



# The Scottish Parliament Pàrlamaid na h-Alba

## MINUTES OF PROCEEDINGS

Parliamentary Year 5, No. 76 Session 4

Meeting of the Parliament

Tuesday 2 February 2016

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

**1. Time for Reflection:** YY Rubinstein, Torah scholar and international speaker, author and broadcaster and former pupil of Govan High School led Time for Reflection.

**2. Business Motion:** Joe FitzPatrick, on behalf of the Parliamentary Bureau, moved S4M-15541—That the Parliament agrees to the following revisions to the programme of business—

(a) Tuesday 2 February 2016

delete

5.00 pm          Decision Time

and insert

6.00 pm          Decision Time

(b) Thursday 4 February 2016

delete

5.00 pm          Decision Time

and insert

The motion was agreed to.

**3. Business Motion:** Joe FitzPatrick, on behalf of the Parliamentary Bureau, moved S4M-15537—That the Parliament agrees that, during stage 3 of the Education (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2: 30 minutes  
 Groups 3 to 5: 1 hour 5 minutes  
 Groups 6 and 7: 1 hour 35 minutes  
 Groups 8 and 9: 2 hours 5 minutes  
 Groups 10 and 11: 2 hours 35 minutes.

The motion was agreed to.

**4. Topical Questions:** Questions were answered by a Cabinet Secretary.

**5. Education (Scotland) Bill - Stage 3:** The Bill was considered at Stage 3.

The following amendments were agreed to (without division): 1, 2, 3, 4, 5, 38, 51, 6, 7, 8, 9, 10, 11, 12, 13, 14A, 14, 15 and 16.

Amendment 52 was agreed to (by division: For 82, Against 5, Abstentions 28).

The following amendments were disagreed to (by division)—

18 (For 42, Against 73, Abstentions 0)  
 29 (For 9, Against 107, Abstentions 0)  
 30 (For 9, Against 106, Abstentions 0)  
 32 (For 22, Against 94, Abstentions 0)  
 39 (For 38, Against 73, Abstentions 0)  
 42 (For 38, Against 81, Abstentions 0)  
 43 (For 36, Against 81, Abstentions 0)  
 44 (For 36, Against 80, Abstentions 0)  
 53 (For 41, Against 73, Abstentions 0)  
 55 (For 17, Against 97, Abstentions 0)  
 56 (For 17, Against 96, Abstentions 0)  
 59 (For 42, Against 69, Abstentions 0)  
 60 (For 42, Against 68, Abstentions 0)  
 61 (For 41, Against 68, Abstentions 0).

The following amendments were moved and, with the agreement of the Parliament, withdrawn: 17 and 45.

The following amendments were not moved: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 40, 41, 46, 47, 48, 49, 50, 54, 57, 58, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75 and 76.

The Deputy Presiding Officer extended the final time-limit under Rule 9.8.4A(a).

**6. Education (Scotland) Bill - Stage 3:** The Cabinet Secretary for Education and Lifelong Learning (Angela Constance) moved S4M-15521—That the Parliament agrees that the Education (Scotland) Bill be passed.

After debate, the motion was agreed to (DT).

**7. Code of Conduct Revisions:** Stewart Stevenson, on behalf of the Standards, Procedures and Public Appointments Committee, moved S4M-15512—That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by making the alterations set out in Annexes A and B of the Standards, Procedures and Public Appointments Committee’s 2nd Report 2016 (Session 4), Code of Conduct Revisions, and by inserting the written statement forms contained in Annex A of that report at Annex 3 of Volume 4 of the Code of Conduct, with effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

The motion was agreed to (DT).

**8. Written Statement Determination:** Stewart Stevenson, on behalf of the Standards, Procedures and Public Appointments Committee, moved S4M-15513—That the Parliament, in exercise of the powers conferred by sections 4(1) and 4(2) of the Interests of Members of the Scottish Parliament Act 2006 (asp 12)—

makes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 as set out in the Annex to this resolution;

revokes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010; and

provides that these changes shall have effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

## ANNEXE

### **The Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016**

The Scottish Parliament, in exercise of the powers conferred by sections 4(1), 4(2) and 8A(6) of the Interests of Members of the Scottish Parliament Act 2006, on the 2nd day of February 2016 made the following Determination. This replaces the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010:

## **Citation and commencement**

1. This Determination may be cited as the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 and shall have effect from 25 March 2016.

## **Interpretation**

2. In this Determination—

“the Act” means the Interests of Members of the Scottish Parliament Act 2006 (asp 12);

“the Code of Conduct” means the Code of Conduct for Members of the Scottish Parliament, as amended by the Parliament by resolution on 2 February 2016;

“written statement” means the written statement which members are required to lodge under sections 3(3), 5(2) or 6(2) of the Act or may lodge under section 7 of the Act and the written notice which members are required to lodge under section 8A(5) of the Act.

## **Form of written statement**

3. A written statement shall be in the form set out in Annexe 3 of Volume 4 of the Code of Conduct.

## **Content of written statement**

4. A written statement shall contain the information required in the form set out in Annexe 3 of Volume 4 of the Code of Conduct and for the purposes of registration includes only those parts of the statement completed by a member

The motion was agreed to (DT).

**9. Appointment of the Chair of the Scottish Commission for Human Rights:** Drew Smith, on behalf of the Selection Panel, moved S4M-15504—That the Parliament nominates Ms Judith Robertson to Her Majesty The Queen for appointment as the Chair of the Scottish Commission for Human Rights

The motion was agreed to (DT).

**10. Decision Time:** The Parliament took decisions on items 6, 7, 8 and 9 as noted above.

**11. Keeping Litter off Streets:** The Parliament debated S4M-14991 in the name of Cameron Buchanan—That the Parliament notes with concern the amount of litter on Scotland’s streets and waterways, including around the Lothian region; notes the view that the lasting way to tackle littering is through changes in attitude, including through wide-ranging programmes to inform members of the public; believes that, although showing a willingness to challenge a person littering in public is helpful,

ultimate responsibility lies with the litterers themselves; considers that the work that local authorities do to clean up litter is an unwelcome burden, and applauds the work of charities and community campaigners, such as Leithers Don't Litter, which resolve to set an example and keep Scotland's streets tidy.

The meeting closed at 6.37 pm.

**P E Grice**  
Clerk of the Parliament  
2 February 2016

**Appendix**  
**(Note: this Appendix does not form part of the Minutes)**

**Subordinate Legislation**

**Negative instruments**

The following instruments were laid before the Parliament on 29 January 2016 and are subject to the negative procedure—

Scottish Sentencing Council (Submission of Business Plan) Order 2016 (SSI 2016/55)  
laid under section 201 of the Criminal Justice and Licensing (Scotland) Act 2010

Regulation of Investigatory Powers (Prescription of Ranks and Positions) (Scotland) Order 2016 (SSI 2016/56)  
laid under section 28 of the Regulation of Investigatory Powers (Scotland) Act 2000

Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2016 (SSI 2016/59)  
laid under section 195(8) of the Health and Social Care (Community Health and Standards) Act 2003

The following instruments were laid before the Parliament on 1 February 2016 and are subject to the negative procedure—

Children's Hearings (Scotland) Act 2011 (Safeguarders Panel) Amendment Regulations 2016 (SSI 2016/61)  
laid under section 196 of the Children's Hearings (Scotland) Act 2011

Teachers' Superannuation and Pension Scheme (Scotland) Amendment Regulations 2016 (SSI 2016/62)  
laid under section 12(6) of the Superannuation Act 1972 and section 24(2) of the Public Service Pensions Act 2013

Croft House Grant (Scotland) Regulations 2016 (SSI 2016/63)  
laid under section 60(1) and (2) of the Crofters (Scotland) Act 1993

Registration Services (Fees, etc.) (Scotland) Amendment Regulations 2016 (SSI 2016/64)  
laid under section 61(3) of the Local Electoral Administration and Registration Services (Scotland) Act 2006, section 54(2) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 and section 126(4) of the Civil Partnership Act 2004

The following instrument was laid before the Parliament on 2 February 2016 and is subject to the negative procedure—

Concession Contracts (Scotland) Regulations 2016 (SSI 2016/65)  
laid under paragraph 2(2) of Schedule 2 to the European Communities  
Act 1972

### **Laid only instruments**

The following instrument was laid before the Parliament on 1 February 2016 and is not subject to any parliamentary procedure—

Children and Young People (Scotland) Act 2014 (Commencement No. 11)  
Order 2016 (SSI 2016/60 (C.9))  
laid under section 30(2) of the Interpretation and Legislative Reform  
(Scotland) Act 2010

### **Committee Reports**

The following report was published on 1 February 2016—

Local Government and Regeneration Committee, 2<sup>nd</sup> Report, 2016 (Session 4):  
Report on Burial and Cremation (Scotland) Bill (SP Paper 895)

The following reports were published on 2 February 2016—

Delegated Powers and Law Reform Committee, 10<sup>th</sup> Report 2016 (Session 4):  
Budget (Scotland) Bill at Stage 1 (SP Paper 899)

Delegated Powers and Law Reform Committee, 11<sup>th</sup> Report 2016 (Session 4):  
Land and Buildings Transaction Tax (Amendment) (Scotland) Bill at Stage 1  
(SP Paper 900)

Delegated Powers and Law Reform Committee, 12<sup>th</sup> Report 2016 (Session 4):  
Subordinate Legislation (SP Paper 901)

Delegated Powers and Law Reform Committee, 13<sup>th</sup> Report 2016 (Session 4):  
Carers (Scotland) Bill as amended at Stage 2 (SP Paper 902)

The following report was published on 3 February 2016—

Health and Sport Committee, 4th report 2016 (Session 4): Subordinate  
Legislation (SP paper 903)

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