



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 72, Session 5

Meeting of the Parliament

Tuesday 7 February 2017

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

The meeting opened at 2.00 pm.

1. Time for Reflection: Reverend Jack Graham, Minister, Parkhead Congregational Church, Glasgow, led Time for Reflection.

2. Topical Questions: Questions were answered by a Cabinet Secretary and a Minister.

3. Article 50: The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell) moved S5M-3858—That the Parliament agrees with all but one of Scotland's MPs that the UK Government's European Union (Notification of Withdrawal) Bill should not proceed, as the UK Government has set out no provision for effective consultation with the devolved administrations on reaching an agreed UK approach to the negotiations on implementing Article 50, has refused to give a guarantee on the position of EU nationals in the UK, has left unanswered a range of detailed questions covering many policy areas regarding the full implications of withdrawal from the single market, and has provided no assurance that a future parliamentary vote on the outcome of the negotiations will be anything other than irrelevant, as withdrawal from the EU follows two years after the invoking of Article 50 if agreement is not reached in the forthcoming negotiations, unless they are prolonged by unanimity.

John Lamont moved amendment S5M-3858.3 to motion S5M-3858—

As an amendment to motion S5M-3858 in the name of Michael Russell (Article 50), leave out from "agrees" to end and insert "believes that the Scottish Government should respect the result of the UK-wide EU Referendum;

recognises the formation of the Joint Ministerial Committee (EU Negotiations) as an effective way of engaging with devolved administrations on implementing Article 50; urges EU countries to give mutual assurances on UK nationals' right to remain, and calls on the Scottish Government to work with the UK Government to make the most of the opportunities that leaving the EU presents, to stop using the EU Referendum result as a means of creating division, and to rule out a second independence referendum."

After debate, amendment S5M-3858.3 was disagreed to ((DT) by division: For 31, Against 92, Abstentions 1).

Lewis Macdonald moved amendment S5M-3858.1 to motion S5M-3858—

As an amendment to motion S5M-3858 in the name of Michael Russell (Article 50), leave out from "agrees" to end and insert "recognises that a majority in Scotland voted for the UK to remain in the EU, and that a majority also voted for Scotland to remain in the UK; agrees that the UK single market is more important to the Scottish economy than the European single market and therefore that there should be no move to put in place any barriers that would damage Scottish trade with the rest of the UK; believes that many people voted against leaving the EU for the same reasons that they voted to remain in the UK, in order to secure jobs, opportunities and social and civil rights; believes that the majority of the people of Scotland want to remain inside the UK, with as close a relationship with Europe as possible; agrees there should not be a second Scottish independence referendum; respects the outcome of the EU referendum and accepts that, as a result, the UK will leave the EU; agrees that the UK Government's European Union (Notification of Withdrawal) Bill should not proceed until it has set out detail on the full range of unanswered questions covering many policy areas where its proposals would have a detrimental effect on the jobs and opportunities of people across Scotland; further believes that the UK Government must consult the Scottish Government and other devolved administrations on the process of exiting the EU, and calls on the Scottish Government to work with other devolved administrations on the range of relevant issues, including to protect workers' rights, to ensure that the UK does not become a bargain-basement tax haven, to guarantee legal rights for EU citizens living in the UK and to seek to retain all existing EU tax avoidance and evasion measures post-Brexit."

After debate, amendment S5M-3858.1 was disagreed to ((DT) by division: For 20, Against 102, Abstentions 2).

Ross Greer moved amendment S5M-3858.2 to motion S5M-3858—

As an amendment to motion S5M-3858 in the name of Michael Russell (Article 50), insert at end "; notes the widespread scepticism that an agreement on the future relationship of the UK and EU can be reached within two years; is concerned by the lack of any proposed transitional arrangements until such an agreement is in place, and believes that the decision to proceed with the bill does not respect the majority vote to remain part of the EU that was returned in every council area in Scotland."

After debate, amendment S5M-3858.2 was agreed to ((DT) by division: For 72, Against 33, Abstentions 18).

Willie Rennie moved amendment S5M-3858.4 to motion S5M-3858—

As an amendment to motion S5M-3858 in the name of Michael Russell (Article 50), insert at end “; believes that a democratic decision cannot end with a ‘blank cheque-Brexit’ and a deal that nobody voted for being imposed by the UK Conservative administration, and calls for the bill to be rejected unless the UK Government agrees to a referendum on the final terms of Brexit.”

After debate, amendment S5M-3858.4 was disagreed to ((DT) by division: For 5, Against 119, Abstentions 0).

The motion, as amended, was then agreed to ((DT) by division: For 90, Against 34, Abstentions 0).

Accordingly, the Parliament resolved—That the Parliament agrees with all but one of Scotland’s MPs that the UK Government’s European Union (Notification of Withdrawal) Bill should not proceed, as the UK Government has set out no provision for effective consultation with the devolved administrations on reaching an agreed UK approach to the negotiations on implementing Article 50, has refused to give a guarantee on the position of EU nationals in the UK, has left unanswered a range of detailed questions covering many policy areas regarding the full implications of withdrawal from the single market, and has provided no assurance that a future parliamentary vote on the outcome of the negotiations will be anything other than irrelevant, as withdrawal from the EU follows two years after the invoking of Article 50 if agreement is not reached in the forthcoming negotiations, unless they are prolonged by unanimity; notes the widespread scepticism that an agreement on the future relationship of the UK and EU can be reached within two years; is concerned by the lack of any proposed transitional arrangements until such an agreement is in place, and believes that the decision to proceed with the bill does not respect the majority vote to remain part of the EU that was returned in every council area in Scotland.

4. Appointment of the Scottish Public Services Ombudsman: Bob Doris, on behalf of the Selection Panel, moved S5M-3830—That the Parliament nominates Rosemary Agnew to Her Majesty The Queen for appointment as the Scottish Public Services Ombudsman under section 1 of the Scottish Public Services Ombudsman Act 2002.

The motion was agreed to (DT).

5. Health Service Medical Supplies (Costs) Bill – UK Legislation: The Cabinet Secretary for Health and Sport (Shona Robison) moved S5M-3631—That the Parliament agrees that the relevant provisions of the Health Service Medical Supplies (Costs) Bill, introduced in the House of Commons on 15 September 2016, relating to the costs of health service medicines, medical supplies and other related products, and specifically those relating to information powers, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the

executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The motion was agreed to (DT).

6. Decision Time: The Parliament took decisions on item 3, 4 and 5 as noted above.

7. Blackhillock to Kintore Transmission Line: The Parliament debated S5M-3637 in the name of Mike Rumbles—That the Parliament notes the concern that has been expressed by communities in proximity to Scottish and Southern Electricity Network’s proposed Blackhillock to Kintore transmission reinforcement regarding the development’s potential visual impact; understands that the National Assembly for Wales unanimously passed a motion on 18 January 2017 endorsing the use of underground cables and alternatives to pylons where feasible, with a view to minimising the visual impact of such infrastructure; reiterates what it sees as the need for effective community consultation and the importance of incorporating feedback as a means for addressing such concerns; believes that the outstanding natural beauty of this countryside, for example the area around Bennachie, must be protected, and notes what it considers are the communities’ urgent calls for the existing plans to be the subject of substantial change and mitigation action in order for this to be achieved.

The meeting closed at 5.39 pm.

P E Grice
Clerk of the Parliament
7 February 2017

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

Affirmative instruments

The following instruments were laid before the Parliament on 3 February 2017 and are subject to the affirmative procedure—

Upper Tribunal for Scotland (Transfer of Functions of the Upper Tax Tribunal for Scotland) Regulations 2017 [draft]

laid under section 79(2)(b) of the Tribunals (Scotland) Act 2014

Scottish Tribunals (Listed Tribunals) Regulations 2017 [draft]

laid under section 79(2)(b) of the Tribunals (Scotland) Act 2014

First-tier Tribunal for Scotland (Transfer of Functions of the First-tier Tax Tribunal for Scotland) Regulations 2017 [draft]

laid under section 79(2)(a) and (b) of the Tribunals (Scotland) Act 2014

First-tier Tribunal for Scotland Tax Chamber and Upper Tribunal for Scotland (Composition) Regulations 2017 [draft]

laid under section 79(2)(c) of the Tribunals (Scotland) Act 2014

Tribunals (Scotland) Act 2014 (Ancillary Provisions) Regulations 2017 [draft]

laid under section 80(2)(a) of the Tribunals (Scotland) Act 2014

Negative instruments

The following instruments were laid before the Parliament on 3 February 2017 and are subject to the negative procedure—

National Health Service Superannuation Scheme (Miscellaneous Amendments) (Scotland) Regulations 2017 (SSI 2017/27)

laid under section 12(6) of the Superannuation Act 1972

National Health Service Pension Scheme (Scotland) (Miscellaneous Amendments) Regulations 2017 (SSI 2017/28)

laid under section 24(2) of the Public Service Pensions Act 2013

Committee Reports

The following reports were published on Friday 3 February 2017—

Finance and Constitution Committee, 2nd Report, 2017 (Session 5): Report on Nominations to the Scottish Fiscal Commission (SP Paper 82)

Local Government and Communities Committee, 3rd Report, 2017 (Session 5): Report on the Scottish Social Housing Charter, (SP paper 82)

The following report was published on 7 February 2017—

Delegated Powers and Law Reform Committee, 8th Report 2017 (Session 5): Subordinate Legislation (SP Paper 86)

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