



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 5, No. 109, Session 5

Meeting of the Parliament

Wednesday 17 March 2021

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

The meeting opened at 1.00 pm.

1. The Human Right to a Healthy Environment: The Parliament debated S5M-24212 in the name of Ruth Maguire—That the Parliament notes the recommendations of the First Minister’s Advisory Group on Human Rights Leadership, which were published in 2018; welcomes the subsequent establishment of the Scottish Government’s National Taskforce for Human Rights, which has focused on developing these into specific recommendations for legislation; looks forward to receiving the Taskforce’s recommendations and to advancing the discussion of how to further human rights in Scotland’s devolved context; notes the view that the concept of a Human Right to a Healthy Environment must be central to these developments, given what it considers has been the recent progress in international thinking on environmental rights, including the UN’s Special Rapporteur’s “16 principles”; notes what it sees as the unequal impacts of the COVID-19 pandemic have been in putting important aspects of environmental rights in the spotlight, including the need to care for global biodiversity and the importance of access to good quality and local greenspace, particularly as the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill progresses through the Parliament; acknowledges the importance of the right to a healthy environment for children and young people’s human rights, including in Cunninghame South, and welcomes the reported plan to bring forward proposals for a human rights bill in the next parliamentary session, to help underpin what it believes is Scotland’s role as a world leader on environmental matters.

2. Portfolio Questions: Questions on Justice and the Law Officers and then on Constitution, Europe and External Affairs were answered by Cabinet Secretaries and Ministers.

3. Ministerial Statement: The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson) made a statement and answered questions on Scotland's Railway.

4. Ministerial Statement: The Minister for Public Health and Sport (Mairi Gougeon) made a statement and answered questions on Scotland's Testing Strategy – Update.

5. Stage 3 Timetable: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24394—That the Parliament agrees that, during stage 3 of the Domestic Abuse (Protection) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits 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

Groups 6 and 7: 1 hour and 30 minutes

The motion was agreed to.

6. Domestic Abuse (Protection) (Scotland) Bill – Stage 3: The Bill was considered at Stage 3.

The following amendments were agreed to (without division): 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 7, 8 and 24.

Amendment 23 was disagreed to (by division: For 24, Against 95, Abstentions 0).

The Presiding Officer determined, under Rule 9.8.5BA, that, in his view, no provision of the Domestic Abuse (Protection) (Scotland) Bill related to a protected subject-matter.

7. Domestic Abuse (Protection) (Scotland) Bill: The Cabinet Secretary for Justice (Humza Yousaf) moved S5M-24381—That the Parliament agrees that the Domestic Abuse (Protection) (Scotland) Bill be passed.

After debate, the motion was agreed to ((DT) by division: For 118, Against 0, Abstentions 0).

8. Reappointment of Scottish Land Commissioners: The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham) moved S5M-24383—That the Parliament notes the Environment, Climate Change and Land Reform Committee's 3rd Report 2021 (Session 5), *Scottish Land Commission –*

Reappointment of Commissioners (SP Paper 936); welcomes the committee's recommendation that the Parliament approves the reappointment of Professor David Adams and Ms Megan MacInnes as Commissioners to the Scottish Land Commission for an additional three-year term, and approves the reappointments as required by Section 10 of the Land Reform (Scotland) Act 2016.

The motion was agreed to (DT).

9. Urgent SPCB Questions: Bill Kidd, on behalf of the Standards, Procedures and Public Appointments Committee, moved S5M-24366—That the Parliament notes the Standards, Procedures and Public Appointments Committee's 8th Report 2021 (Session 5), *Standing Order Rule Changes – Urgent Questions to the Scottish Parliamentary Corporate Body* (SP Paper 975), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

The motion was agreed to (DT).

10. Public Petitions System Changes: Bill Kidd, on behalf of the Standards, Procedures and Public Appointments Committee, moved S5M-24365—That the Parliament notes the Standards, Procedures and Public Appointments Committee's 7th Report 2021 (Session 5), *Standing Order Rule Changes – Public Petitions System* (SP Paper 974), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

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

11. Equalities and Human Rights Committee Remit: Bill Kidd, on behalf of the Standards, Procedures and Public Appointments Committee, moved S5M-24374—That the Parliament notes the Standards, Procedures and Public Appointments Committee's 4th Report 2021 (Session 5), *Standing Order Rule Changes – Equalities and Human Rights Committee Remit* (SP Paper 965), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 12 May 2021.

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

12. Business Programme: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24397—That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 March 2021 (Hybrid)

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by First Minister's Statement: COVID-19: Reflections and Next Steps

followed by Topical Questions

followed by Ministerial Statement: Implications of the administration of Greensill Capital UK for Businesses in Scotland

followed by Stage 3 Proceedings: European Charter of Local Self-Government (Incorporation) (Scotland) Bill

followed by Stage 3 Proceedings: Tied Pubs (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

7.35 pm Decision Time

followed by Members' Business

Wednesday 24 March 2021 (Hybrid)

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister's Questions

2.30 pm Portfolio Questions: Education and Skills; Health and Sport; Communities and Local Government

followed by Stage 3 Proceedings: Dogs (Protection of Livestock) (Amendment) (Scotland) Bill

followed by Motion of thanks

6.20 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 22 March 2021, in rule 13.7.3, after the word “except” the words “to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or” are inserted.

The motion was agreed to.

13. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24398—That the Parliament agrees that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft] be approved.

After debate, the motion was agreed to ((DT) by division: For 93, Against 27, Abstentions 0).

14. Temporary Amendment to Standing Orders: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24399—That the Parliament agrees, with effect from 12 May 2021—

(A) the following temporary rules under rule 17.1A—

Temporary Rule 1

Election of the Presiding Officer and deputy Presiding Officers

1. This Rule applies to the election of the Presiding Officer and any deputy Presiding Officers to be held at the beginning of Session 6 by virtue of Rules 3.2 and 3.3. It ceases to apply on 30 June 2021.

2. Any meeting of the Parliament convened for this purpose may be held in the Debating Chamber of the Parliament, Holyrood, or at any other location within Holyrood as may be determined by the Presiding Officer, and members shall be notified of that location or locations.

3. A member may, at any time during the period which is not earlier than 90 mins and not later than 30 minutes before the time appointed for the beginning of the voting period for Presiding Officer or, as the case may be, the first voting period for deputy Presiding Officer, nominate a candidate for appointment as the Presiding Officer or a deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

4. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 13 to 18.

5. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted—

(a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and

(b) where there is more than one round of voting the result of each round of voting shall be treated as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

6. Each candidate may appoint a member to act as a scrutineer on that candidate's behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if the Clerk considers it unreasonable.

7. Members may participate in the election of the Presiding Officer or any deputy Presiding Officer in person or remotely by video conference hosted on such platform as may be provided by the Parliamentary corporation.

8. Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk, either in person or, where a member is participating remotely, by electronic means.

9. Any member who obtains a ballot paper in person shall immediately mark that member's vote on that ballot paper and then put the ballot paper in the ballot box

provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.

10. Where a member is participating remotely, the Clerk shall facilitate the process and in doing so shall ensure the secrecy and confidentiality of it. The member shall use such platform as may be provided by the Parliamentary corporation for this purpose.

11. Any member participating remotely shall obtain a ballot paper from the Clerk by electronic means. Once the ballot paper has been received, the member shall immediately indicate to the Clerk the voting intention of that member. The Clerk shall mark that member's vote on a ballot paper in accordance with that member's voting intention, verify with that member that the ballot paper has been marked correctly and then put the ballot paper in the ballot box provided for that purpose. That member may not thereafter obtain another ballot paper or vote during that round of voting.

12. Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, the number of votes against the candidate and the number of votes to abstain. The candidate shall be elected if a simple majority of votes in the candidate's favour is obtained.

13. Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.

14. Where there are two candidates in a round of voting, a candidate shall be elected if a simple majority of votes in that candidate's favour is obtained.

15. Where there are more than two candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.

16. Where there are more than two candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until—

(a) a candidate is elected in accordance with paragraph 12, 14 or 15;

(b) paragraph 17 applies; or

(c) the result of any vote is invalid under this Rule.

17. Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.

18. A candidate may withdraw that candidate's candidature at any stage between the rounds of voting mentioned in paragraphs 13 to 16.

19. In counting the votes, the Clerk may disregard any ballot paper if, in the Clerk's opinion, it does not clearly indicate the voter's choice.

20. When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. The person chairing the meeting shall also announce—

(a) after the count in a case where the provisions of paragraph 12 apply, the number of votes for and against the candidate and the number of votes to abstain; and

(b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.

21. Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.

21. Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.

22. Where provisions contained in this temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 2

Oath of allegiance

1. This Rule applies to the administration of the oath of allegiance or a solemn affirmation at the beginning of Session 6. It ceases to apply on 30 June 2021.

2. Every person who is returned as a member shall take the oath of allegiance or shall make a solemn affirmation at a meeting of the Parliament before the Clerk. Taking the oath of allegiance or making a solemn affirmation can include appearing before the Clerk remotely by video-conference, hosted on such platform as may be provided by the Parliamentary corporation. A member shall not take part in any other proceedings of the Parliament until that member has done so.

3. A member may, immediately after taking the oath or making a solemn affirmation, repeat the oath or affirmation in a language other than English.

4. The member shall then sign a register kept by the Clerk for the purpose, indicating that the member has taken the oath or, as the case may be, made a solemn affirmation. Where a member has taken the oath of allegiance or made a solemn affirmation remotely, they shall sign the register at the earliest possible opportunity after doing so.

5. The Parliament's power under section 84(3) (where a member fails to take the oath of allegiance) to decide, before the end of the period of two months within which a member must take the oath or make a solemn affirmation, to allow that member a longer period to do so is exercisable on a motion of any member. The motion is valid only if it is seconded by another member.

6. In these Rules, "oath of allegiance" means the oath in the form provided in section 2 of the Promissory Oaths Act 1868 (c.72) and "solemn affirmation" means the affirmation in the form provided in section 6(1) of the Oaths Act 1978 (c.19).

7. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

Temporary Rule 3

Access to the public gallery

1. In light of the ongoing public response to the Novel coronavirus COVID-19, members of the public shall not be admitted to the public gallery during any meeting of the Parliament from the date of dissolution until either such time as the newly elected Parliamentary corporation has taken a decision on public access to the Parliament, Holyrood or 30 June 2021, whichever is the earlier.

2. Notwithstanding paragraph 1, the Presiding Officer may decide to admit members of the public to the public gallery in advance of those timescales if relevant legislation and public health guidance allow for it.

3. Where provisions contained in the temporary rule are in conflict with other standing order provisions, those in the temporary rule have precedence.

(B) that, where provisions contained in the temporary rules are in conflict with other standing order provisions, those in the temporary rules have precedence.

The motion was agreed to (DT).

15. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24400—That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86) be approved.

The motion was agreed to (DT).

16. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24401—That the Parliament agrees that the Budget (Scotland) Act 2020 Amendment Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

17. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24402—That the Parliament agrees that the Disability Assistance for Children and Young People (Scotland) Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

18. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24403—That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2021 (SSI 2021/89) be approved.

The motion was agreed to (DT).

19. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24404—That the Parliament agrees that the Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 [draft] be approved.

The motion was agreed to (DT).

20. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24405—That the Parliament agrees that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

21. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24406—That the Parliament agrees that the Social Security Up-rating (Scotland) Order 2021 [draft] be approved.

The motion was agreed to (DT).

22. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24407—That the Parliament agrees that the Social Security Information-sharing (Scotland) Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

23. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24408—That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021 (SSI 2021/107) be approved.

The motion was agreed to (DT).

24. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24409—That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/111) be approved.

The motion was agreed to (DT).

25. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24411—That the Parliament agrees that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021 (SSI 2021/81) be approved.

The motion was agreed to (DT).

26. Approval of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24412—That the Parliament agrees that the Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 [draft] be approved.

The motion was agreed to (DT).

27. Referral of SSI: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved S5M-24410—That the Parliament agrees that the Local Government Finance (Scotland) Order 2021 [draft] be considered by the Parliament.

The motion was agreed to (DT).

28. Motion Without Notice: The Minister for Parliamentary Business and Veterans (Graeme Dey), on behalf of the Parliamentary Bureau, moved without notice that, under Rule 11.2.4, Decision Time be brought forward to 6.26 pm.

The motion was agreed to.

29. Decision Time: The Parliament took decisions on items 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 as noted above.

30. 80th Anniversary of the Clydebank Blitz: The Parliament debated S5M-24111 in the name of Gil Paterson—That the Parliament recognises that, on the evenings of 13 and 14 March 1941, Clydebank was extensively and systematically bombed; acknowledges that the Clydebank Blitz saw 99% of all houses in the town damaged or razed to the ground and that the devastating and tragic event caused 528 deaths, left 617 seriously injured and resulted in untold numbers of walking wounded; believes that, although the targets were reputed to be shipyards and the substantial industrial complexes in the locality, it was the town that bore the brunt of this intensive bombing; acknowledges and commends the action of the many in the emergency services and the general public for their considerable bravery; expresses its gratitude to the crew of the Polish Navy destroyer, ORP Piorun, who courageously and voluntarily drew fire on the vessel as it was docked for a refit at John Brown's shipyard, and notes that this

act of selfless bravery is recognised by the people of Clydebank who have dedicated a civic space in their honour, which is known as Solidarity Plaza and is adjacent to the town hall, where an annual service of commemoration is held to both thank and acknowledge the brave contribution of the Polish Navy.

31. Motion Without Notice: Gil Paterson moved without notice that, under Rule 8.14.3, the debate be extended by up to 30 minutes.

The motion was agreed to.

The meeting closed at 7.26 pm.

David McGill
Clerk of the Parliament
17 March 2021

Appendix

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

Committee Reports

The following reports were published on 17 March 2021—

Justice Sub-Committee on Policing, 1st Report, 2021 (Session 5): Police Scotland's use of remote piloted aircraft systems and body worn video cameras (SP Paper 988)

Social Security Committee, 3rd Report, 2021 (Session 5): Social Security Response to Covid-19 (SP Paper 992)

Delegated Powers and Law Reform Committee, 18th Report, 2021 (Session 5): Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 16 March 2021 (SP Paper 993)

Subordinate Legislation

Laid Only Instruments

The following instrument was laid before the Parliament on 17 March 2021 and is not subject to any parliamentary procedure—

UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (Commencement No. 1) Regulations 2021 (SSI 2021/141 (C. 11))
laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

Other Documents

The following documents were laid before the Parliament on 17 March 2021 and are not subject to parliamentary procedure—

The Ninth Annual Report on the Operation of Section 65 of the Climate Change (Scotland) Act 2009 SG/2021/34 laid under Section 66(1) of the Climate Change (Scotland) Act 2009

Care Inspectorate: Fortnightly report to the Scottish Parliament on Care Inspectorate inspections – Laid before Parliament 17 March 2021 SG/2021/82 laid under Section 53A of the Public Services Reform (Scotland) Act 2010

Care Inspectorate: Weekly Care Home deaths report – periods up to 14 March 2021 SG/2021/83 laid under 79A(3) of the Public Services Reform (Scotland) Act 2010

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