SCOTTISH GOVERNMENT
Enterprise and Environment

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government what research it has carried out into the impact of lengthening the payment period for bankruptcies on (a) debtors and their families and (b) the rate of defaults on payments, and with what outcomes.

(F4W-19125)

Fergus Ewing: The Scottish Government has examined the evidence which shows that lengthening the payment period for bankruptcies will have no impact on the majority of debtors and their families or the rate at which they might default.

A significant majority of debtors who enter bankruptcy do not have enough income to pay a contribution. Around half of all new debtor applications are now made via the 'low income, low asset' route and Accountant in Bankruptcy’s analysis, overall, suggests that a contribution is paid in less than one third of all bankruptcy cases in Scotland.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government how many of the 129 respondents to its consultation on the Bankruptcy and Debt Advice (Scotland) Bill felt that the payment product referred to in paragraphs 5.59 and 5.60 of the Accountant in Bankruptcy's response was not required.

(F4W-19127)

Fergus Ewing: The Scottish Government's consultation on bankruptcy law reform ran from 24 February to 18 May 2012. A Scottish Government response to the consultation was published on 7 November 2012.

Question 10.38 in the consultation asked, “Should a new payment product be developed for individuals who are assessed as able to make a contribution?” A summary of all responses to question 10.38 is as follows:

38 respondents said, “Yes”
70 respondents said, “No”
15 respondents gave no answers and 6 respondents made a comment but did not answer either, “Yes” or “No”.

The majority of respondents who chose to answer question 10.38, therefore, indicated that they did not think that a new payment product should be developed and, in accordance with stakeholders' clearly expressed views, the Scottish Government has not since developed such a product.

The Scottish Government agrees with the Association of Business Recovery Professionals (R3) who, in their response to the consultation, said that, “Current products are available for those who are able to make a contribution.” Payment product and the duration of the period of the payment of debt collection orders are of course entirely separate issues.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government what it considers the differences to be between an individual voluntary arrangement and (a) bankruptcy and (b) a protected trust deed.

(F4W-19128)

Fergus Ewing: Bankruptcy, protected trust deeds (PTDs), and individual voluntary arrangements (IVAs) are all insolvency proceedings as defined by Article 2(a) of European Council Regulation (EC) No. 1346/2000 on insolvency proceedings. All three have similar features, insofar as they “entail the partial or total divestment of a debtor”. However, there are also some differences. Bankruptcy (also known as ‘sequestration’, in Scotland) is an insolvency solution available to persons domiciled in England, Wales and Scotland, in which the debtor’s estate vests in a trustee who administers the assets of the bankrupt for the benefit of creditors. Bankruptcy can currently involve contributions from income for a period of three years or more. A protected trust deed (PTD) is an insolvency solution...
available only to persons domiciled in Scotland, in which there is a conveyance of a debtor’s assets, to a trustee, for the benefit of his creditors, protected by statute from enforcement by particular creditors. Previously, PTDs persisted for a period of at least three years, however this was amended in the Protected Trust Deed (Scotland) Regulations 2013 (SSI 2013/318) and a PTD can now involve contributions being made from the debtor’s income for a period of four years (as well as the conveyance, to the trustee, of any assets the debtor might acquire during the same four year period). An IVA is an insolvency solution available only to persons domiciled in England and Wales, in which the debtor will make a proposal to his creditors for a composition in satisfaction of his debts or a scheme of arrangement of his affairs. An IVA can involve monthly contributions being made from the debtor’s income for a period of at least five years.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government whether it considers that both an individual voluntary arrangement and a protected trust deed are voluntary agreements between debtors and creditors.

Fergus Ewing: Yes.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government what it considers the differences to be between debt relief orders and bankruptcy.

Fergus Ewing: The Scottish Government considers that debt relief order (DROs) and bankruptcy are similar in effect, in that both place restrictions on the debtor and prevent creditors from pursuing debts (in a DRO this is done via a moratorium for a 12 month period). However, there are also some differences as follows:

A debt relief order is a debt solution under the Insolvency Act 1986 available to persons domiciled in England and Wales who meet certain qualifying criteria. DROs are ordered by the official receiver (who is an officer of the court.)

Bankruptcy is an insolvency solution available to persons domiciled in England, Wales and Scotland (where it is also known as, ‘sequestration’), in which the debtor’s estate vests in a trustee who administers the assets of the bankrupt for the benefit of creditors. Both bankruptcy and DROs ordinarily result in the debtor being discharged from the debtor’s debts after a period of one year.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government for what reasons it (a) doubled the fee for access to the low income low asset route to bankruptcy from £100 to £200 in June 2012 and (b) has decided to guarantee that the minimal asset procedure in the Bankruptcy and Debt Advice (Scotland) Bill will have an application fee of under £100.

Fergus Ewing: Debtor application fees cover the cost of the process involved in the Accountant in Bankruptcy determining an award of bankruptcy applied for through a debtor application. In June 2012, the Scottish Government increased these fees from £100 to £200. This was because the fee only partly covered the cost of the work carried out. The cost of a debtor application had remained at £100 since 2008, despite the unit cost increasing over this period, due to a decline in the number of applications.

The increase, therefore, was in line with the guidance in the Scottish Public Finance Manual, where it states that ‘the standard approach to setting charges for public services (including services supplied by one public sector organisation to another) is full cost recovery’, as it was necessary in order to recover more of the cost of the process. The new fee rate of £200 was still significantly lower than fees for similar services elsewhere in the UK.
Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government what (a) steps it is taking to achieve and (b) sources of revenue are compatible with its stated aim of full cost recovery for the Accountant in Bankruptcy.

(S4W-19133)


Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government whether it has a timescale for achieving full cost recovery for the Accountant in Bankruptcy.

(S4W-19135)

Fergus Ewing: The Accountant in Bankruptcy does not have a set timetable for achieving full cost recovery.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government whether it consulted specifically on its proposal to extend the repayment period for bankruptcies from three to four years and, if so, with what outcome.

(S4W-19140)

Fergus Ewing: There is no “repayment period” set out in the Bankruptcy and Debt Advice (Scotland) Bill. Section 4 provides for the introduction of the ‘debtor contribution order’. Under section 4 of the Bill, a debtor may be required to pay a contribution either for a period of 48 months or such shorter or longer period as may be determined.

Mike MacKenzie (Highlands and Islands) (Scottish National Party): To ask the Scottish Government what action it is taking following Seatricity’s announcement that it is relocating from Orkney to Cornwall due to the lack of a grid connection.

(S4W-19141)

Fergus Ewing: The Scottish Government is working closely with Highlands and Islands Enterprise and Orkney Islands Council on grid access issues in Orkney, which are critical to the development of the marine energy sector.

Highlands and Islands Enterprise are continuing to work with Seatricity on its technology development path, and will maintain contact with the company to support any potential re-entry to the Scottish market once its device has been developed further, and its technology proven.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government whether it consulted specifically on its proposal to extend the period in which assets vest in a trustee to four years and, if so, with what outcome.

(S4W-19142)

Fergus Ewing: This proposal arose as a result of feedback from stakeholders who, after the consultation on bankruptcy law reform, reported an issue with the current approach, for example, in protected trust deeds where the practice was often to write the period in which assets would vest in the trustee into the body of the trust deed. This resulted in inconsistencies with debtors being treated differently depending on the terms of their trust deed. The outcome of this stakeholder feedback was that the Scottish Government agreed to correct this inconsistency.

Jamie McGrigor (Highlands and Islands) (Scottish Conservative and Unionist Party): To ask the Scottish Government what the annual forestry planting programme has been since the Climate Change (Scotland) Act 2009 was passed and how much of this has been of productive conifers broken down by net area.
Paul Wheelhouse: The table below sets out the figures for total woodland creation, creation of new productive conifer woodlands in the private sector and creation of new conifer woodlands on the National Forest Estate between 2009-10 and 2012-13. Figures for 2009-10 reflect projects that will have been committed prior to the passage of the 2009 Act. The figures for the private sector are only for areas where grant has been paid. These areas are not strictly ‘net’ as they include some small areas of open ground required as part of the UK Forestry Standard. In the five years from 2009, just over 300 ha of new native pinewoods have been planted on the National Forest Estate. These form part of the new conifer planting figures on the National Forest Estate:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Grant-aided Productive Conifer planting in private sector (ha)</th>
<th>Conifer planting on the National Forest Estate (ha)</th>
<th>Total Woodland Creation (NFE and Private Sector), inc broadleaves and conifer (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-10</td>
<td>424</td>
<td>200</td>
<td>2700</td>
</tr>
<tr>
<td>2010-11</td>
<td>975</td>
<td>200</td>
<td>5100</td>
</tr>
<tr>
<td>2011-12</td>
<td>1719</td>
<td>800</td>
<td>9000</td>
</tr>
<tr>
<td>2012-13</td>
<td>676</td>
<td>300</td>
<td>7000</td>
</tr>
<tr>
<td>Total</td>
<td>3794</td>
<td>1500</td>
<td>23800</td>
</tr>
</tbody>
</table>

Severe weather in Q1 2013 severely impacted on planting rates across Scotland and the final planting figures were lower than anticipated. It is anticipated that some of these affected projects will have slipped to 2013-14. Figures for new woodland creation are available in greater detail at: [http://www.forestry.gov.uk/website/forestry.nsf/byunique/infd-7shj56](http://www.forestry.gov.uk/website/forestry.nsf/byunique/infd-7shj56)

Jamie McGrigor (Highlands and Islands) (Scottish Conservative and Unionist Party): To ask the Scottish Government what information it has on the amount of extra carbon in tonnes that is present in the environment as a result of premature forestry felling and failure to replant with trees efficient in carbon capture.

Paul Wheelhouse: The UK National Greenhouse Gas Inventory provides the basis for estimates of carbon capture by forests. In 2011, the latest year for which figures are available, Scotland’s forests captured over approximately 2.5Mt of carbon (equivalent to over 9MtCO₂). The current inventory applies an assumed average felling date (rotation length) for conifers and broadleaves respectively to reflect the variation in rotation length applied as a result of the ongoing process of diversifying our forest structure to benefit biodiversity, landscape amenity and climate change resilience.

In terms of the efficiency of carbon capture, although fast growing trees capture carbon more quickly, where they are felled the relative benefit in terms of overall carbon capture depends upon the timescale over which comparisons with slower growing species are made and how any harvested timber is used. Over the long-term (>100yrs) a series of rotations of productive conifers often lock up a similar average amount of carbon to long-lived trees such as those in native woodlands.

The Scottish Government strongly supports the use of timber in the construction sector and our Wood First Strategy, referenced in RPP2, sets out to build on Scotland’s good record in use of timber frame construction (in comparison with England and rest of UK) to fuller develop the use of Scottish timber in the design of new homes.

Jamie McGrigor (Highlands and Islands) (Scottish Conservative and Unionist Party): To ask the Scottish Government what its position is on the appropriateness of Forestry Commission Scotland having Forest Stewardship Council certification if it is felling more forestry than it is planting.

Paul Wheelhouse: The National Forest Estate is certified under the UK Woodland Assurance Standard which provides an independent assurance that its management conforms to best practice in terms of environmental sustainability. The UKWAS Standard is approved by the Forest Stewardship Council and the Programme for the Endorsement of Forest Certification schemes. Whilst it is
recognised that in some circumstances (e.g. during restructuring) timber production will exceed the increment, a key requirement of certification is that harvesting and restocking plans do not jeopardise the long term productive potential of the woodland and are consistent with management objectives. This is verified as part of the audit by the UK Accreditation Service accredited auditors.

In priority habitats where the restoration of a peatland habitat is feasible, forest managers will be expected to leave it as open ground and not be replanted.

**Murdo Fraser (Mid Scotland and Fife) (Scottish Conservative and Unionist Party):** To ask the Scottish Government how many tickets have been sold to (a) domestic and (b) overseas visitors for the event, Bannockburn Live.

(S4W-19198)

**Fergus Ewing:** This is a matter for VisitScotland, who are responsible for management of the Bannockburn Live event. The information requested is not held centrally.

**Health and Social Care**

**Hanzala Malik (Glasgow) (Scottish Labour):** To ask the Scottish Government how it supports people who are retired who care for older people.

(S4O-2835)

**Michael Matheson:** I acknowledge the tremendous work of Scotland’s unpaid carers who care for their families, friends and neighbours.

The Scottish Government is providing unprecedented levels of support to carers. This includes through our manifesto commitment at least £46 million between 2012 and 2015 of the Reshaping Care for Older People Change Fund. This is supporting carers of older people, including carers who are older themselves, to continue to care.

Subject to the outcome of consultation and to parliamentary approval, the Scottish Government also intends to bring forward new legislation to support carers, including those carers who are retired.

**Murdo Fraser (Mid Scotland and Fife) (Scottish Conservative and Unionist Party):** To ask the Scottish Government what action it is taking to encourage young golfers to attend the 2014 Junior Ryder Cup.

(S4W-19199)

**Shona Robison:** The 2014 Junior Ryder Cup, which will be held at Blairgowrie Golf Club, Perthshire, is a hugely important event for Scotland and will play a key part in inspiring our young golfers of the future.

The Scottish Government is working closely with Ryder Cup Europe and ClubGolf to provide free fun coaching activities for up to 3,000 young golfers, from schools and clubs across Scotland, over the course of the tournament.

As a free event, The Junior Ryder Cup is open to all and will offer a small number of volunteering opportunities for young people. The event will be advertised to young golfers through schools, golf clubs and social media encouraging everyone to support the Teams and to be part of what promises to be a truly inspiring event.

**Jackie Baillie (Dumbarton) (Scottish Labour):** To ask the Scottish Government whether it has discussed with the Department for Health the recommendations of the 2013 report, Transforming Care: A national response to Winterbourne View Hospital, which examined the abuse of adults with learning difficulties at the hospital.

(S4W-19221)

**Alex Neil:** Yes
Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government what its position is on the 2013 report, Transforming Care: A national response to Winterbourne View Hospital, which examined the abuse of adults with learning difficulties at the hospital and what action it is taking to ensure that such adults in Scotland are not subject to similar abuse.

(S4W-19222)

Alex Neil: The Scottish Government is committed to ensuring that lessons are learned from Winterbourne View Hospital. The Adult Support and Protection (Scotland) Act 2007 has been in place since 2008 in Scotland and protects adults who are at risk of being harmed. The Act requires councils and a range of public bodies to work together to support and protect adults who are unable to safeguard themselves. Since Winterbourne, the Adult Protection Policy Forum is focusing on five national priority projects in order to reduce the risk of harm.

The Care Inspectorate and Healthcare Improvement Scotland undertook a joint review to learn lessons from Winterbourne to identify any risks and take mitigative action here in Scotland.

The keys to life learning disability policy, has a number of recommendations which will improve the quality and consistency of support for people with learning disabilities focussing on outcomes. In addition it calls on all public bodies involved in providing support to those with learning disabilities to carry out equality impact assessments to ensure that the rights of people with learning disabilities to dignity, equality and non-discrimination are respected and upheld.

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government how many adults with learning difficulties there are in residential care homes.

(S4W-19223)

Alex Neil: This information is published by NHS Services Scotland, Information Service Division Scotland in the 2013 Care Homes Census publication. The information is held in table 8: http://www.isdscotland.org/Health-Topics/Health-and-Social-Community-Care/Care-Homes/Previous-Publications/index.asp

Adam Ingram (Carrick, Cumnock and Doon Valley) (Scottish National Party): To ask the Scottish Government when it will publish the analysis of the responses received to its consultation on the provision of specialist residential chronic pain services in Scotland.

(S4W-19284)

Alex Neil: The ‘Analysis of Consultation Responses’ report will be published on the Scottish Government website on 23 January 2014. A copy of the report has been placed in the Scottish Parliaments Information Centre (SPICe) – bib number 55593. The consultation has provided a wide range of views and comments on the future provision of specialist residential chronic pain services and I am grateful to all those who have taken the time to respond to the consultation and share their experiences with us.

The outcome of the consultation shows a clear preference for the first option to deliver a Scottish service in a single location in a Centre of Excellence. The Scottish Government will produce a report providing our response to the findings of the consultation and the comments received. The response will also set out details of how the new service will be delivered. It is anticipated that this report will be available by spring this year.

Learning and Justice

Angus MacDonald (Falkirk East) (Scottish National Party): To ask the Scottish Government what the cost has been of operating the Police Investigations and Review Commissioner service, including staff and premises costs, broken down by year since 2007.

Holding answer issued: 20 January 2014

Kenny MacAskill: On 1 April 2013 the Police Complaints Commissioner for Scotland took on an expanded remit to reflect its role in providing independent investigations of serious incidents involving the police. The organisation became the Police Investigations and Review Commissioner. The
The following costs refer to the former Police Complaints Commissioner for Scotland and include staffing and accommodation costs:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Costs</strong></td>
<td>443,000</td>
<td>580,000</td>
<td>702,000</td>
<td>697,000</td>
<td>618,000</td>
<td>795,000</td>
</tr>
</tbody>
</table>
| **Operating Costs**
| including accommodation | 333,000 | 327,000 | 427,000 | 344,000 | 283,000 | 303,000 |
| **Depreciation**  | 29,000  | 33,000  | 32,000  | 34,000  | 35,000  | 50,000  |
| **Loss on Disposal** | -       | -       | 2,000   | -       | -       | -       |
| **Notional Costs** | 1,000   | 4,000   | -       | -       | -       | -       |
| **Total Expenditure** | 806,000 | 944,000 | 1,163,000 | 1,075,000 | 936,000 | 1,148,000 |

The initial Grant In Aid allocation for the Police Investigations and Review Commissioner for 2013-14 was £2,631,000.

Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government how many people have attended accident and emergency services as a result of a dog attack in each year since 1999.

Kenny MacAskill: Statistics on the number of people that have attended accident and emergency services as a result of a dog attack are not available from data collected centrally by Information Services Division (ISD).

Information is available on the number of emergency admissions to hospital that were a result of being bitten or struck by a dog. This is shown in the following table. This will not include attendances to accident and emergency departments that were not followed up by a subsequent emergency admission to hospital.

Number of emergency hospital admissions\(^1\) as a result of being bitten or struck by a dog\(^2\), year ending 31 March 1999-2012:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Number of admissions</th>
<th>Discharge rate per 100,000 population(^3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998-99</td>
<td>273</td>
<td>5.4</td>
</tr>
<tr>
<td>1999-00</td>
<td>307</td>
<td>6.1</td>
</tr>
<tr>
<td>2000-01</td>
<td>353</td>
<td>7.0</td>
</tr>
<tr>
<td>2001-02</td>
<td>295</td>
<td>5.8</td>
</tr>
<tr>
<td>2002-03</td>
<td>317</td>
<td>6.3</td>
</tr>
<tr>
<td>2003-04</td>
<td>333</td>
<td>6.6</td>
</tr>
<tr>
<td>2004-05</td>
<td>323</td>
<td>6.4</td>
</tr>
<tr>
<td>2005-06</td>
<td>363</td>
<td>7.1</td>
</tr>
<tr>
<td>2006-07</td>
<td>414</td>
<td>8.1</td>
</tr>
<tr>
<td>2007-08</td>
<td>385</td>
<td>7.4</td>
</tr>
<tr>
<td>2008-09</td>
<td>486</td>
<td>9.3</td>
</tr>
<tr>
<td>2009-10</td>
<td>486</td>
<td>9.3</td>
</tr>
<tr>
<td>2010-11</td>
<td>483</td>
<td>9.2</td>
</tr>
<tr>
<td>2011-12</td>
<td>554</td>
<td>10.5</td>
</tr>
</tbody>
</table>

Source: SMR01, ISD Scotland

Notes: These statistics are derived from data collected on discharges from non-obstetric and non-psychiatric hospitals (SMR01) in Scotland.

Admissions as a result of being ‘bitten or struck by a dog’ are defined by ICD10 code W54 – in any secondary position. Injuries related to dogs are coded under the ICD10 code W54 “bitten or struck by dog”. This code was used for the analysis when recorded in any secondary position.

Rates are based on National Records of Scotland mid-year population estimates for each of the financial years. Data are based on year of discharge. A patient could have several emergency hospital admissions in a financial year.
Jenny Marra (North East Scotland) (Scottish Labour): To ask the Scottish Government how many dog attacks have been recorded in each year since 1999.

Kenny MacAskill: I refer the member to the answer to question S4W-18116 on 21 November 2013. All answers to written parliamentary questions are available on the Parliament’s website, the search facility for which can be found at: http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx.

Rhoda Grant (Highlands and Islands) (Scottish Labour): To ask the Scottish Government, further to the answer to question S4W-18946 by Roseanna Cunningham on 10 January 2014, what priorities and objectives it has set for the Scottish Fire and Rescue Service.

Roseanna Cunningham: Scottish Ministers’ priorities and objectives for the Scottish Fire and Rescue Service are set out in the: Fire and Rescue Framework for Scotland 2013, as detailed in section 40 of the Fire (Scotland) Act 2005 (as amended).

Strategy and External Affairs

Christian Allard (North East Scotland) (Scottish National Party): To ask the Scottish Government when it last met representatives of the French Government.

Fiona Hyslop: I last met with representatives of the French Government in Paris on 16 December 2013. I met the French Minister of Culture and Communications, Madame Filippetti and signed a statement of intent between Scotland and France to collaborate on cultural activity.

I also met the Permanent Secretary of the Foreign Ministry to discuss deepening Franco-Scottish relations, for example, by linking into European funding programmes such as Horizon 2020 and Creative Europe to develop further collaboration. The visit has played an important part in developing relations with France which we will continue to build upon.

Liz Smith (Mid Scotland and Fife) (Scottish Conservative and Unionist Party): To ask the Scottish Government whether it expects that, if Scotland becomes independent, British citizens born in Scotland but living in the rest of the UK will retain British citizenship.

Humza Yousaf: As set out at page 271 of Scotland’s Future, Scottish Government policy is that all British citizens who are habitually resident in Scotland and all British citizens born in Scotland but residing elsewhere would automatically be considered Scottish citizens. Scotland would not create a barrier to individuals holding Scottish citizenship alongside British or any other citizenship.