for every pensioner. The NHS is free only where it is available.

The other points in the amendment in my name will be covered by Nanette Milne and David Davidson. I move amendment S2M-2298.3, to leave out from second "recognises" to end and insert:

"acknowledges that substantial progress needs to be made to meet the needs of older people which achieves a sustainable funding agreement to reduce bed-blocking and to end the inequality in funding between council-run homes and independent homes; calls on the Scottish Executive to ensure that all elderly people assessed for free personal and nursing care are given the appropriate care in the environment which suits their needs, either at home or in residential care; acknowledges the central heating programme and free bus travel anywhere in Scotland; looks to the Executive to propose policy initiatives that benefit older people by promoting volunteering and lifelong learning and tackling anti-social behaviour, and calls on the Executive to build on these by recognising the diversity of older people and tackling ageism and encouraging the greater involvement of older people through the Older People's Consultative Forum, and in other ways, in the development of policy across the Scottish Executive."

15:00

**John Swinburne (Central Scotland) (SSCUP):** The minister identified many positive and forward-looking measures, which are greatly appreciated by senior citizens, but much more is required. I was taken back to the heady days—perhaps I should say the sore-head days—of Harold

Macmillan, who said that we had never had it so good. However, senior citizens are far less gullible in the 21<sup>st</sup> century than they were in Macmillan's time.

In the past two years, 5,400 people in this country have died of winter-related illnesses, as was mentioned. That is unacceptable. Some 40,000 free central heating systems have been installed, but 70,000 people are still waiting for their free system. It has slowly dawned on my generation that we should no longer be satisfied with the crumbs from the master's table. We represent nearly 25 per cent of the electorate and that figure is growing year by year. Another important point is that my generation exercises its democratic right to vote. Younger people, who are understandably apathetic and disillusioned with politicians in general, vote with their feet. That means that the grey vote is even more powerful.

Sadly, our Parliament has not yet won fiscal autonomy for Scotland, but that must happen in the fullness of time—and I am speaking as a representative of a unionist party. Meanwhile, pensions are not devolved and senior citizens in Scotland are exposed to the tender mercies of Gordon Brown. On most financial matters, Gordon Brown's track record is superb. However, as far as pensioners are concerned, he is a total, abject, uncaring failure. It is difficult to accept that a son of the manse can continue to support council tax and an approach as demeaning as means testing. Both policies impact adversely on senior citizens' standard of living.

For someone who has worked for more than 40 years, a pension of £79 is a sick joke. A university study identified that a minimum of £160 per week is the least that anyone could exist on. My party does not demand a pension of £106, as the Scottish National Party proposes; we demand £160 per week for men and women. We do not undervalue ladies by 50 per cent—what would Emmeline Pankhurst think of that? How can the lady MSPs on the Executive benches meekly accept such sexist discrimination? Shame on them.

**Tommy Sheridan:** Does the member agree that, if we were to convince the multimillionaires in the country to pay their taxes, we could easily afford the level of pension that he demands?

**John Swinburne:** That is an excellent point and I take it on board very sincerely. Tax avoidance is an industry in this country.

Executive ministers should spare a thought for their mothers and grandmothers and introduce real equality into their lives. Fifty per cent for spouses? Get a life!

How could the nation afford a pension of £160 per week? Tommy Sheridan mentioned one

aspect of what is called redistribution of wealth. We should increase income tax by 1 per cent or 2 per cent for people who earn more than £50,000 per year—that includes MSPs, among others.

By scrapping means testing, the Government would save countless millions of pounds. We could scrap Trident—which is a Chernobyl waiting to happen. We could prevent Tony Blair from going into any more illegal wars. The Iraqi war has cost well in excess of £4 billion; even more important than money, it has cost countless thousands of lives, including those of British troops.

Tony Blair justifiably boasts about our excellent low unemployment figures. However, he invariably fails to mention—as the minister failed to mention today—the fact that, because of ageism throughout the country, 40 per cent of men between the ages of 60 and 65 are unemployed. Only 59 per cent of women between the ages of 50 and 59 are currently gainfully employed. Positive discrimination will be required to rectify that situation, to enable the Government to tap into that valuable and experienced resource. Those people would gladly contribute to growing the economy—if only employers could be given a tax break to encourage them to offer employment to older people.

Free personal and nursing care has been mentioned. The impression is given that the NHS and social services will deliver free care at the point of need from the cradle to the grave. Sorry, but that is a bit of a con. People are still having their homes sold to pay for their residential care. It is now politically acceptable to rob older people of their homes at a time in their lives when they are ill and at their most vulnerable. Social workers who should be doing something more beneficial for society are sent to the bedside of senior citizens to help them to sell their homes to pay for residential care. That is obscene and unpalatable. That lonely pensioner has probably struggled for many years to pay their mortgage and has probably had happy thoughts of passing their home on to their family one day, to give their family a better chance than they had.

To be fair, I admit that people are now given the chance of making deferred payments, whereby they sign over their home but it is not sold until they die, at which point the state recoups the cost of the residential care.

I move amendment S2M-2298.2, to insert at end:

“, accepts that, despite these actions, there remains a growing problem of the ageing population demographic timebomb and believes that, without immediate, positive Executive action, many older people will continue to be adversely affected and die in this wealthy society in the 21st century.”

15:07

**Donald Gorrie (Central Scotland) (LD):** I am very happy to speak for the Liberal Democrats in support of the motion. I would like to divide my remarks into three parts. First, I will cover some of the good things that we have done in the coalition in Scotland. Secondly, I will cover some of the things that my party opposes in what the Labour Party is doing in London, and thirdly—and most importantly—I will cover what we will have to do better in future.

The coalition can take reasonable credit, although it will never achieve as much as it would like to, or as much as strident people such as Christine Grahame suggest it should. Fewer old people are in poverty than were previously. We have achieved the principle of free personal care and we have delivered much of that. We have made a great improvement in free travel for older people, and we will deliver that throughout the country. We have cut fuel poverty, although there is still a problem about winter deaths and we will obviously have to do better. However, as Robert Brown said, we have put in real money and achieved real improvements in areas such the warm deal and central heating initiatives. We have a care and repair scheme, which particularly helps older people.

An interesting briefing paper that we were given said that we should talk not about “the elderly” but about “senior citizens”. I will try to remember to do that. We are talking about a wide range of people of different ages. I have known people in their 20s who were middle-aged, but there are also people like Gladstone or Clemenceau, who were running great countries when they were well into their 80s. This is perhaps an incorrect story, but it illustrates the power of older people. A keen young French reporter asked Clemenceau, who was well into his 80s, “Monsieur, at what age do you lose your interest in women?” Clemenceau replied, “Ha! You must ask somebody much older than me.” Older people have a great deal to offer each other and society in general.

The Liberal Democrats have great concerns about some things that the Government in London has done—we are allowed to say that without upsetting the coalition boat. The coalition draws on the strong points of Labour and the Liberal Democrats, and has achieved better results that way. At Westminster, the Government’s treatment of pensions and its insistence on the use of means testing in the benefits system have been highly unsatisfactory. A generation ago, any decent Labour politician would have gone ballistic at the thought of means testing, but now the Labour Government in London is busy pursuing that policy. We support the idea of having a 50 per cent tax on people who have an income of more

than £100,000 and of using that money to help with pensions, among other things. We think that the pensions of the oldest pensioners should be increased first because they need most help. There are many issues on which we disagree strongly with what the Government in London is doing; doubtless, our colleagues will contest the general election on that basis.

In looking forwards, I say that there is support from members of all parties for provision of more and better-organised support for carers. Their work is crucial, so we certainly support that. Within Parliament and as part of the on-going review of local taxation, we argue that the council tax should be replaced by a local income tax, which would be much fairer and would help senior citizens in particular.

**Phil Gallie:** Will Donald Gorrie give way on that point?

**Donald Gorrie:** I will just press on, if I may.

We think that there should be a much more flexible retirement age, which is an idea that is being developed at Westminster and here. People should not have to continue to work if they do not want to, but they should be able to do so if they enjoy what they do, as John Swinburne and I do. I believe that we make a reasonable contribution and that we should be allowed to continue to do so for as long as the voters will put up with us, which is the key point, obviously. It is important that we should have a flexible retirement age.

I want to emphasise the importance of the voluntary sector and of community involvement, in which senior citizens can play a huge part. They already do that, but I think that they could contribute more. First, we must educate senior citizens to value themselves and then we must educate the surrounding community to value them. There is still quite a lot of ageism—people do not give senior citizens the opportunities that they should give them.

The presence of an increasing number of remarkably healthy, energetic and potentially useful older people is an opportunity, not a time bomb. The glass is half full of really good whisky in the form of older people who have potential; it is not half empty. The number of older people in society is not a disaster but an opportunity. If we can develop a sense of purpose and self-development for older individuals, that will benefit the community. Older people can make a great contribution to their communities; to vary my metaphors, I say that we are failing to tap into a huge seam of gold. We must make use of the talents of senior citizens and build on the good things that the coalition has already done.

**The Deputy Presiding Officer:** We move to the open debate.



15:13

**Paul Martin (Glasgow Springburn) (Lab):** We should use the opportunity that the debate presents to focus purely on what Parliament can deliver for the elderly. In my experience, elderly people are not worried about what they are called; they are more concerned about what Parliament delivers for them. People out there look to Parliament to deliver. As well as focusing on the areas in which the Executive's schemes must be applauded, I will—as Donald Gorrie did—highlight areas in which delivery of services to the elderly needs to be improved.

I make no apologies for applauding the Executive for its central heating programme, which has benefited 12,000 households throughout Scotland. When I was first elected as a councillor in 1993, the idea that anyone could receive a free central heating system without being means tested was unheard of. By delivering the central heating programme, the Executive has moved the debate on a great deal. However, we must develop the central heating programme. Ministers must reflect on the need to improve the criteria for access to the programme. We need a much more effective scheme to ensure that we deliver central heating systems in areas that are densely populated with elderly people. However, we have taken direct action to assist those who need central heating systems; we have not just talked about energy advice and provided glossy leaflets.

We should applaud the introduction of free concessionary fares and the progress that has been made through the decision to remove the restriction on the times at which people can use the concessionary scheme. My only concern about smart cards is that that they should say "Free" on them. The mass of elderly people are not concerned about what the smart cards say; they simply want free travel. However, there is no point in providing free travel if we do not have a reliable bus service to deliver it. It is time for Parliament to get tough with the bus companies—the multi-million pound plcs—that are failing to deliver services in many of our communities. We have heard many kind words from the Minister for Transport about how he will consider that issue and disabled access—about which David Davidson expressed concern—but it is time for action. I do not want to attend the Local Government and Transport Committee day in, day out to hear the minister say that he will consider the issue, or to take evidence from organisations such as the Mobility and Access Committee for Scotland; I want Parliament to take direct action, given that we have the power to do so.

We should also consider the technology that is available in this day and age. I do not know about other constituencies, but even in the deprived

community of Springburn, which I represent, the number of people who communicate with me by e-mail has increased. Elderly people have taken the new technology in their stride—they often use e-mail, for example, to communicate with their families overseas. We must consider the latest broadband technology. If it is possible to provide free internet access for silver surfers, we should do so because it would present opportunities to provide information on local health services and to communicate with the large elderly population. We should never dismiss the elderly when we consider technology advances in Scotland. All too often, organisations dismiss the opportunities that technology provides in relation to elderly people.

In every debate on the elderly in which I have spoken, I have referred to the alive and kicking project in the Red Road area of my constituency, which is a one-stop shop for services for the elderly. I commend that project for the services that it provides. It has become a dating agency in Springburn—many people have married in the later years of their lives. I would welcome a visit from the Minister for Communities to the project, which provides a wide range of services in Springburn and which has allowed many people who have been isolated for many years to access services.

The "alive and kicking" title is one that Parliament should consider harnessing in considering the future of our elderly population. People will not have to live in cold homes, because we will deliver central heating systems; they will not have to worry about access to public transport, because we will deliver more effective, reliable and accessible public transport; and they will not have to worry about paying for personal care. Let us ensure that elderly people in Scotland continue to be alive and kicking.

15:19

**Tommy Sheridan (Glasgow) (SSP):** Rightly, much of the debate has concentrated on the shameful levels of poverty that still haunt far too many pensioner households, in particular single pensioners and especially single female pensioners, who are the worst-off pensioners in Scotland and who did not have the same earning opportunities and often have smaller pensions than their male counterparts.

It is important in a debate such as this that we reflect on the context of the discussion. For example, the average pay for the chief executives of Britain's top 100 *Financial Times*-quoted industries is £1.677 million a year. The basic pay for those bosses is £596,000. The bosses of the top 100 companies in the United Kingdom saw a wage rise of 23 per cent last year on top of the 28 per cent that they received in the previous year.

Tesco, which has been in the news recently for the billion-pounds profit that it is generating from its customers, many of whom are pensioners, has eight directors, who share a wage bill of £20 million.

Let us concentrate on the Bob Mendelsons of the world. Some people may remember Bob, who used to be at Royal & Sun Alliance. He sacked 12,000 workers and presided over a 90 per cent fall in the share price of Royal & Sun Alliance. He was shown the door by the company, but was also given a £1.4 million pay-off and an annual pension of £354,000. That type of information is relevant because when people such as John Swinburne stand here and call for a pension of more than £160 for every pensioner, some will say, "Ah, well, that's unrealistic. How can we afford it?" I will tell them how we can afford it. We can afford it by getting the multimillionaires to start paying their taxes. I wish that the Inland Revenue used the same resources and the same vigour to pursue tax avoidance among the rich and the multinationals that local authorities use to get pensioners to pay their council tax.

**Stewart Stevenson (Banff and Buchan) (SNP):** Does the member agree that it is disgraceful that the Inland Revenue has moved its property portfolio offshore to avoid tax? It should be showing a lead, not following the craven example of others.

**Tommy Sheridan:** I agree absolutely. Stewart Stevenson points out a ridiculous situation in which the body that is responsible for trying to clamp down on those who avoid paying taxes has sold its property to a company that is based in an offshore tax haven. That is the kind of example that we can do without.

**Phil Gallie:** Is the member sure that he has his facts right? I can recall the Labour Party promising, prior to 1997, that there would be an end to fat-cat salaries. However, the situation he describes now is worse than it was then.

**The Deputy Presiding Officer (Trish Godman):** Mr Sheridan, will you ensure that you keep your speech relevant to the motion and the amendments.

**Tommy Sheridan:** I will try my best, Deputy Presiding Officer.

I note that Phil Gallie had a huge tongue in his cheek as he made that point, as well he may, because he knows that the gap between the rich and the poor in this country is greater now than it was even in the unequal days of the Tory Government. That is a disgraceful and shameful situation.

I understand Paul Martin's point that it is quite right that Parliament should concentrate on what it

can deliver. However, Parliament should not operate in a vacuum, outwith the context of how unfairly the resources that are available to our society are distributed. Rather than slam the unemployed as scroungers and asylum seekers as beggars, if the Rupert Murdochs of the world paid the taxes that they should pay on the massive profits that they generate on their newspapers we would have the opportunity to give our pensioners a decent living pension.

Obviously, Parliament has to concentrate on issues such as free bus passes, but it is a bit rich for the motion to talk about what Parliament has done and then to mention a policy that will not even be introduced until April 2006.

I am on record as supporting and promoting the central heating programme for our pensioners, but it needs to be modernised. The original aim—to target those who had no central heating units—was good, but we now have huge problems with pensioners whose central heating units are broken, too old or too expensive to operate and we need to bring them into the installation programme as well.

I have concentrated on some of the wider issues, but that is an important part of Parliament's fighting its corner for the resources that are needed properly to tackle pensioner poverty. As at least a third—perhaps even half—of members know, we will be able to tackle those problems only when we have the economic wherewithal and the power to use our economic resources to end the shameful premature deaths of the 2,900 pensioners who die because they cannot afford to heat their homes properly. In an oil and energy-rich nation such as ours, that statistic is a disgrace and we should tackle it now.

15:26

**Linda Fabiani (Central Scotland) (SNP):** While Mr Sheridan was speaking, I was reflecting on the irony of our having debated closing the opportunity gap last week when we hear proof yet again that the gap between the rich and the poor is widening all the time in this country.

Today's debate is about older people. I will focus on one sector of the elderly population: elderly carers, who are mentioned in the Scottish National Party amendment and who are referred to in some measure in what the Executive's motion says about the contribution that older people make to our communities. I can think of no bigger contribution than that which is made by elderly carers. In Scotland, 500,000 people are carers and most of them are over 55 years old. Those figures come directly from the Scottish Executive's website.

A couple of years ago, Help the Aged commissioned a study, which was carried out by the University of Kent, called "Caring in Later Life: Reviewing the role of older carers". It painted a bleak United Kingdom-wide picture and, despite there having been enacted under devolution some legislation that affects carers, all would agree that we still have a long way to go. That study found that more than half of older carers suffer from a long-standing illness or disability. It revealed that three quarters of the older people who live with the person for whom they care receive no regular visits from the health service, social services or home-care agencies and that more than half of them put in long hours of intensive caring on very low incomes while suffering from serious health problems. One third of those carers said that they had never had a break, and carers aged 75 or over were more likely to provide intensive care than those between 60 and 74.

That brings me to another UK study, which was carried out by Jane Hubert and Sheila Hollins, about people with intellectual disabilities and their elderly carers. I will focus on that topic, because I have met many people in my region who are in that situation. The majority of people with intellectual disabilities—or learning disabilities, as they are also called—in the UK live at home with their families, usually with their parents or, more commonly in later life, with one parent, usually their mother. That raises many issues. For parent and for adult son or daughter, there is a physical issue. When a person is getting older, something as basic as mobility affects significantly how well they can care for the person whom they love so much.

Mental health is also an issue:

"Psychiatric disorders, including depression, affective disorders, anxiety disorders and delusional disorders, are more frequent among elderly people with intellectual disabilities than among the general elderly population."

I quote from the report that I mentioned, because the researchers say it better than I can.

It is clear that aging carers and their adult children will have a complex set of individual and joint needs. The needs of an older person with intellectual disabilities may conflict badly with those of an elderly parent. I have had the privilege of meeting the Murray Owen Carers Group, which is a group of elderly carers of adult children with learning disabilities in East Kilbride and I have heard some of their stories of the very basic difficulties that they face. For example—this is about a lady I know—how is a woman of 80 supposed to cope with the fact that her son, who is over 40, refuses to get into the bath or shower in the morning? That is very difficult, in both a physical and a mental sense. The stress is enormous.

There are also worries about bereavement when it comes to elderly parents. For people with learning disabilities, the loss of a parent—especially the sole surviving parent—is so much worse than it is for the average person, because they can find it so difficult to understand that their mother is no longer there one day when they come home from the learning centre. People in that situation can often be excluded from the rituals and processes that are associated with illness and death. Although they are aware that their life has suddenly changed, they sometimes do not understand why. Couple that with their having to move into a strange environment, which might be an institution or some kind of accommodation that they share with other people or another family. They might instead stay in the same house; I know someone in that situation. A person can end up staying in the same place, with a visit two or three times a day from a carer or from assorted carers. Such a change in a person's life must be absolutely awful for them to cope with.

Planning must begin long before that point is reached. I would like the Executive to consider that seriously. The Murray Owen Carers Group has submitted a public petition, because it feels that despite implementation of "The same as you?" whose good intentions the group does not knock in any way, there are many hidden families whose needs are not being addressed because everything is focused on taking people from institutions—quite rightly—and putting them back into the community.

I ask the Minister for Communities or the Deputy Minister for Communities to meet me and representatives of the Murray Owen Carers Group. I am sure that the group represents people from all over the country who are in the same position. Let us see whether we can make a difference to the lives of people who contribute so much to our communities here in Scotland.

15:32

**Mr David Davidson (North East Scotland) (Con):** We need to be aware of what the debate is really about. We are talking about older people—the generations to whom all of us in the chamber, including the people in the gallery, owe so much. We must put in that context what we are trying to do and what we are trying to offer them. Older people are entitled to their dignity and to respect. They are entitled to care and comfort and to a certain quality of life. They must also maintain their independence where possible, so we owe it to them to treat them as members of society and not to have them put into care homes, where that is avoidable.

We have an aging population. It is a fact of life that when people get older they become more

liable to suffer from a range of medical conditions. I do not think that the co-morbidity costs of that have been fully identified in the context of the health budget. Older people are more liable to catch a hospital-acquired infection, particularly MRSA. There have been a number of recent cases in which it has been shown that in more and more hospitals more and more people are acquiring such infections—13 per cent of Scotland's hospital beds can be occupied at any one time by people who have hospital-acquired infections, most of whom tend to be older people.

People are entitled to warm and dry homes, which prevents some ailments, such as rheumatism, arthritic conditions, asthma and chest infections. I congratulate the Executive on what it has done so far and I remind ministers that when Stirling Council was run by the Conservatives we established the window replacement programme there two years ahead of target. We can all work together to get such things delivered.

What about disability aids? If we are going to keep people in the community, they need such aids. There is a shocking waiting list in some council areas for people to have adaptations made to their homes. We must make it easier for people who are in rented accommodation to move to more appropriate accommodation, rather than their staying put in what might be a larger house than they need. We should get them away from stairs and into safe and secure ground-floor accommodation, sheltered housing or whatever. I do not think that enough is being done in that area. I am not talking about building new houses; what is needed is an adjustment in how we move people around if they choose to go down that route.

Other members talked about means testing, which I know my mother detested. I will deal with health issues. Winter deaths were mentioned earlier. In a debate on the elderly that we had several months ago, I proposed that all pensioners should have pre-winter MOTs, or health checks, which would allow us to identify those who might be at risk in the winter months and ensure that social services and health care professions became involved with them. It is important that such contact is kept up.

I mentioned bed blocking in relation to hospital-acquired infections. Bed blocking is causing disruption in the health service; it is creating longer access times for treatment for regular patients, if we may call them that. One of the major causes of bed blocking is the closure of independent and voluntary care homes and nursing homes. At the end of last year, Scottish Care and the Convention of Scottish Local Authorities produced a joint report that stated that nursing home places needed a minimum of £478 support a week and

that residential home places needed £390 support a week, although that report is a few months out of date. However, what do we see? Current levels of weekly support for places in the voluntary and independent sector are only £417 and £355 respectively. In other words, those homes receive less than their costs. They cannot cover their costs and have therefore to close, which is resulting in bed blocking in mainstream hospitals.

We do not use community hospitals well enough and, furthermore, they do not exist everywhere. We have to take that issue seriously. I ask the ministers to engage with their colleagues in the health and community care division of the Executive to ensure that they bang heads together. It is quite immoral that a council is obliged to recover its costs and can pay a council-run home, say, £600 a week for a place but it is not obliged to do that for another home that is not in its control. Quite frankly, if anybody is registered under the Scottish Commission for the Regulation of Care to provide nursing care to a set standard, they should receive the same money, with minor variations dependent on property costs in various parts of Scotland. The situation is beginning to become a crisis. We have to deal with that.

The other part of the issue is that too many councils have waiting lists for people to get free personal care. The numbers of people who need such care were underestimated and the policy is underfunded. We need to ensure that all councils apply the scheme in the same way—it is supposed to be a national scheme, but it is not applied in the same way throughout the country. Councils show me documents that demonstrate that they interpret the scheme differently from neighbouring councils. Those are fundamental issues relating to a policy that Parliament is in charge of.

I agree wholeheartedly with Linda Fabiani's point about the role of carers. However, we still do not have a register of carers. There is no mechanism for noting who a carer is or for picking up on their health problems, mental health problems and need for respite care. Parliament ought to be looking more closely at what we can do and getting on with it.

**The Deputy Presiding Officer:** I regret that I am unable to call three backbenchers and that I can give Ms Oldfather only two minutes.

15:38

**Irene Oldfather (Cunninghame South) (Lab):** I will be as concise as possible. I had intended to run through the range of positive programmes that are under way, but I will have to accept that my colleagues, such as Donald Gorrie and Paul Martin, have already identified the range of steps that have been taken, such as free personal care, the central heating programme, the warm deal and concessionary travel.

Although we should be proud of that record, if we are serious about pushing the agenda forward, we should recognise that there are some small steps that we can take that will make a difference. We are all delighted with the progress of the travel scheme, which has been strongly welcomed on the streets of my constituency. There is no doubt about the popularity of the measure, which will get elderly people out and about, contribute to their fitness and well-being and help them to adopt healthier lifestyles. However, I find it incredibly frustrating that the most vulnerable elderly people, who through physical or mental disability cannot travel alone, are being penalised because they have to pay for a carer to travel with them. I ask the minister to consider that situation seriously. Smart cards could provide a mechanism by which that problem could quickly be addressed. I hope that that can be taken on board in the detail that is being worked out at the moment.

I will quickly mention elderly people and advocacy. It is of paramount importance that we get to grips with the strategy; I think that the minister will make an announcement on it quite soon. For elderly people in residential homes—particularly those with dementia or Alzheimer's disease—independent advocates are essential. In my experience, some nursing homes encourage advocacy on only a token basis while some take it seriously. We need attitudes to be formalised across the board.

The care commission does a great job, but I think that the number of unannounced inspections should be increased. There is merit in announced visits, but they should be done as a follow-up to unannounced visits. It is essential to give the care commission more teeth.

Although I have to finish now, there is much more that could be said. The Scottish Parliament has made huge progress, but if we do not speak up on behalf of our elderly people, who will?

15:41

**Dr Jean Turner (Strathkelvin and Bearsden)**  
**(Ind):** I owe so much to previous generations, whether to family or friends. I agree with David Davidson on that. Grandparents enrich our lives and I learned so much from mine. When I was a child, my grandmother used my nimble fingers to top and tail fruit and she would then send me outside with a jammy spoon to check whether the jam was ready to bottle. I helped her with cooking and baking and that was an enjoyable and easy way to learn. I wish that more grandparents had access to their grandchildren. If they did, perhaps more people would be taught how to cook, rather than use a microwave.

On the retirement of a partner, I was a single-handed general practitioner for 10 years and I

could not have managed without the help of three recently retired general practitioners who were a tower of strength to me during that period. Businesses should value experience, and recently retired people are a great resource that should be tapped.

General practice gave me a privileged insight into people's lives and it was often the lives of the elderly that concerned me most. People are often at their most vulnerable, and are often on their own for various reasons, at a time in their lives when they require the most help. Their family, if they have any, may well be in Australia, Canada or Aberdeen—no matter, they are not on the doorstep. Their husband or wife may be dead, or in other cases they will be an invalid and problems will increase if the carer becomes ill. I knew two sisters in their 90s, the younger of whom cared for the older, who was in a wheelchair. Difficulties always arose when the carer had to go into hospital. Members might be interested to know that they both lived to over 100.

Many elderly people are on low incomes and are scared to run up heating bills. Sometimes, as a GP, I entered houses that were colder inside than out. The fire would be put on for my benefit and, I suspect, was turned off when I left. Sometimes only the coloured bulbs of an electric fire were used. Central heating does not make a lot of difference if it is set to come on only twice each day and to go off at night. Hypothermia is a real worry and sadly the 2003-04 figures, which have already been mentioned, show that it claims 2,900 lives per year; if we compare the past two years, we see that that is a rising figure. I am particularly concerned about people who take ill at night and lie on the floor in the cold until someone finds them. The ones who do best are those who fall near their bed and have the presence of mind, if they are conscious, to pull the duvet over themselves to keep warm.

People who have recently been discharged from hospital are extremely vulnerable, despite the fact that they might have a lot of people coming and going during the day. Between visits and at night they are not likely to have supervision and if they fall in an attempt to make a cup of tea or go to the toilet, they might break a limb as well as suffer hypothermia, which will add to their plight and endanger their life. We need better discharge plans and more 24-hour cover to make sure that recently discharged patients eat and drink so that they maintain the progress that they made in hospital. There is always pressure for hospital beds not to be blocked, but it is imperative that the elderly have time to convalesce. If they do not, they may well end up in hospital again and their health may be put on a downward spiral, ending in premature death.

I always stressed to medical students the need to keep all age groups as fit as possible, but especially the older age groups, so that they are fit enough to stay in their own homes as long as possible, which prevents them from ending up in hospital. To keep people fit, their chronic conditions need to be treated. That gives them quality of life. Something as simple as good and frequent chiropody services enables the elderly to take advantage of free bus travel, which has been commented on.

Elderly people are proud and do not like to think that they are living on charity. The consequence of the lack of spare cash is often heartbreaking and overwhelming to them when, for example, the fire, cooker or central heating boiler is condemned and they have no financial reserves. One of my constituents recently had to resort to using her burial money, which nearly brought tears to my personal assistant's eyes. Help is out there, but a waiting time of six to nine months in the cold winter months often means that the burial money must be used. My constituent used that and her boiler was fixed within weeks.

We know that people do not always apply for benefits, for various reasons. I will never forget the lady who confessed that she was at her wits' end to make her money stretch to pay the bills since she had finally retired at 70. She lived alone. She was filling jamjars with various sums of money to cover her future bills and she confessed with much embarrassment that since retirement she was constantly short. I suggested some benefits of which she was unaware and she left my surgery. Some months later, the lady returned with smiles and a small bunch of carnations to thank me. She had applied for the benefits and she was pleased to be able to make ends meet. That brought tears to my eyes.

For all those reasons and some that I could not mention, I support John Swinburne's amendment and ask all members to support it.

15:46

**Robert Brown (Glasgow) (LD):** The debate has been good and people have made many interesting points. We all listened with interest to Jean Turner's anecdotes from her experience as a medical practitioner. Donald Gorrie's initial analysis was helpful. He talked about the good things that the coalition has done, the bad things that have been done in London and what we might do better. That theme has run in various ways through the debate. Several interesting points were made about the importance of central heating. David Davidson spoke about the cost of poor health and its implications for society and individuals.

I will talk a little about the positive contribution that older people make to society, which the minister was right to make a point about. It is unhelpful to categorise older people in a box in which various things happen to them and which has nothing to do with society at large. Older people are part of society—as demographic trends progress, they are in number at least an increasing part of society.

We all know people who are as far as anyone can tell oblivious to their calendar age and who continue to be the driving force of residents groups and other voluntary groups. We also know other people who may be at a further stage in life and who may have been struck down by illness or disability but who remain nevertheless an enormous inspiration to their families and friends. I am not sure whether it has been medically vouched for, but retaining an interest and having the feeling of contributing, being valuable and having a worthwhile life are vital.

We have a demographic problem of people living longer. It is probably wrong to regard that as a problem; it is a challenge and a feature of our society. The challenge is to keep people active nearer to their death, if members follow me. An important object of social policy is to reduce inability, incapacity and ill health to the minimum.

One affliction of many people in old age is loneliness, which is a serious problem. It is not surprising to read in briefings about depression, isolation and suicides among old people. Those are all tragic matters. One of my favourite voluntary sector organisations is Contact the Elderly, which some people have met. The organisation's work involves the simple idea of people inviting three or four older people into their homes once in a while for Sunday tea, a bit of conversation and a bit of cake. That breaks into the isolation and loneliness. Every so often, a bigger get-together is held, such as an annual gathering.

**Stewart Stevenson:** Does the member agree that bingo has a serious and significant role to play—particularly for elderly women—in keeping people socialised, mentally alert and out of their houses with other people? Does he agree that we should do everything to ensure that the costs of running bingo do not continue to rise as they have been?

**Robert Brown:** I do not want to give an immediate comment on that. However, Stewart Stevenson is certainly right to say that any social activity of that kind that takes people out of their houses regularly is important.

Debates on older people have a good record and the Liberal-Labour partnership has a good story to tell and defend in the Parliament—other

members have made that point. However, the Opposition's amendments make important points. The Tories are concerned about issues such as bedblocking and the appropriateness of care, which are valid issues to debate and on which we can have different points. Of course, there is the major issue of pensions, which will be vital at the forthcoming Westminster general election. Pensions are not a central issue for the Parliament, but they have been the subject of a number of debates recently. Earlier, Donald Gorrie laid out the Liberal Democrats' proposals to improve the financial position of pensioners first by getting rid of the unfair council tax and having a fair local income tax that would be levied according to people's ability to pay and, secondly, by moving away from the means testing of pensions, which he rightly said would have led a previous generation of Labour politicians to rise up in unanimous indignation.

**Phil Gallie:** Many pensioners who have worked for a lifetime very much resent the fact that their pensions are taxed. If we were to go for a local income tax, it would hit senior pensioners hard.

**Robert Brown:** There is no doubt that any tax change will have a variable impact according to people's manifest circumstances. However, across the board, there is no doubt that a more progressive tax that is based on people's ability to pay is far better for many pensioners than the sort of proposal that Phil Gallie is talking about.

Of course, the difference is that Liberal Democrats also say how money will be raised. As I said in the debate the other day, we do not propose the administrative rearrangement of independence and claim that that will magically lead to better provision of pensions. According to the House of Commons library, the SNP's pensions policy would cost around £10 billion a year which, I regret to tell Christine Grahame, will not be provided by administrative savings, far less by reducing the pot through Jim Mather's corporation tax cut. Important issues lie behind the matter that will come out in debates as we approach the general election.

In summary, this is an important debate. Few things are more important in our society than assuring a reasonable standard of living for our elderly people and the wider social points that have been made about them. The motion and the points that have been made in the debate are well timed.

15:53

**Mrs Nanette Milne (North East Scotland) (Con):** I am glad that the motion that we have been debating begins by recognising the contribution that older people make to our society,

because in recent years the focus has tended to be on youth at the expense of the value and respect that previous generations have accorded their senior members. As society has evolved, medicine has advanced and people live healthily for longer. The liberated younger generation produces fewer children and the whole balance of the population has moved. The so-called elderly now form nearly 20 per cent of our modern society and many of them are physically and mentally very active. Like Christine Grahame and others, I qualify for my bus pass, but I am much prouder of the fact that I get a senior citizen's discount on my ski pass when I visit the French Alps.

As several members have said, today's generation of older people makes an enormous contribution to society. After retirement, many pensioners continue to work either at their previous employment in a part-time capacity or in a new role—sometimes paid although often voluntary. Many older people continue with education and learn new skills or study subjects that they did not have the time to pursue during their paid employment. Some of them tour the world and others devote their time to playing golf or looking after grandchildren. Whatever they choose to do, many senior citizens are major contributors to our communities long after the official retirement age.

Sadly, all of us are mortal, and sooner or later we may become dependent on other people and services to meet our needs. Most people want to be independent for as long as possible. If they need care, they want to have it in their own homes for as long as they wish to stay in them. Services should be geared up to look after people in their own communities and to avoid unnecessary admissions to hospital and the bedblocking that often ensues.

Last year, I lost my last remaining aunt and uncle. Their story is not unusual. Both had passed their 90<sup>th</sup> birthday but were still coping independently—just—in their own home and were determined to stay there. My uncle developed a sore back—probably the result of an athletic youth—and was admitted to hospital for investigation. While in hospital, he developed an infection that kept him there beyond the few days that were initially anticipated. On her way to the hospital, my aunt fell and broke her hip.

After various complications and eventual rehabilitation, and after adaptations had been made to her house, my aunt was finally ready for discharge about six months later, but she died suddenly, from an unrelated condition, on the very day that she was due to go home. Getting my uncle ready for discharge took another six months, during which time he became one of those to whom David Davidson referred, as he fell victim to

MRSA and other infections. Sad to say, having blocked a bed for nigh on a year, he too broke his hip shortly after he had settled into the nursing home place that he eventually occupied. He died from pneumonia three days later.

That is a fairly typical tale of what can happen to elderly people who end up in hospital because community services cannot give them adequate support at home or provide an appropriate residential nursing home place. As David Davidson pointed out, the situation is bound to get worse if the Scottish Executive persists in presiding over the underfunding of independent care homes. The Executive's position is already resulting in the closure of many such homes at a time when more places are urgently needed.

The Tory party is sympathetic to Help the Aged's new year resolutions, which Mary Scanlon said I would deal with. We all want to eradicate excess winter deaths, so we welcome campaigns such as the one that was launched this week by energywatch Scotland. With the backing of Age Concern, the campaign encourages elderly people to sign up for free energy services and publicises the schemes that are currently operated by gas and electricity suppliers. Of course we encourage pensioners to make full use of the benefits that are available to them. We would also keep the winter fuel allowance and the free television licence for those over 75.

However, we do not like means testing. Like the SNP, we would prefer to lift people out of means testing by increasing the basic state pension and linking it to earnings. Unlike the SNP, however, my party will be able to implement the policy in Government at Westminster. It is unlikely that the SNP could ever do that.

**Tommy Sheridan:** Will the member give way?

**Mrs Milne:** No, I am almost finished.

**Tommy Sheridan:** We know that.

**Mrs Milne:** I am not finished in the political sense.

We hope that the care commission will fulfil its role in protecting the care home sector, but we are sympathetic to the idea of a vulnerable adults bill to protect and to strengthen the support that is offered to those elderly people who are not covered by the Adults with Incapacity (Scotland) Act 2000 or the Mental Health (Care and Treatment) (Scotland) Act 2003. We look forward to scrutinising the detail of the proposed vulnerable adults bill as it proceeds through the Parliament.

We believe that council tax is now far too high, but we will focus on reducing the level of council tax for everyone. Our proposal to fund the Scottish school system directly from the Scottish Executive

would allow everyone a reduction in council tax, to the tune of around 35 per cent in band D. Contrary to what our critics say, that would not mean a cut in education funding as exactly the same money that is currently available for primary, secondary and special schools would be given directly to the schools via their pupils.

On Help the Aged's fifth resolution, we will continue to campaign for readily accessible chiropody and podiatry services across Scotland. As Mary Scanlon said, such services are essential for the health and well-being of older people.

We acknowledge that the Executive has developed the central heating programme from the early initiatives that we introduced and we acknowledge its proposals for free bus travel across Scotland. I will leave members to consider the other points in the detail of our amendment, as I am running out of time.

In response to the briefing from Help the Aged, my final comment is that I, too, would rather be called senior than elderly.

**The Deputy Presiding Officer:** I call Sandra White. Ms White, you have a tight seven minutes.

15:59

**Ms Sandra White (Glasgow) (SNP):** In this debate on older people or senior citizens—whichever title we wish to give them—there should be no doubt that we will not improve older people's lives unless we eradicate poverty in Scotland and in Glasgow in particular. Elderly people are most at risk from premature death if they happen to live in the Glasgow area. The fact that premature deaths have more to do with poverty than anything else is a point that members should take on board.

We will support Mary Scanlon's and John Swinburne's amendments, but we will abstain on the Executive motion. I will explain why. We have no problems with the Conservatives' amendment, as it acknowledges that progress still needs to be made in this area. It also deals with the reality of the closure of nursing homes in both the council and independent sectors and how that affects people at the coalface. John Swinburne's amendment recognises that there is more to be done and that positive action must be taken. I note that he uses the word "immediate" in his amendment, and I agree with him on that.

The Executive motion fails to mention the real problems that many members of our older population face. As my colleagues have said, we should take very seriously the issues of fuel poverty and premature deaths. I am sure that the Executive takes them seriously, but they are not mentioned in the motion. For that reason, we cannot support it and will abstain on it.



Nanette Milne has mentioned Help the Aged's five resolutions, to which I, along with other members, have signed up. All members of the Parliament have been invited to do so. Help the Aged has identified five points that would improve the lives of our elderly people. I will not read out the whole document, but it calls on us to eradicate excess winter deaths, to support a vulnerable adults bill, to increase uptake in benefits for older people and to reform the council tax.

I was astounded when I heard the minister's opening speech, as the only one of the five resolutions to which she referred was that relating to council tax. There was no mention of eradicating excess winter deaths or increasing benefit uptake.

**Johann Lamont:** A number of the points were in the text of my speech, but I chose to take interventions from a significant number of members in order to facilitate the debate. That is not to say that I devalue in any way those important issues.

**Ms White:** I accept the minister's apology and am sure that the Parliament will do the same.

**Johann Lamont:** It was not an apology.

**Ms White:** I understood that the minister was saying that she was sorry that she did not mention the issues that I have raised. I raised them because she failed to refer to them in her speech. She said that she was unable to mention them, but the Executive should take them on board.

I congratulate the Parliament on the free central heating programme. As John Swinburne said, it has made a difference to a large number of Scottish pensioners. However, as members from all parties except the Executive parties have said, it cannot be right that 2,500 of 2,900 winter deaths each year involve people who are more than 65 years of age. We know from stats that people die because they cannot afford to turn on their central heating. One in three respondents to a recent NOP poll carried out in Scotland indicated that they could not turn on their heating because they could not afford it. Seventy-two per cent had not even heard of a Government programme that could provide them with heating improvements. The Parliament should take up that issue. I am sure that members will agree that it falls within the scope of the Parliament.

Fuel poverty and winter deaths may increase dramatically, because gas and electricity prices have increased so substantially—in some cases, by 10 per cent or more. However, Communities Scotland, which is a Scottish Executive agency, says that even a 5 per cent increase would leave an additional 30,000 households in fuel poverty. When I put a question to the Executive or the Executive makes a speech on this issue, the

minister raises her hands and says, "What can we do? We can do nothing, because it is a reserved matter." For the people who suffer from fuel poverty, it is not reserved. Paul Martin and other members, particularly those from the unionist parties, talk about what we can do in the Parliament. Paul said about three times that he would take direct action. I ask him and other members why they do not take direct action by supporting our amendment, which calls for the Parliament to have more powers. I hope that they will look to their consciences, support our amendment and at least think about supporting independence for the Parliament and a better life for our pensioners.

I recognise that some good things have been done. However, it is not enough to talk about what elderly people can do for the voluntary sector, what the voluntary sector can do for them and how good it is to have free transport and smart cards. Local councils up and down the country talk about those matters all the time—I talked about them when I was a councillor. However, we are a Parliament, not a local council, and we should have the powers of a normal Parliament to improve the lives of our people. We could talk about those subjects all the time, but we should let the councils speak about transport, for example. This is a Parliament and rather than talk about free transport, we should have the powers to look at tax issues and benefits and to improve the lives of our elderly people. Although free transport is a great thing, I ask members to remember that the Welsh Assembly introduced such a scheme and it does not have the powers of this so-called Parliament.

I ask members to think about this: we need more powers for this Parliament. That would enable us to introduce a citizen's pension to give people dignity in their old age and would allow them a decent pension so that they could put on their heating. That is an SNP idea; other parties might have other ideas, but they are only tinkering around the edges of the problem. Unless we have the powers of an independent Parliament, elderly people will still live in abject poverty. Poverty is the main cause of premature deaths in Scotland and unless we have our own powers in our own Parliament, we can do nothing about it.

16:06

**The Minister for Communities (Malcolm Chisholm):** We do not see older people just as recipients of services, although it is clear that the Executive has an excellent track record in that regard, and many of the issues have been covered in the debate today.

One of our key points is that older people are a resource. I was pleased to speak about that

recently in the volunteering debate and we are pleased to fund the retired and senior volunteer programme. We want to make sure that society has a far more positive attitude towards older people. We have heard a lot about their invaluable role as carers today. I am pleased that they are involved in the development of policy and I chair the older people's consultative forum, which is one of the bodies in which that takes place.

In everything that we do, we are determined to challenge any stereotypes that people have about older people. Sometimes those stereotypes are related to ageism. I am pleased to say that Westminster legislation to make age discrimination illegal in relation to employment and training will be in place by 2006, as John Swinburne said. If ageism is to be found in any of the services that are delivered in Scotland, we will challenge that as well.

As Paul Martin said, we want to concentrate most of all on what the Parliament can do, but I must respond briefly to the point about pensions, which dominated Christine Grahame's and John Swinburne's speeches. I thought that John Swinburne's comments about Gordon Brown were particularly unfortunate, given that the Labour Government has raised expenditure on pensions by £10 billion since 1997. We can argue as much as we like about the combination of means testing and targeting, but the reality is that if that £10 billion had been evenly spread among all pensioners, many pensioners today would be a great deal poorer. Christine Grahame should remember that 170,000 pensioners in Scotland alone have been lifted out of poverty since 1997—a reduction of 68 per cent.

**Tommy Sheridan:** Will the minister take an intervention?

**Malcolm Chisholm:** I will do so in a minute, but I want to talk about devolved areas first.

There was a lot of discussion in the debate about the central heating programme. At the latest count, 44,000 central heating systems have been installed, so Paul Martin underestimated that number. John Swinburne said that 70,000 people were still waiting, but we have no evidence that the number is so large. We believe that there are just fewer than 5,000 people on the waiting list, including people with the broken systems that Tommy Sheridan was concerned about.

**Tommy Sheridan:** I am glad to hear that and I hope that the minister will put it on record that those broken systems will now be replaced.

Will the minister agree today that British expenditure on pensions is the lowest in the European Union and that that is the problem when it comes to tackling pensioner poverty?

**Malcolm Chisholm:** It was certainly galling to hear the Conservatives speak about various matters today. I indicated the massive progress that has been made in the past eight years. Nobody is saying that that is the end of the road—I do not expect that it is.

Paul Martin emphasised several initiatives for older people, particularly on information technology. I am pleased that several schemes are now in place to ensure that older people who are unable to access IT facilities at home can do so in their communities and, indeed, in all libraries. Paul invited me to visit the alive and kicking project in Springburn, and I am very pleased to accept his invitation.

Nanette Milne mentioned the proposed vulnerable adults bill. This is clearly a key area for us; after all, there has been much concern about protecting the vulnerable from abuse. I have to say that we will not tolerate such activity. The care commission, local authorities, health boards and bodies such as the Mental Welfare Commission already have powers to investigate allegations of abuse and we intend to strengthen the protection that legislation affords the vulnerable of whatever age. A bill will be presented to Parliament as soon as practically possible.

Sandra White raised the other issues that Help the Aged has written to us about. I have to say that we are strongly sympathetic to—and indeed are taking action on—all its demands. If it is possible to say so without annoying my Liberal friends too much, I think that Labour is the only party that supports a fairer council tax. I believe that the Liberal Democrats do not support such a tax at all.

Members raised many health and community care issues. We must take a balanced approach to such matters and recognise that there is much more to do. For example, the group that is considering a national NHS framework is carrying out a lot of work on older people, particularly those who have multiple chronic conditions, and on issues such as rehabilitation and prevention, which David Davidson raised. That said, we do not favour the model that he proposed.

Mary Scanlon also highlighted many health issues, including delayed discharge. Once again, we have much to do in that regard, but we should also acknowledge that significant progress has been made over the past three years. When the action plan was launched in March 2002, the total number of delayed discharges was more than 3,000. That figure is now going down from 1,900.

Of course, there is more to do about care homes, but progress has also been made on that matter. We must recognise that, for example, new money has been made available on the back of

the spending review announcement and that, since the national review group was established in September 2001, £140 million extra has been invested in the independent care home sector.

**Mary Scanlon:** I appreciate the minister's comments. When he sat beside me as a lowly member of the Health and Community Care Committee, was it not his understanding that every single elderly care home would be an integrated care home? I have to say that that has not happened. Secondly, I should point out that, when an elderly person's condition deteriorates, they do not receive funding for nursing care as early as they should.

**Malcolm Chisholm:** Mary Scanlon will have to provide some of the details of that in writing to Rhona Brankin. All I can say is that the model set out under the provisions Regulation of Care (Scotland) Act 2001 is for single care homes, and that is how all care homes are now registered.

On David Davidson's point about medical aids and adaptations, the equipment and adaptations strategy forum was established to achieve a much needed sense of direction. Its report, which has been welcomed by ministers, makes a series of recommendations, and we will shortly set up an implementation steering group.

John Swinney mentioned dementia. Again, progress is being made in that area. A short-life working group has reported and guidance has been prepared with Alzheimer's Scotland to offer a template and planning and audit tools.

Donald Gorrie and Linda Fabiani raised the issue of carers, whose massive contribution I have already acknowledged. Once again, in the first four years of the Parliament, funding support for carers has increased significantly and the new legislation to which Linda Fabiani referred has been enacted. Moreover, since then, a carer information strategy group has been set up and its recommendations should help to deal with some of the issues that she raised. Identifying hidden carers is an important part of the policy.

**Linda Fabiani:** Will the minister give way?

**Malcolm Chisholm:** Do I have time to take an intervention, Presiding Officer?

**The Deputy Presiding Officer (Murray Tosh):** You are not in your last minute yet, minister, but how you use your time is up to you.

**Malcolm Chisholm:** I will take Linda Fabiani's intervention.

**Linda Fabiani:** The people whom I mentioned—the Murray Owen Carers Group—feel as if they have been hitting their heads off a brick wall for more than two years. Despite the fine words, the glossy brochures and the good intentions—I am

not having a go; I accept that there are good intentions—people are being missed out. Will the minister commit to meeting the group to gain a personal understanding of the issues?

**Malcolm Chisholm:** The correct people to meet carers are the Minister for Health and Community Care or the Deputy Minister for Health and Community Care, so I will convey that request to my colleagues. That is not to say that I am not interested in and concerned about those matters, but that is the way in which we have to operate in the Executive.

Irene Oldfather mentioned advocacy services. I am glad that I have been invited to speak tomorrow at the launch of Lothian NHS Board's advocacy plan. There is certainly a commitment from the Scottish Executive that anyone who needs an advocacy service should be able to access such a service. I know that boards are working with local authorities to develop plans and, having read the Lothian plan, I also know that very significant progress has been made and that there has been a big increase in the resources that go into advocacy.

I will end, untypically, by quoting Nicola Sturgeon. Before Christmas, she said:

"I am not knocking anything that the Scottish Executive is doing for pensioners"—[*Official Report*, 4 November; c 11552.]

I thank Nicola Sturgeon for that endorsement. However, I was slightly disappointed to see that although there were 40 promises in the manifesto that she launched with Alex Salmond in the leadership contest, only one related to pensioners, and it dealt with pensions. That the Scottish National Party is not engaging with the issues that this Parliament can take forward for pensioners is a problem. I thank all the members who have drawn attention to those issues in the debate.

## Railways Bill

### **The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-2244, in the name of Nicol Stephen, on the Railways Bill, which is United Kingdom legislation.

16:17

### **The Minister for Transport (Nicol Stephen):**

The motion is very significant; it concerns the most extensive devolution of new responsibilities to Scottish ministers since the Parliament's creation in 1999.

I thank the Local Government and Transport Committee for the hours of detailed scrutiny that were given to the Sewel motion in a short space of time. I welcome the time and effort that the committee gave to its consideration and the detailed work that was done into the evening last Tuesday and right through lunch time into Wednesday afternoon. I also thank all the officials and advisers, both those who gave advice to the committee and the advisers and officials in the Scottish Executive who put in a huge amount of effort to secure what I believe is a very good deal for Scotland. I believe that because, on many occasions since 1999, members of the Parliament have argued that we should have more powers over the rail network in Scotland.

Scottish ministers already have an important role in specifying rail services in Scotland, but the proposals in the bill go a lot further and are much wider than that. They will give Scottish ministers powers over not only the rail franchise, but the rail network—the track, the stations and all the other infrastructure.

Once the changes have been implemented, Scottish ministers will have responsibility for planning, specifying, managing and financing rail passenger franchises in Scotland. Scottish ministers will become the signatory to the ScotRail franchise, which now operates 95 per cent of rail services in Scotland. We will have the Strategic Rail Authority's powers to secure the provision, improvement and development of railway services in Scotland. We will be better able to plan the secure services in the future and to target future investment.

Scottish ministers will also have the responsibility for the specification and financing of rail infrastructure in Scotland. We will determine the priorities and the specification for the network in Scotland to best meet Scottish needs. The new powers will be good for the rail network in Scotland, for passengers and for the rail freight industry. The overall aim is to ensure that decisions on improving services are made by those who are best placed to determine local and

Scottish priorities. That is what this new devolution of powers will deliver.

The proposed legislation will change rail industry structures. The additional powers will allow us to create a simpler, more direct and more effective structure in Scotland. With the new responsibilities will come new relationships, especially with the Office of Rail Regulation and Network Rail, which will be vital to the delivery of the major improvements to the rail network in Scotland that we all want. I am confident that we can develop a better, more direct, less complex approach and that we can deliver better for the rail network in Scotland.

We have a unique opportunity that cannot be missed. We must move now, quickly, to introduce changes. The time is right. We have an opportunity to attract industry professionals to Scotland and to the headquarters of the proposed new national transport agency in Glasgow. It is important that we seek to secure staff from the SRA, who will have the expertise that we require in Scotland.

In contrast with what is happening elsewhere, exciting new developments are taking place throughout the rail network in Scotland and there is record spending on transport. I mentioned the new transport agency. The Transport (Scotland) Bill, which proposes a new and important regional transport structure, is progressing through the Parliament. New rail lines and stations are due to open and there is investment in the rail industry on a scale that has not been seen for decades. A new franchise agreement is in operation.

The key element that was rightly of the greatest concern to the Local Government and Transport Committee was the need to ensure a fair and reasonable financial settlement to back up the new powers. We have achieved that. We agreed a funding transfer of around £325 million, to support the transfer of responsibilities. It would be wrong to go into all the detail of the funding transfer today, but a great deal of detailed scrutiny has taken place and I will summarise the position.

**The Deputy Presiding Officer:** You have one minute left.

**Nicol Stephen:** Thank you. I will be brief.

The settlement includes: £7.5 million per annum to accompany the transfer to Scotland of the majority of the SRA's functions; around £302 million per annum to fund Network Rail's operations, maintenance and renewals activities in Scotland to deliver the network outputs in Scotland that we will specify—although more work needs to be done on the matter with the Office of Rail Regulation; and £17 million per annum, plus a share of future Great Britain spending, to fund enhancements to the rail network in Scotland.

A large amount of work went into the detailed scrutiny of the financial settlement, but the simple message is that there would have been no sense in taking on additional powers unless we were to have the right resources. Although further work by the Office of Rail Regulation will be needed, it is important to emphasise that we have achieved a fair and reasonable settlement, which includes funding for us to assume responsibility for new enhancements to the rail network. That has enabled us to get on with the funding and delivery of phase 1 of the Waverley station redevelopment project, which is very important for Scotland.

Three questions can be asked. First, do we want the additional powers for Scotland? I think that all members will answer in the affirmative. Secondly, have we achieved a fair and reasonable settlement for Scotland? I believe that we have. Finally, are we prepared to proceed, given the risks and responsibilities that the transfer of powers will involve? My answer to all three questions is yes and it is now, quite properly, for the Parliament to decide on the issue. I believe firmly that the proposals are good for passengers, good for the rail freight industry and good for the future of rail in Scotland. If we have the powers, we can get on with supporting and delivering the rail network that we all want in Scotland with far greater confidence.

I move,

That the Parliament agrees that those provisions that confer executive powers and functions on the Scottish Ministers in the Railways Bill and those that relate to devolved matters should be considered by the UK Parliament.

16:24

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The Scottish National Party exists to transfer power over our affairs to the Scottish Parliament, so it will come as no surprise to members who have followed the debate closely that we have long argued that rail policy should be devolved to this institution. The motion is necessary for that to occur, so we will support it later this afternoon.

I am pleased that Bristow Muldoon, the convener of the Local Government and Transport Committee, has altered his view. He argued the contrary case in *Holyrood* magazine. On the question whether rail policy should be devolved to the Parliament, Kenny MacAskill said yes and Bristow Muldoon said no.

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

**Fergus Ewing:** I am delighted to give way to Bristow Muldoon on the basis that he has seen the light.

**Bristow Muldoon:** Does the member acknowledge that, in the article in which Kenny MacAskill and I debated those points, I argued for the importance of maintaining a United Kingdom-wide Network Rail organisation to secure Scotland's economic interests in cross-border services? Is that not precisely what has been achieved?

**Fergus Ewing:** No, I disagree with that. Bristow Muldoon defended the SRA, which brings me to my second point. Powers are being transferred to our Parliament not because the Executive sat down with Her Majesty's Government and said, "We believe that these powers should be transferred to the Scottish Parliament." Powers are being transferred because the UK Government decided that the SRA should be abolished. The devolution of powers is welcome, but it is certainly an unintended consequence of the policy move of scrapping a quango.

I turn to parliamentary scrutiny. I and other members of the Local Government and Transport Committee took part in the 13-hour, quadruple marathon session last week. However, just as the delayed train at platform 8 was unfortunate, it was extremely unfortunate for this Parliament that the huge volume of information that I now have in my hand was not presented to Parliament until after the interval at the end of the meeting last Tuesday. That may not have mattered for our own contributions, but—and this is a serious point of principle—it prevented rail industry experts from Scotland and elsewhere from making their input to the committee's deliberations. That was a lacuna, especially because on 2 November I raised all the issues on the criteria that would be used to determine Scotland's share.

The key question is whether, after we have the powers, resources will follow. It is too early to reach a final conclusion on that question—not least because the deal that has been struck, as the minister has stated, is an interim deal. Once the work that is described in the rail review has been undertaken, will the minister bring the final deal before Parliament? What role will Parliament play in that? What is the basis of the calculation of the figure for enhancements of around £17 million? No explanation has been given.

On cross-border services, I understand that the Chartered Institute of Logistics and Transport in the UK has already ventured the opinion that there is a risk that an undue proportion of the costs of maintenance of Scottish track that is used by southern freight services will be borne from our share of the financial cake. I ask the minister about that. There may be nothing to criticise, but we do not yet have the answer to the question.

A serious deficiency is that Network Rail will not be devolved. We will therefore have no direct route of accountability for Network Rail, which, according to the ORR's statement, is 31 per cent inefficient. There will be no rail passengers council for Scotland—or, if there is, it will have no statutory power to require Network Rail to provide information.

The SNP is happy to support Sewel motions when they transfer more power to this institution. That is why we will support the motion this afternoon.

My final comment is this. If it is possible to find a way of achieving responsibility for financing the rail industry and the rail network in Scotland, another hoary chestnut against independence will be gone. That will show that the process of Scotland's becoming independent will not be impeded by the financial and technical tasks of allocating responsibility for the railways.

16:29

**David Mundell (South of Scotland) (Con):** I have previously set out my reservations about Sewel motions. Indeed, Conservatives in the Scottish Parliament and at UK level believe in the need for an independent review of the relationship between this Parliament and the UK Parliament, because the relationship has not developed.

However, I do not wish to use the short time that is available to go on at length about that issue. We will support the motion because, as we have made clear many times, we are of the view that devolution is a process, not an event. When it is sensible for powers to be transferred to the Scottish Parliament, we will support that. In the case of the powers that we are discussing, which relate to the rail industry, it is sensible that they be transferred. That said, our party has serious reservations about other aspects of the Railways Bill, which will be expressed at Westminster.

It is clear that the scrutiny process—which, by any standards, was extensive but, as Fergus Ewing indicated, not always satisfactory—probed many of the issues surrounding the funding issue that is at the core of this afternoon's debate. As I said to the Local Government and Transport Committee, on the basis of what we were able to establish during our scrutiny, I am satisfied with the financial settlement. However, I repeat the caveat that was made by Ernst & Young in one of the many documents that it produced for the committee, which was that it was not fully aware of every circumstance and that the accounting regime of the railway industry was difficult to fathom. If further additional information or concerns should emerge, all members of the committee and, indeed, the Parliament, have a

right and a duty to re-examine the financial settlement.

I hope that the committee will revisit the serious issues that came to light in relation to Network Rail—although it would be preferable if we did not do so in marathon sessions lasting seven hours 40 minutes. The performance of its representatives at the committee's meeting was not impressive. The fact that other people had to produce some of the figures, such as that for the number of employees that Network Rail has, does not augur well for the organisation's structure. It emerged in the committee's discussion that it is important that Network Rail should be organised in such a way as to enable it to work with the Executive, which will take on new responsibilities from the SRA. If Network Rail does not have the correct structure to enter partnership mode, many of the aspirations may not be realised.

My final point—again, I raised it in the committee—concerns Strathclyde Passenger Transport. I would like the minister to give a firmer answer than the one that he gave to the committee. The minister will be aware that Labour members of Parliament tabled amendments to the Railways Bill on SPT, which, as regards the rail franchise, will not be in the same position as passenger transport executives in the rest of the UK. I realise that some of those issues are to do with the fact that those arrangements overlap with the arrangements that the Transport (Scotland) Bill proposes, but it would be both helpful and reassuring if the minister could set out clearly the role that he envisages that SPT will have in relation to the rail franchise.

16:33

**Michael McMahon (Hamilton North and Bellshill) (Lab):** I do not know whether the debate is giving me a sense of déjà vu or the surreal feeling that we are joining Alice in Wonderland. I have decided that it is not déjà vu that I am experiencing, as the Scottish National Party is not opposing the motion, even though we are having a debate on a Sewel motion. That was not the case when the Local Government and Transport Committee considered the Sewel motion on the Gambling Bill.

I must conclude that we are in Wonderland, especially if we take into account the comments that Fergus Ewing made during the committee's consideration of the Railways Bill last week. He said:

“Obviously, the Scottish National Party welcomes the transfer of more powers to the Scottish Parliament.”—*[Official Report, Local Government and Transport Committee, 19 January 2005; c 1957.]*

However, only a few weeks earlier, the SNP opposed the Sewel motion on the Gambling Bill

and attempted to stop the transfer of powers to the Executive that it proposed. Far be it from me to help the Opposition to increase its vote in any way, but I advise the SNP that it may find it easier to convince the electorate that it means what it says if it does not change its position from one debate to the next.

**Fergus Ewing** *rose*—

**Michael McMahon:** I will come to Fergus Ewing in a moment.

Inconsistency may have been part and parcel of life in Wonderland for Alice, but Fergus in Wonderland does not have the same ring to it, although he might be able to help us with that. I see that he does not want to now, although I gave him the opportunity. The Tories were little better; they appear to have left Neverland to get to where they are today. David Mundell is now sitting on his own, so he must know who the lost boys are.

We should concentrate on the Sewel motion, which is a good one. After a marathon meeting of the Local Government and Transport Committee, we achieved consensus on the motion. Post privatisation, the British railway system was in a mess, but the Labour Government at Westminster is seeking to address that chaos. We in Scotland will be given enhanced powers over the rail network as a result of the Government's proposals. The Scottish Executive ministers will be given a role that is equivalent to that of the Secretary of State for Transport, which means that we will be in a win-win situation that will enable better planning of services and more accurate targeting of future investment in Scotland.

The most important beneficiaries of the new powers will be not the Scottish Executive ministers and their officials, nor the MSPs who can hold them to account over what they do with the new powers and resources, but Scotland's rail passengers, the number of whom will, I hope, grow in the future. They have the most to gain from the new arrangement. We need greater efficiency and more co-ordination between train operators and track providers. If that can be achieved, we will have a more reliable service for travellers. When we can ensure that decisions on service improvement are made by those who are best placed to determine local priorities, the Executive's welcome investment in the ScotRail franchise—which has already resulted in 29 new trains and the provision of several longer station platforms—will be developed further. We will also be better placed to reduce overcrowding, improve customer information and integrate ticket arrangements, which are much-needed improvements. The changes that will be brought about if we agree to the Sewel motion will result in better planning and a greater ability to meet our and the country's aspirations on rail transport.

To return to Wonderland, it is worth noting that, if Tricia Marwick had achieved her proposed moratorium on Sewel motions, we would not have obtained the powers that we will receive as a result of the Railways Bill and the Gambling Bill. The Local Government and Transport Committee took a long time to consider the Sewel motion, which was appropriate. The Opposition parties may have travelled via Wonderland and Neverland, but we have arrived at a good destination for railways in Scotland. At the very least, we should be happy with that and support the Sewel motion accordingly.

**The Deputy Presiding Officer:** I am afraid that there is time for only one speaker in the open debate. I call Helen Eadie.

16:37

**Helen Eadie (Dunfermline East) (Lab):** You have taken me by surprise, Presiding Officer, but I rise to support the Sewel motion. I share the view of the Minister for Transport, Nicol Stephen, that a number of exciting and progressive transport developments are taking place in Scotland. I warmly welcome those developments and I congratulate the minister and his team on delivering them.

Like the minister, I commend the Local Government and Transport Committee for its work. Word went round the Scottish Parliament like wildfire the day after the marathon meeting of the Local Government and Transport Committee. The committee has set a high standard of scrutiny. Other committees might like to have the reputation of carrying out good scrutiny, but I am not sure that they would like to have marathon meetings such as the one that the Local Government and Transport Committee had.

I welcome the Sewel motion. The power that will be given to the Scottish Executive to develop a new strategy will be of particular benefit to the people of Scotland. As I understand it from reading the *Official Report* of the debate in the Local Government and Transport Committee, that is one of the key changes that will arise. In the past, we have not had the ability to set our own strategy in Scotland.

**Tommy Sheridan (Glasgow) (SSP):** Does Helen Eadie accept that UK Labour policy is for an integrated publicly owned rail network? Given that, in Scotland, the new powers may give us the power to have an integrated publicly owned rail network, does Helen Eadie agree that we should use that power?

**Helen Eadie:** I like to think that we could work towards having those powers. I have always believed that public accountability is the key to safety and high standards in the railway network.

Whether we should have public ownership in that way is something that there is a big debate about. I would support that, but I am not sure that everyone would be convinced about the need for that.

I warmly welcome the move to have the Strategic Rail Authority wound up. There has been too much complexity in the rail industry, and something that will simplify the situation is bound to be welcomed. In particular, I commend the fact that we are moving away from the federal structure that has been in place, which has made rail passengers so unhappy under the past franchisee, ScotRail. I am pleased that we are moving away from that towards a single structure that will enable rail passengers to have an input.

I hope that, in the future, when the minister is developing his plans, he will consider what more can be done to help disabled transport users throughout Scotland. That is a still a mammoth challenge. The minister has the right to establish a code of practice, and I hope that he sets the standard that, in the 20 years ahead, every railway station in Scotland must be accessible to disabled transport users and parents with pushchairs. If he does that, he will achieve something singularly important.

I support the motion in the name of the minister.

16:42

**Bristow Muldoon (Livingston) (Lab):** Unsurprisingly, given the position that the Local Government and Transport Committee established last week, I support the passing of the Sewel motion. It is important to note, as Michael McMahon recognised, that the Sewel motion transfers powers to the Scottish Parliament. Given the recognition by both the First Minister and the Minister for Transport of the scale of the devolution from the UK Government to the Scottish Executive, it is disappointing that there has been so little media coverage of it over the past week. It is disappointing that the Scottish media ignore Sewel motions when there is agreement on them, in spite of the fact that they can have a positive effect on the ability of the Parliament to deliver for the people of Scotland. It is a sad indictment of the way in which our media operate that so little coverage has been given to the issue.

I will respond to the comments of Fergus Ewing and David Mundell before I address the issue in more general terms. Fergus Ewing's speech was pretty disappointing, given the fact that he supports the devolution of these powers. He demonstrated his ability to continue to be negative about an issue even when he supports it. It is ironic that he is concerned about cross-border

services. I imagine that, in an independent Scotland, he would put an end to such services in case any English medical graduates tried to sneak across the border.

David Mundell gave a far more measured speech. He made the important point that the internal structures of Network Rail must be sufficient to enable it to engage with the Scottish Executive to deliver on the Executive's priorities.

**Tommy Sheridan:** I know that Bristow Muldoon's time is limited, so I thank him for giving way. First, on the new structure, does the member think that, as well as maintenance being brought in-house in Scotland, track renewals should be brought in-house? Secondly, what would he say to the minister about concessionary travel? Should we remove the two-tier scheme that currently exists and have a unified concessionary travel scheme for the workers?

**Bristow Muldoon:** I will address concessionary travel when we debate the Transport (Scotland) Bill. We are short of time just now.

If Network Rail believes that there is a good case for bringing services in-house, to benefit the efficiency of the operation, of course I will support its doing that. However, the managers of Network Rail are probably best placed to decide that.

On Tommy Sheridan's earlier intervention, I note that it was the trade union of which I am a member that moved the motion to support a move towards public ownership of the railways—something that was never achieved in the days when the National Union of Rail, Maritime and Transport Workers was still affiliated to the Labour party.

The questions that need to be asked are whether appropriate powers are being transferred to the Scottish Executive, whether those powers will enable the Scottish Executive to improve the operation of railways in Scotland and whether the financial resources are sufficient to enable the aspirations to be fulfilled. The answer to each of those is yes, as the minister has indicated.

The issue on which the committee concentrated was finance. On that, the committee ultimately reached the conclusion that the deal is, in the words that the minister used, a "fair and reasonable" settlement. We reached that conclusion because we believe that the £302 million, which is the majority of the funding, is sufficient to bridge the gap between Network Rail's other income and the Scottish railway network's priorities—the major renewal and maintenance programmes that have been embarked upon in recent years to meet fully the network's needs. We reached that conclusion after speaking to many of the main bodies and experts in the industry.

I am convinced that the powers are positive for the Scottish Parliament and will enable the



Executive to deliver and have greater control over major infrastructure projects. Who knows? We might even reach unanimous agreement on a Sewel motion.

I encourage members to support the motion.

16:46

**David Mundell:** I will make two brief points. The first is, surprisingly, that I agree strongly with what Bristow Muldoon said about the significance of the event. The transfer of powers is highly significant, which is why, although it was, at times, uncomfortable, I do not object to having spent seven hours and 40 minutes of the committee's time examining it. It is now for the minister and the Executive to deliver on the basis of their new powers and it will be for the Opposition groups to continue to hold the Executive to account for not delivering if it does not do so.

On the wider issue of Sewel motions, which was raised in the debate, there is clearly a misunderstanding among many members on the constitutional status of the Sewel motion. The Westminster Parliament is able to transfer the powers regardless of whether a Sewel motion is agreed to in this Parliament. The fundamental misunderstanding about that among many members is one of the reasons why we need a review of the working arrangements between this Parliament and the Westminster Parliament.

16:47

**Mr Kenny MacAskill (Lothians) (SNP):** I concur with Bristow Muldoon and David Mundell that the transfer of powers is significant. It is going through rather unheralded and without fanfare, but it should be welcomed, which is why the Scottish National Party has no hesitation in supporting it, notwithstanding the fact that it comes by way of a Sewel motion.

The minister, the committee and its convener are to be congratulated on their forbearance. It was always our position that the powers should be transferred, but the minister was correct to ensure that adequate funding was consequent thereto. Had we obtained the powers without the funding, significant difficulty would have followed, but the transfer of powers and the repatriation of funding to the Parliament will add to the Parliament and improve the lot of the weary traveller in Scotland.

We have a long route to travel and we can and must do better. We must address unreliability, overcrowding and other issues that are simply unacceptable. Major infrastructure projects are welcome, and we want them to be rolled out in due course—sooner rather than later. However, the initial priority for all users must be a service that arrives on time, in safety and in comfort.

The transfer at least allows us to address our priorities and take it from there. We must examine the fine print and ensure that our financial interests are addressed. Some issues still have to be considered, such as the asset base that remains. The value of the new, enhanced Waterloo station does not appear to have been brought into the equation, although we have paid for it. It is clear that we are expected to fund the direct rail links to the airports at Edinburgh and Glasgow, which the SNP supports, but, although all taxpayers and every commuter in Scotland paid for the channel tunnel, we do not have access to that direct link. Presumably, we need to keep on fighting Scotland's corner to ensure that we can get it.

We do not want to be too churlish, but a number of points should be made. It is appropriate to remind Labour members in particular that they were the ones who opposed the measures that are now contained in the bill. I do not want to quote extensively, but we heard warnings from previous ministers about how the railways would almost grind to a halt, how we would be on a siding to nowhere and how the changes would be impossible to achieve but, lo and behold, here we have a significant transfer of powers. We have always pointed out that trains can travel not just across Europe, or indeed from Northern Ireland to the Republic of Ireland, but from Europe into Asia—across Eurasia on the trans-Siberian express—with no difficulty, yet we have been told that it would be impossible to do the same across the border here.

The convener of the Local Government and Transport Committee, Bristow Muldoon, deserves to be applauded for his forbearance with regard to the bill and the committee's mammoth evidence-taking session, but it would be remiss of me not to comment on the article from 6 October 2003—which is not that long ago, as my colleague, Fergus Ewing pointed out—in which he and I were involved. The question that was the subject of the debate in the article was, "Should rail policy be devolved to the Parliament?" "No", said Bristow.

I do not want to be too hard. Bristow was only carrying out the instructions of those who were bidding him to contribute to the article. I think that his private view was always different. However, he did write:

"Whilst it is possible to have trains operating between different jurisdictions, as with the Channel Tunnel services, it is not clear to me what the benefits would be of the increased fragmentation which you advocate ... Let's not become distracted by unnecessary organisational change at this point."

As I said, I am only too grateful for the committee's work and the forbearance that Bristow Muldoon has shown, and I am glad that he has now come round to our point of view. To his credit, I think that Bristow always agreed with that view.

There is a long way to go, but this is a significant moment in the history of the Parliament. The bill will allow us to integrate services far more easily and extensively than before. In the end, this is not about a change in the motif on trains, as we have seen in the transition from one ScotRail franchise to another, nor is it simply about a constitutional change—for the commuter, it does not matter whether Westminster or the Scottish Parliament has the relevant powers; what matters is the service that is delivered.

Having taken over the responsibility, we have a duty to improve the service and raise our game. We must address not just the major infrastructure projects in which we seek to engage, but we must improve the lot of the weary Scottish commuter—never mind the freight sector, which has paid too high a price for too poor a service for too long.

It would be churlish to do otherwise, so we fully support the bill and we are grateful for the actions of the Minister for Transport and of the Local Government and Transport Committee and its convener.

16:52

**Nicol Stephen:** This is a very important day for the development of the powers of the Scottish Parliament. The bill is important, as the new powers that it transfers to the Parliament are substantial. The debate has been positive, and I am pleased that there is all-party support for this important Sewel motion.

Fergus Ewing was doing uncharacteristically well in his speech, until he turned to independence. That goes to the heart of the problem for the SNP. This sort of debate shows why we do not need independence, and how we can sensibly deliver more powers to Scotland within the current structures of the United Kingdom and devolution. That gave Fergus Ewing a dilemma. However, I am pleased that, throughout the detailed committee scrutiny and most of his speech today, Fergus Ewing focused on the facts and put some sensible questions to me. I hope that I can respond to them.

We will, of course, bring back the final financial deal to the Local Government and Transport Committee if it wants to see it and if it wants to scrutinise the output of the work that is to be done by the Office of Rail Regulation. It was important that we agreed with the UK Government that the final deal in relation to the regulatory asset base would be close to a 10 per cent share. That allowed us to limit the uncertainty and to give as much clarity as possible to the Local Government and Transport Committee on Tuesday and Wednesday of last week and to the Parliament today.

**Tommy Sheridan:** Will the minister confirm to the Parliament what he confirmed to the Local Government and Transport Committee that, of the £519 million of annual expenditure, £53 million comes from fares, with the other £466 million coming from the public purse? If we are paying for the rail network in Scotland, why do we not own it?

**Nicol Stephen:** A significant amount of the investment in the rail network comes from the public purse. That is why we should strive to ensure that passengers receive the best possible service and that the network continues to grow and develop. That is what we will concentrate on, rather than the arguments of yesterday. That is the opportunity that these new powers give us. It is an opportunity that is given to us also by the £17 million a year that is available for additional enhancements. That will help to generate around £170 million of new capital investment in our rail network. I say to Fergus Ewing that we worked hard to negotiate that figure with the UK Government and that, in addition, we will get the Barnett formula consequential of any UK investment in enhancements of the rail network.

**Fergus Ewing:** I am in agreement with much of what the minister says, but I would like to ask him a question. If the London crossrail investment, which some people say might be as much as £10 billion, or any similar massive investment in the infrastructure of London and the south-east of England is off balance sheet—which is to say, it has nothing to do with Network Rail—is it not the case that no Barnettised share will come to Scotland as a result?

**Nicol Stephen:** If there is such an increase in UK expenditure, money will come from the Treasury in the fair way that I described. However, at the moment, enhancements across the UK network have been small. That is why it was important for us to negotiate the additional sum of £17 million a year, which has allowed us to announce the full funding for the extremely important phase 1 of Waverley station's redevelopment.

I confirm that the Scottish Executive wants a rail passengers committee to be set up. We also intend to participate in the UK committee.

I am pleased that David Mundell supports the new powers. Of course, that contrasts starkly with the views of his colleague, Lord Forsyth, who still appears to be hell-bent on getting rid of the powers of this Parliament completely. David Mundell questions me on delivery, but he should ask himself what sort of rail network Scotland would be looking forward to if his party were still in power. Given his party's plans to cut public expenditure in Scotland still further, we should think about what we could expect from it in future.

We are doing a lot. Members should contrast the Tory record with ours, which includes the Airdrie to Bathgate line; the Stirling-Alloa-Kinross line; the Borders rail link; the Larkhall to Milngavie line; the Glasgow airport rail link; the redevelopment of Waverley station; Glasgow crossrail; the Edinburgh airport rail link; and Aberdeen crossrail. All of those projects are happening under this Executive. We are also going to push forward the Partick interchange proposal; the Gourrock interchange; the north-east rail freight gauge enhancement; the Inverness service; and the reopening of Laurencekirk station. That is an ambitious set of proposals for Scotland.

In the past, some projects have taken too long and have been too complex and too expensive. In that regard I mention Edinburgh Park station; Lockerbie station, with its still unbuilt footbridge; and the fact that work on the Larkhall to Milngavie line started in the final month before its tenure consent expired, which was nine years 11 months after the consent was granted. All of that must change and the new structure that we are discussing gives us the best chance of delivering such change.

## Business Motion

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-2316, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 2 February 2005

|                    |  |
|--------------------|--|
| 2.00 pm            | Time for Reflection  |
| <i>followed by</i> | Parliamentary Bureau Motions   |
| <i>followed by</i> | Stage 1 Debate: Gaelic Language (Scotland) Bill                        |
| <i>followed by</i> | Financial Resolution in respect of the Gaelic Language (Scotland) Bill |
| <i>followed by</i> | Motion on Serious Organised Crime and Police Bill – UK Legislation     |
| <i>followed by</i> | Business Motion  |
| <i>followed by</i> | Parliamentary Bureau Motions   |
| 5.00 pm            | Decision Time  |
| <i>followed by</i> | Members' Business  |

Thursday 3 February 2005

|                    |  |
|--------------------|--|
| 9.30 am            | Parliamentary Bureau Motions   |
| <i>followed by</i> | Scottish National Party Business   |
| 12 noon            | First Minister's Question Time   |
| 2.00 pm            | Question Time—<br>Environment and Rural<br>Development;<br>Health and Community Care;<br>General Questions |
| 3.00 pm            | Ministerial Statement: Grant Awards  |
| <i>followed by</i> | Executive Debate: Local<br>Government Finance (Scotland)<br>Order 2005                                     |
| <i>followed by</i> | Motion on Inquiries Bill – UK<br>Legislation   |
| <i>followed by</i> | Parliamentary Bureau Motions   |
| 5.00 pm            | Decision Time  |
| <i>followed by</i> | Members' Business  |

Wednesday 9 February 2005

|                    |  |
|--------------------|--|
| 2.30 pm            | Time for Reflection                                    |
| <i>followed by</i> | Parliamentary Bureau Motions                           |
| <i>followed by</i> | Stage 3 Proceedings: Water<br>Services (Scotland) Bill |
| <i>followed by</i> | Stage 3 Proceedings: Budget<br>(Scotland) (No.2) Bill  |
| <i>followed by</i> | Business Motion  |
| <i>followed by</i> | Parliamentary Bureau Motions                           |
| 5.00 pm            | Decision Time  |

*followed by* Members' Business  
 Thursday 10 February 2005

9.30 am Parliamentary Bureau Motions

*followed by* Non-Executive Business

12 noon First Minister's Question Time

2.00 pm Question Time—  
 Enterprise, Lifelong Learning and  
 Transport;  
 Justice and Law Officers;  
 General Questions

3.00 pm Executive Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business.—[*Ms Margaret Curran.*]

16:59

**Dennis Canavan (Falkirk West) (Ind):** I move that we vote against the business motion because I do not think that the Scottish Parliament should be giving any consideration to the Sewel motion on the Serious Organised Crime and Police Bill. The effect of such a motion would be to give our approval to the Westminster Parliament's repeal of an important amendment that I successfully moved during the passage of the Land Reform (Scotland) Act 2003 in order to extend the right of responsible access to land owned by the Queen in her private capacity.

The Land Reform (Scotland) Act 2003 is one of the most progressive pieces of legislation that the Parliament has passed. My amendment eventually received the support of the Scottish Executive after indications were given by the palace that the Queen had no objections. It subsequently received the unanimous approval of the Parliament. However, it appears that someone at Westminster has now objected and wants to fire an Exocet through an important piece of legislation that was passed by the Scottish Parliament.

Furthermore, I understand that the matter is still being considered by the Justice 2 Committee and therefore the Executive should not ask the Parliament to give rushed approval to a Sewel motion on it next week. It would be an abrogation of our responsibility to approve the transfer of decision making on this matter to Westminster. It is quite clear that the matter should be fully debated and decided on by this Parliament. I therefore move that we reject the business motion.

**Bill Aitken (Glasgow) (Con):** I am obliged to Mr Canavan for giving way, which will enable me briefly to highlight the reason why the Conservative group will support his efforts to block the business motion. It appears that we are wallowing in a sea of Sewels.

**The Presiding Officer:** Not a speech, Mr Aitken.

**Bill Aitken:** I know that the matter is causing concern throughout the chamber. As far as we are concerned, Sewel motions are a perfectly appropriate way to dispose of business, but the motion to which Mr Canavan refers is one Sewel too far. We should debate the matter in a primary rather than a secondary fashion. We will support Mr Canavan today.

**Dennis Canavan:** I am grateful to Bill Aitken for that helpful intervention. The fact that he and the Tories appear to agree with me on this important matter is an indication of the breadth of support for it. It would be an absolute disgrace if the Labour–Liberal coalition were to rush forward with the Sewel motion next week. In effect, that would deprive the Parliament of the opportunity fully to debate, consider and decide on the matter.

17:02

**The Minister for Parliamentary Business (Ms Margaret Curran):** As Mr Canavan and other members are aware, the Sewel motion was subject to detailed scrutiny in committee yesterday. As I understand it, the committee will meet again next week, prior to the debate in the chamber, and will report on its findings. As you are aware, Presiding Officer, during the Parliamentary Bureau's discussion on forthcoming business yesterday I acknowledged the importance that members attach to the issues that are covered by the Sewel motion and other parties' business managers recognised that I had gone to considerable lengths to address the issues that they raised with me. To that extent, I was happy to agree to an extended debate in the chamber next week.

Having said that, I acknowledge that some members are concerned about the Sewel motion, particularly in the light of misleading articles—and, I have to say, some misleading statements—both in the press and in the chamber today. I am therefore happy to arrange for officials to brief any member on the true effects of the Sewel motion prior to next week's debate.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Will the minister take an intervention?

**Ms Curran:** No. This is the Executive that brought forward the Land Reform (Scotland) Act 2003. It is important for members to make informed decisions in the light of the facts. Accordingly, I ask members to approve the business motion.

**The Presiding Officer:** The question is, that motion S2M-2316, in the name of Margaret Curran, on behalf of the Parliamentary Bureau,

setting out a business programme, be agreed to.  
Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 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)  
 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)  
 Livingstone, Marilyn (Kirkcaldy) (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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (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)

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)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 McGrigor, Mr Jamie (Highlands and Islands) (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)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 65, Against 56, Abstentions 1.

*Motion agreed to.*

That the Parliament agrees the following programme of business—

|                           |  |                    |                              |
|---------------------------|--|--------------------|------------------------------|
| Wednesday 2 February 2005 |  | 3.00 pm            | Executive Business           |
| 2.00 pm                   | Time for Reflection  | <i>followed by</i> | Parliamentary Bureau Motions |
| <i>followed by</i>        | Parliamentary Bureau Motions   | 5.00 pm            | Decision Time                |
| <i>followed by</i>        | Stage 1 Debate: Gaelic Language (Scotland) Bill  | <i>followed by</i> | Members' Business.           |
| <i>followed by</i>        | Financial Resolution in respect of the Gaelic Language (Scotland) Bill   |                    |                              |
| <i>followed by</i>        | Motion on Serious Organised Crime and Police Bill – UK Legislation   |                    |                              |
| <i>followed by</i>        | Business Motion  |                    |                              |
| <i>followed by</i>        | Parliamentary Bureau Motions   |                    |                              |
| 5.00 pm                   | Decision Time  |                    |                              |
| <i>followed by</i>        | Members' Business  |                    |                              |
| Thursday 3 February 2005  |  |                    |                              |
| 9.30 am                   | Parliamentary Bureau Motions   |                    |                              |
| <i>followed by</i>        | Scottish National Party Business   |                    |                              |
| 12 noon                   | First Minister's Question Time   |                    |                              |
| 2.00 pm                   | Question Time—<br>Environment and Rural Development;<br>Health and Community Care;<br>General Questions          |                    |                              |
| 3.00 pm                   | Ministerial Statement: Grant Awards  |                    |                              |
| <i>followed by</i>        | Executive Debate: Local Government Finance (Scotland) Order 2005   |                    |                              |
| <i>followed by</i>        | Motion on Inquiries Bill – UK Legislation  |                    |                              |
| <i>followed by</i>        | Parliamentary Bureau Motions   |                    |                              |
| 5.00 pm                   | Decision Time  |                    |                              |
| <i>followed by</i>        | Members' Business  |                    |                              |
| Wednesday 9 February 2005 |  |                    |                              |
| 2.30 pm                   | Time for Reflection  |                    |                              |
| <i>followed by</i>        | Parliamentary Bureau Motions   |                    |                              |
| <i>followed by</i>        | Stage 3 Proceedings: Water Services (Scotland) Bill  |                    |                              |
| <i>followed by</i>        | Stage 3 Proceedings: Budget (Scotland) (No.2) Bill   |                    |                              |
| <i>followed by</i>        | Business Motion  |                    |                              |
| <i>followed by</i>        | Parliamentary Bureau Motions   |                    |                              |
| 5.00 pm                   | Decision Time  |                    |                              |
| <i>followed by</i>        | Members' Business  |                    |                              |
| Thursday 10 February 2005 |  |                    |                              |
| 9.30 am                   | Parliamentary Bureau Motions   |                    |                              |
| <i>followed by</i>        | Non-Executive Business   |                    |                              |
| 12 noon                   | First Minister's Question Time   |                    |                              |
| 2.00 pm                   | Question Time—<br>Enterprise, Lifelong Learning and Transport;<br>Justice and Law Officers;<br>General Questions |                    |                              |

## Parliamentary Bureau Motions

17:05

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of 11 Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-2303 to S2M-2308, on committee membership; motions S2M-2309, S2M-2310 and S2M-2313, on the designation of lead committees; and motions S2M-2301 and S2M-2302, on the approval of statutory instruments.

*Motions moved,*

That the Parliament agrees that Mike Pringle be appointed to replace Mr Jamie Stone on the Enterprise and Culture Committee.

That the Parliament agrees that Iain Smith be appointed to the European and External Relations Committee.

That the Parliament agrees that Mr Andrew Arbuckle be appointed to replace Jeremy Purvis on the Finance Committee.

That the Parliament agrees that Mr Jamie Stone be appointed to replace Margaret Smith on the Justice 1 Committee.

That the Parliament agrees that Jeremy Purvis be appointed to replace Mike Pringle on the Justice 2 Committee.

That the Parliament agrees that Margaret Smith be appointed to replace Iain Smith on the Local Government and Transport Committee.

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Land Reform (Scotland) Act 2003 (Modification) Order 2005.

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2005 (SSI 2005/9).

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005.

That the Parliament agrees that the draft Council Tax (Discount for Unoccupied Dwellings) (Scotland) Regulations 2005 be approved.

That the Parliament agrees that the draft Scotland Act 1998 (Modifications of Schedule 5) Order 2005 be approved.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The questions on those motions will be put at decision time.

## Decision Time

17:05

**The Presiding Officer (Mr George Reid):** There are 16 questions to put as a result of today's business. The first question is, that amendment S2M-2298.1, in the name of Christine Grahame, which seeks to amend motion S2M-2298, in the name of Malcolm Chisholm, on older people, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Adam, Brian (Aberdeen North) (SNP)  
 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 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)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (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)  
 Watson, Mike (Glasgow Cathcart) (Lab)

Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 40, Against 82, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S2M-2298.3, in the name of Mary Scanlon, which seeks to amend motion S2M-2298, in the name of Malcolm Chisholm, on older people, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 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)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 McGrigor, Mr Jamie (Highlands and Islands) (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)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 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)  
 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)  
 Fox, Colin (Lothians) (SSP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 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)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 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)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### 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)

**The Presiding Officer:** The result of the division is: For 44, Against 71, Abstentions 7.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S2M-2298.2, in the name of John Swinburne, which seeks to amend motion S2M-2298, in the name of Malcolm Chisholm, on older people, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 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)  
 Cunningham, Roseanna (Perth) (SNP)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 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)  
 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)  
 Livingstone, Marilyn (Kirkcaldy) (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)  
 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)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (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)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (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 40, Against 65, Abstentions 17.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S2M-2298, in the name of Malcolm Chisholm, on older people, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (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)  
 Davidson, Mr David (North East Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 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)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (Ind)  
 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)

McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 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)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Cunningham, Roseanna (Perth) (SNP)  
 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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 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)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)

Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 86, Against 0, Abstentions 35.

#### *Motion agreed to.*

That the Parliament recognises the contribution that older people bring to our communities; recognises the substantial progress that has been made in meeting the needs of older people through policies such as free personal and nursing care, the central heating programme and free bus travel anywhere in Scotland at any time of day; welcomes other policy initiatives that benefit older people by promoting volunteering and lifelong learning and tackling anti-social behaviour; seeks to build on these by recognising the diversity of older people and tackling ageism, and welcomes the involvement of older people through the Older People's Consultative Forum, and in other ways, in the development of policy across the Scottish Executive.

**The Presiding Officer:** The next question is, that motion S2M-2244, in the name of Nicol Stephen, on the Railways Bill, which is UK legislation, be agreed to.

#### *Motion agreed to.*

That the Parliament agrees that those provisions that confer executive powers and functions on the Scottish Ministers in the Railways Bill and those that relate to devolved matters should be considered by the UK Parliament.

**The Presiding Officer:** I now propose to put a single question on motions S2M-2303 to S2M-2308, on the membership of committees. Any member who does not agree to a single question being put should shout "object" now.

There being no objections, the next question is, that motions S2M-2303 to S2M-2308, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on committee membership, be agreed to.

#### *Motions agreed to.*

That the Parliament agrees that Mike Pringle be appointed to replace Mr Jamie Stone on the Enterprise and Culture Committee.

That the Parliament agrees that Iain Smith be appointed to the European and External Relations Committee.

That the Parliament agrees that Mr Andrew Arbuckle be appointed to replace Jeremy Purvis on the Finance Committee.

That the Parliament agrees that Mr Jamie Stone be appointed to replace Margaret Smith on the Justice 1 Committee.

That the Parliament agrees that Jeremy Purvis be appointed to replace Mike Pringle on the Justice 2 Committee.

That the Parliament agrees that Margaret Smith be appointed to replace Iain Smith on the Local Government and Transport Committee.

**The Presiding Officer:** The next question is, that motion S2M-2309, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the designation of a lead committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Land Reform (Scotland) Act 2003 (Modification) Order 2005.

**The Presiding Officer:** The next question is, that motion S2M-2310, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the designation of a lead committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2005 (SSI 2005/9).

**The Presiding Officer:** The next question is, that motion S2M-2313, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the designation of a lead committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the draft Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005.

**The Presiding Officer:** The next question is, that motion S2M-2301, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the draft Council Tax (Discount for Unoccupied Dwellings) (Scotland) Regulations 2005 be approved.

**The Presiding Officer:** The final question is, that motion S2M-2302, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, on the approval of an SSI, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the draft Scotland Act 1998 (Modifications of Schedule 5) Order 2005 be approved.

## St Mirren Football Club

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S2M-2065, in the name of Wendy Alexander, on St Mirren Football Club. The debate will be concluded without any questions being put.

*Motion debated.*

That the Parliament congratulates St Mirren Football Club for issuing a lifetime ban to two supporters caught making racial taunts at opposition players during a Scottish Football League (SFL) Division One fixture at St Mirren Park; recognises that St Mirren's prompt action highlights that the club is serious about implementing the measures contained within UEFA's 10 point action plan to combat racism in the sport; hopes that the players and staff of other SFL clubs follow in St Mirren's footsteps for similar incidents, and welcomes remarks from the manager and chairman that St Mirren Football Club is a family-friendly club and this type of behaviour will not be tolerated.

17:13

**Ms Wendy Alexander (Paisley North) (Lab):** I thank members for having this debate and in particular I thank the members from different political parties who signed the motion. I welcome to the gallery Stewart Gilmour, who is the chairman of St Mirren Football Club, and Norman MacDonald, who is a supporter of the club.

It would be wise to begin by acknowledging that I am not a football expert. Indeed, a few minutes ago, I was chided by Mike Watson, Frank McAveety and Duncan McNeil—I can say with certainty that he knew more about the world of football when he was five than I will know in a lifetime. However, I should say for the *Official Report* that St Mirren's manager is Gus McPherson and that they are currently a creditable third place in the first division. It is an ugly rumour that I have been known to leave Love Street at half-time and head for Braehead.

That said, I want to record that the first time that I visited Love Street was when the team was under the tenure of Sir Alex Ferguson, which was rather a long time ago. However, I learned something that I did not know when Margo MacDonald told me earlier today that Jim Rodger, apparently, scored the winning goal for St Mirren in 1960. All of that goes to show that, in our part of the world, St Mirren is in every sense part of the furniture.

Tonight's debate is about celebrating a story of grass-roots leadership not just on the football field but in Scottish society, thanks to the firm stance against racism that St Mirren recently took. As many members will know, when the club was faced with two match attendees—I will not dignify them by calling them fans—who were shouting

racist abuse at players on the park, the club responded by imposing on them a lifetime ban. St Mirren's action was all the more commendable because the guests concerned were busy enjoying corporate hospitality at the time. In acting swiftly with no thought to the financial consequences that its action might carry, the club showed both leadership and bravery, given that the club remains locally owned with all the financial challenges that that imposes.

Across Scotland, clubs have increasingly taken strong policy stances against racism. National leadership has been shown by the Show Racism the Red Card campaign, which was drawn to the Parliament's attention by Bill Butler—who is present this evening—in a members' business debate last May. Since then, important steps forward have been taken as clubs have signed up to the Union of European Football Associations guidelines on tackling racism in football. The Scottish Football Association now recommends the adoption of the UEFA guidelines as part of the licensing procedure for all Scottish clubs. As many members will know, an international week against racism in football took place in October. However, St Mirren's stance was particularly impressive because it not only signed up to the guidelines but was willing to enforce them. I hope that other members will mention similar steps that have been taken by other clubs, such as Dundee Football Club and Kilmarnock Football Club.

Increasingly in Scottish football, offenders know that they can now be subject to a ban. Through the praise that we offer tonight, I hope that other clubs throughout Scotland will follow where St Mirren has led by not only signing up to the guidelines but enforcing them. Other members will no doubt mention the high-profile individual players who have taken up the anti-racism campaign, but club-level leadership of the kind that St Mirren has shown has a much wider impact. The club's commitment to anti-racism extends beyond what happens on the field and includes its work with young players at junior and amateur levels and the wide range of anti-racist programmes that it delivers in the community.

St Mirren knows the direction that it wants for itself and for Scottish football. Its aim is to make Love Street a safe place of enjoyment for all. The club passionately believes in using the power of football to build a better future and it has a history of forging strong links with community groups.

**John Swinburne (Central Scotland) (SSCUP):** I apologise to Wendy Alexander that I cannot stay for all of the debate, as I must attend a cross-party group on the half hour. However, I want to say that I have never experienced any racism at Love Street during my 50 years and more of travelling there. It is a beautiful club to visit.

**Ms Alexander:** I thank John Swinburne for that tribute.

I am moving towards the end of my speech, but I have a couple of things still to say. The Parliament is particularly indebted to Bill Butler, who has led much of the parliamentary debate on racism in football. I am also grateful to my Paisley colleague, Hugh Henry, who has undertaken to respond to the debate on behalf of the Executive. He will highlight what the Executive is doing through its "One Scotland. Many Cultures" anti-racism campaign. I also single out the First Minister's leadership in highlighting the need to tackle both racism and sectarianism. Finally, I am grateful to my colleague Trish Godman, the MSP for West Renfrewshire, who is graciously presiding over this evening's debate. In every sense, it is a full Renfrewshire team.

Let me conclude my remarks on an upbeat note. Even people who cannot be found on the terraces week in, week out—even I—cannot fail to understand the pleasure that football brings to millions of people. It creates sporting heroes for the young and is a talking point for many—all the Scots who turn to the back page of the newspaper before they turn to the front page—on every day of their lives. When we succeed in making racism unacceptable in football, we go a long way towards making it unacceptable in Scottish society.

The campaign against racism in football is a game that we are winning. Racism is now condemned wherever it raises its ugly head. As it becomes less and less acceptable on the park, we make the anti-racism case beyond the football field. I conclude by congratulating all those who have worked so hard over recent years to make that change of public mood possible. I commend to members the leadership that St Mirren has shown on this issue. I hope that, by our actions today, we will not only strengthen the club's resolve but bring greater success and recognition to the endeavours of so many in this worthy anti-racist field.

17:21

**Murray Tosh (West of Scotland) (Con):** The issues that Wendy Alexander has raised are very important. I congratulate her on securing the debate.

Football emerged in Scotland as a mass spectator sport in the latter part of the 19<sup>th</sup> century, replacing cricket, which was its predecessor. Although many of us retain an interest in cricket, it is not hard to understand why football dominates the imagination of most sports followers in Scotland. A football match is inherently an exciting occasion. It concentrates its action in a relatively

short period of time—a satisfying period that allows people time for other recreation or duties, such as sloping off to Braehead or wherever else their Saturday may take them. It is a continuous exercise, it is confrontational and it sometimes results in violent clashes. It is infinitely varied, often controversial and sometimes thrilling. Of course, the violence must be controlled by the referee, kept on the pitch and contained safely within the rules. When the game is over, what happened in it and what may happen in the next game sustain hours of discussion—sometimes rational, but sometimes utterly irrational—for thousands of interested followers of football, because the sport grips the imagination of those who follow it.

I am not an anthropologist or a psychologist, but I can understand how losing themselves in a sporting encounter for a couple of hours on a Saturday afternoon gives people a sense of community and allows them to get carried away, become angry, shout and, in some cases, sing abuse at all sorts of people: the referee, the players of the opposing team and, often, the supporters of the opposing team. All of that activity is perfectly safe. It is a release of frustration and a relaxation. Not everyone wishes to participate in it, but it happens within recognised parameters and is unchallenging and unthreatening.

Last week I taped an excellent programme on BBC television that contained newsreel footage of old football matches from the north of England in the 1900s. The starring character in the programme was a gentleman called Fatty Foulkes, who played in goal for Sheffield United. When watching the programme, I was reminded that much football abuse is inherently kind and good humoured. Apparently, Fatty Foulkes inspired the famous song “Who ate all the pies?” That was a surprise to me, as I thought that the song was inspired by my friend, colleague and occasional sparring partner Brian Monteith. You learn something new all the time. Football supporters also mock people with Bobby Charlton hairstyles—we all recognise the caricatures and humour that dominate the abuse in football. It is stylised abuse, which is without venom and is often self-mocking.

The kind of abuse that we cannot tolerate in sport is the abuse that carries with it venom, division and social consequences that go beyond the theatre of the football stadium. Events at the England v Spain football match last autumn and the incident at Love Street that Wendy Alexander has highlighted recall to mind activities that we used to see in Scotland. I remember seeing on television the Rangers player Mark Walters being pelted with bananas by football supporters at another club’s stadium. Those days should have long gone. We should now understand that that

kind of behaviour is not funny, not clever and not to be tolerated.

I congratulate St Mirren on the action that it has taken. It has shown what our role is, which is not, as middle-aged, middle-class politicians, to preach at football supporters about what they should do, but to challenge football management teams to accept their responsibilities within communities and applaud them when they act properly. That is how the scourge of racism has been tackled in sport. It shows that football clubs ought to play a bigger role in the future in the next big challenge that we face in Scotland, which is tackling sectarianism within our football. I support the motion and congratulate Wendy Alexander on lodging it.

17:25

**Donald Gorrie (Central Scotland) (LD):** Murray Tosh made an excellent speech. The nearest I ever got to fame in my life was when I was mistaken for Bobby Charlton at an airport.

Some of my colleagues were extremely worried that I might express too great an enthusiasm for St Mirren. I will try to avoid that error for the sake of my colleagues who support other teams.

The motion is important and I applaud the club for taking the firm action that it has taken. As Murray Tosh and Wendy Alexander said, football is hugely important in Scotland. As a practising politician who sometimes discusses with fellow members of his church why church attendance is declining, I view with jealousy the enthusiasm that football manages to generate, and which political parties and churches dismally fail to generate. Not only the management of clubs and players, but the supporters associations are key to improving attitudes in our society, which many of us wish to do.

As others have said, we have made progress in tackling racial prejudice. There is more to do, but we have progressed a bit. As Murray Tosh said, we have to make progress with tackling sectarian prejudice and I believe that we have to make progress with regard to excessive drinking, which leads to misbehaviour. There is a fine line between people enjoying themselves legitimately and singing good club songs and people going over the score either because of sectarianism or excessive fuelling with drink.

**Margo MacDonald (Lothians) (Ind):** In her excellent speech, Wendy Alexander stressed the importance of the management at St Mirren having taken a lead. I may be wrong in this, but most of the attention of various campaigns to get rid of sectarianism and racism in sport have been directed at the sportsmen themselves because of the example that they set people in the crowd.

Perhaps we should think more about management; perhaps we should consider running seminars for the management of clubs, who might think that they have more to do with their time. What does the member think of that idea?

**Donald Gorrie:** That is an important point. Tackling racism is, like football, a team effort. The players have to remember that they are role models for many people, and clubs' management must ensure that their clubs espouse an ethos that does not accept unreasonable racial or sectarian prejudice or drunkenness. Supporters associations must also do that. Attitudes have to be changed from within the game. As Murray Tosh said, it is no use people in suits like us appearing and saying, "Come, come. You must all behave better." People must recognise that they owe it to their society to behave better and to enforce that sort of behaviour. A team effort is required.

An interesting but irrelevant piece of information that I learned a long time ago is that when Blackburn Rovers defeated Old Etonians in the cup in England, the Old Etonians complained that the Blackburn people had trained together and that they passed the ball to one another, whereas the Etonians just got hold of the ball and tried to run through with it on their own. In fact, the whole concept of the team formed part of football's development as a working-class sport in Scotland and England; we must employ that concept to sort out the problems that still bedevil the sport and which spoil it for many people. After all, it is potentially the greatest thing in Scotland.

17:30

**Bill Butler (Glasgow Anniesland) (Lab):** I congratulate my colleague Wendy Alexander on securing this evening's members' business debate and on bringing this serious issue to Parliament's notice once again.

Like other members, I wish to place on record my support for the action that has been taken by St Mirren in imposing a lifetime ban on two so-called supporters who hurled racist abuse at two opposition players. I believe that such an unambiguous response is to be commended. The message is unmistakable: such actions are always unacceptable and will be unequivocally dealt with. As Wendy Alexander pointed out, Kilmarnock and Dundee took the same action in similar cases. They, too, are to be applauded.

The example that Wendy Alexander's motion highlights indicates the growing willingness among clubs and real lovers of the beautiful game to deal with racism. Progress is being made. Today, the Show Racism the Red Card campaign told me that, since last May's parliamentary debate on the subject, several clubs have either committed to

implement or have implemented UEFA's 10-point plan. That is a good step. Moreover, in October 2004, all 42 senior clubs were involved in the campaign's week of action, when to much warm applause players of all clubs showed racism the red card before kick-off. I believe that the week of action is to become an annual event. I hope that such welcome progress will continue and that the SFA will be able to secure funding to allow the campaign to continue its good work in the 2005-06 season and on into the future.

It would be remiss of me not to bring to members' attention a recent court case that causes concern and which might have revealed a legal loophole. In December, three appeal court judges overturned a conviction for acting in a racially aggravated manner in respect of one Keith Anderson, who had been found guilty of racially abusing footballer Marvin Andrews at a match between St Johnstone and Livingston in October 2002. The judges ruled that to be guilty Anderson had to have intended to cause alarm or distress to the players and that the sheriff in the original case should not have drawn that conclusion anyway,

"particularly since he found that"

Anderson's

"remarks were inaudible on the field".

There we have it: a clear example of racist abuse becoming just another run-of-the-mill breach of the peace.

Such decisions send entirely the wrong signal to football fans and to young people throughout Scotland and do not assist the good work that clubs carry out in schools in tandem with the Educational Institute of Scotland and the Show Racism the Red Card campaign. I know that education plays a vital role; I was recently impressed by the positive impact that has been made on primary 6 and 7 pupils when I visited Kelvindale Primary School in my constituency with Manny Panther of Partick Thistle to discuss the campaign. Those young people knew about the campaign and the issues that it raised. They were articulate and were being educated in a positive way. However, the decision on the Anderson case sends out all the wrong messages and could undermine such good work. I intend to write formally to the minister about that case, but I am sure that all members would be grateful if he were able to offer any initial thoughts in his response to the debate.

It is vital that we maintain the progress that has been made by clubs at all levels in conjunction with the Show Racism the Red Card campaign and other organisations, and it is vital that long-term funding for such alternatives is in place. We all have a duty—always and everywhere—to challenge racism in sport in particular and in

society in general. On that basis, I commend Wendy Alexander's motion and congratulate St Mirren and all the other clubs that are making a positive contribution to ending racism in football.

17:34

**Tommy Sheridan (Glasgow) (SSP):** I also congratulate Wendy Alexander on securing this important debate and on giving recognition to the excellent stance that has been taken by St Mirren Football Club and the leadership that it has shown on this very important issue.

Like Wendy Alexander, my first visit to Love Street was in the days of Alex Ferguson. I got to accompany my pal to training with St Mirren. In those days, Jackie Copland and Tony Fitzpatrick were the stars of the team and Alex was the manager. Alas, St Mirren were more interested in my wee pal, Billy Davies, than they were in me; I might otherwise have been able to develop a career in football rather than in politics. I am sure that some people would have preferred it if I had developed a career in football—I would certainly have got less criticism for using sunbeds if I had done so.

My return to Love Street took place some 20 years later when I was fortunate enough, under the tutelage of Jimmy Bone and Kenny McDowall, to be allowed to take part in a pre-season training stint with St Mirren. I have to say that I was considerably thinner and a lot fitter then, but that did not prevent me from spewing several items out of my stomach.

I found St Mirren to be a testament to Scottish football. Of the 40 men who took part in the pre-season football I, at about 35—and captain courageous at the time—and Norrie McWhirter, who was also about 35, were the oldest among 40 youngsters, many of whom were under 20 years of age. That is an example of St Mirren showing the way in trying to develop predominantly local young talent in order to improve the team.

St Mirren FC is not without its financial problems—let us be clear about that. It would have been easier, and perhaps some people might have tried to justify it, to turn a blind eye or, rather, to turn a deaf ear in the direction of such behaviour by so-called fans, on the basis that St Mirren could ill afford to lose the revenue that comes from two individuals who pay to attend matches throughout the year. However, St Mirren put aside financial considerations to promote political and football considerations, which should be applauded.

It is a known fact that in the lower regions of the football leagues in England racism is much more prevalent and much uglier than it is in, for example, the Premiership. Unfortunately, many of

the clubs in England are not prepared to take the same decisive action as St Mirren. That is to be regretted.

I hope that by securing the debate today, Wendy Alexander has brought home to Parliament not only the importance of racism and of action against it, but the importance of recognising the courage of smaller clubs, such as St Mirren, which are prepared not only to talk the talk but to walk the walk. When clubs sign up to the UEFA anti-racism strategy and rightly support the Show Racism the Red Card campaign, it is one thing to talk a good game, but it is another to take action. That is why St Mirren should be supported 100 per cent.

I hope that the bouncebackability of St Mirren will be shown clearly in relation to their current football position, because they should not be in the first division—they should be in the Premier League. They have taken a premier-division decision and I hope that in the not-too-distant future they will also play Premier League football.

17:39

**Ms Sandra White (Glasgow) (SNP):** As a former representative of Renfrewshire Council and an old sparring partner of the minister, I am pleased to be taking part in the debate tonight. I congratulate Wendy Alexander on securing the debate. I repeat her tribute to Bill Butler for securing the previous debate on the subject and I congratulate him on the hard work that he has put into ending the scourge of racism.

I could probably call myself an adopted Buddie, because I lived in Paisley for more than 20 years and took my kids along to St Mirren football ground. Unlike Wendy Alexander, however, I did not get the chance to go to Braehead. I used to go on the supporters' bus and I would see such fabulous places as Dundee and Perth, when I could get away from the game to go shopping. When Gordon McQueen was signed up by St Mirren no one could tear me away from the terraces, so members will know for exactly how long I used to go along to matches. I was a very keen supporter.

I congratulate St Mirren on its achievements. The club is the subject of a debate in Parliament and not only did it sign up to the UEFA 10-point plan but it implemented the plan, as Wendy Alexander said. The club should receive the highest accolade for doing that. Many football clubs, such as Dundee Football Club, have taken action. However, other clubs that said that they would sign up to the plan did not go ahead and do anything positive about it. I hope that such clubs will follow St Mirren's good lead and implement UEFA's fantastic 10-point plan, which is unique in



the football world in that it operates throughout Europe, not just in Scotland. If we can encourage every club in Europe to get rid of the scourge of racism, we will be closer to achieving a better society.

I thank Donald Gorrie for his tenacity in highlighting the issues of racism and sectarianism. I thank the Executive for taking the issue so seriously that we have been able to debate it not just in this members' business debate but in committees and in other debates in Parliament. I think that one of the Parliament's justice committees is considering the matter and I hope that offences will lead to prison sentences. As Bill Butler said, judges are sometimes too lenient in sentencing. We must take the matter seriously and get rid of the scourge of racism, for kids now and in the future.

We say that education about racism and sectarianism counts. The best education is achieved when people take part in something. It is much easier for people to learn the lessons when they take part in football as spectators or players. We need legislation that deals with people who go against what society wants, but others must learn to say that such behaviour is not acceptable. St Mirren can say, "Okay, we might not be at the top of the football league, but we are the top of the league when it comes to doing something to help society." I commend St Mirren for its approach and I hope that other clubs and the public will listen to St Mirren and learn from its example.

Bill Butler mentioned schools. He and I—and others—attended a school meeting. Everyone there was from Glasgow and when we were asked what team we supported, we all said that we supported Partick Thistle. The kids' response was, "Oh, right—Partick Thistle." It is important to get the message across that we are not just here to be legislators; we are willing to listen to kids in school and tell them that we are doing something to tackle racism and sectarianism.

Again, I thank Wendy Alexander for allowing me the opportunity to take part in this debate and I congratulate St Mirren Football Club. I hope that others will follow the club's example and that we will live in a better society in future.

17:43

**The Deputy Minister for Justice (Hugh Henry):** Members have congratulated Wendy Alexander and I add my congratulations to theirs. By lodging the motion, she has done the Parliament a favour. She has given us the opportunity to focus directly on one football club and she has helped us to consider the action that we need to take to tackle the wider issue of racism by raising the matter in a context that is understandable and familiar to people in Scotland.

We should not underestimate the action that St Mirren Football Club took. As Tommy Sheridan said, it is one thing to talk a good game, but it is another thing to act. St Mirren took action when others were too scared, too worried or perhaps too ignorant to do so. The club's decision might have had repercussions. Not only were there the financial implications that members mentioned, but standing up and doing the right thing does not always make us popular and is not always regarded as the appropriate thing to do—that is an unfortunate aspect of our society.

St Mirren FC did the right thing; Stewart Gilmour and his board have done the right thing. They have taken decisions that I hope will guide others. Action does speak louder than words. St Mirren has acted directly on the issue of the two fans and the club has said clearly to its supporters and to supporters right across the country that there are football clubs that are prepared to take action. That counts enormously.

Some of the comments that we have heard this evening have demonstrated the breadth of support for taking action to rid our country of the scourge of racism. The Scottish Executive is happy to put on record its support for Wendy Alexander's motion. With your permission, Presiding Officer, I will speak for the Parliament and say that this Parliament is committed to eradicating prejudice, intolerance and discrimination wherever they surface and in whatever form they take.

Other members have mentioned the curse of sectarianism in Scotland. The First Minister has said clearly that he and the Scottish Executive are determined to take action to eradicate sectarianism. Racism is another manifestation of bigotry and intolerance and cannot be accepted.

As part of the Executive's contribution towards tackling racism, we have made a number of decisions, we have invested and we have launched a number of campaigns. The "One Scotland. Many Cultures" campaign aims to raise people's awareness of the negative impact of racist attitudes and behaviour on individuals and society as a whole. The next phase of the campaign—on television, on radio, in cinemas and through outdoor advertising—will start on 14 February and last for six weeks. I hope that, in the context of that campaign, people will stop and ponder what St Mirren FC has done.

We also have to look beyond media advertising. We have taken a number of practical measures: we have tried to set up websites to provide information; we are considering awareness-raising activities, working with the Scottish Trades Union Congress and Young Scot; and we have a race equality scheme, which places a duty on all departments within the Scottish Executive and Executive agencies to eliminate racial discrimination and to promote race equality.

Other members have rightly talked about the significant influence that football has in our culture and society—something that makes St Mirren's action all the more significant. People have talked about the role of St Mirren in Paisley. Tommy Sheridan has said what others believe—that St Mirren should be a Premier League club. However, Paisley's contribution to football does not rest with the contribution that is made by St Mirren.

There were stories in the press this week about a Paisley worker who was sent by J & P Coats over to one of its factories in Brazil. He imported new techniques of football to Brazil and, it is widely believed, helped to influence the development of football there. What Paisley does can have implications beyond the boundaries of the town. In the same way as a Paisley man was able to take new football skills to Brazil, I hope that the stand taken by St Mirren will be copied by others.

Members have mentioned the contributions of other clubs, such as Kilmarnock and Dundee. I want to refer in particular to a courageous act by a young Dundee fan, who reported a fellow supporter for making racist comments about two black players during a game in Dundee. That could not have been easy for a 14-year-old to do. Sometimes many of us duck the hard issues; sometimes standing up to be counted is uncomfortable; and yet Scott McBurney, aged 14, took action and reported someone to the police. To their credit, the sheriff, the club and football officials have all taken action and the man has been convicted. The football club has done the right thing. That just shows that the action of one individual can have a profound effect. It is a shame that it took a 14-year-old boy to show the rest of us what ordinary fans should be doing. That boy and Stewart Gilmour and St Mirren FC have demonstrated that we can make a positive impact.

In relation to the question that Bill Butler asked about the case that arose at a St Johnstone match, there may be a loophole in the law. I look forward to receiving Bill Butler's letter so that I can find out whether that is the case. Such an outcome could also be the result of the interpretation that the courts make of a particular law. It is not for me to comment on judges' decisions. We will consider the matter to establish whether we have a responsibility to do anything.

I want to finish by putting the action of St Mirren FC and the courageous stand that it has taken, which Wendy Alexander has highlighted, in the context of the Show Racism the Red Card campaign, which other members have mentioned. Bill Butler has been prominent in promoting that campaign in the Parliament.

Margo MacDonald asked whether we should concentrate on managers rather than on players in such campaigns. Show Racism the Red Card worked with high-profile players to help to get the message across; it was not saying that players had to change their attitudes. The campaign recognised that players have a certain status in our society and used the respect in which they are held to try to convey its message. Many of our clubs have signed up to the aims of the campaign. Tony Higgins from the Scottish Professional Footballers Association, who is one of my constituents, has played a leading role in helping to promote awareness of the issue, both in Scotland and beyond.

That should give us some hope for the future. The fact that an individual such as the 14-year-old boy in Dundee can make a difference and that St Mirren FC has shown the way to other football clubs by demonstrating that the stand that they take can make a difference also gives us hope. We can take comfort and courage from that, because all of us now know that we can make a difference. St Mirren FC has shown the way; it is for others to follow.

*Meeting closed at 17:52.*

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