



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 21 December 2016

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 21 December 2016

CONTENTS

	Col.
OATH	1
PORTFOLIO QUESTION TIME	2
ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM	2
Marine Environment (Protection)	2
Protection of Wild Mammals (Scotland) Act 2002	4
Air Pollution	4
Climate Change Targets	6
Air Quality (Glasgow)	8
Air Passenger Duty (Effect on Emissions)	9
RURAL ECONOMY AND CONNECTIVITY	10
Fibre Broadband	10
Common Agricultural Policy (Payments)	12
Monifieth (Access to Rail Services)	14
Bus Services	15
Transport Issues (Fife)	17
PREMATURE BABIES (MATERNITY AND PATERNITY LEAVE)	19
<i>Motion debated—[Alison Johnstone].</i>	
Alison Johnstone (Lothian) (Green)	19
Kenneth Gibson (Cunninghame North) (SNP)	22
Donald Cameron (Highlands and Islands) (Con)	23
Richard Leonard (Central Scotland) (Lab)	25
John Finnie (Highlands and Islands) (Green)	27
Miles Briggs (Lothian) (Con)	28
Jeremy Balfour (Lothian) (Con)	29
The Minister for Employability and Training (Jamie Hepburn)	30
ILLEGAL PUPPY TRADE	33
<i>Motion debated—[Emma Harper].</i>	
Emma Harper (South Scotland) (SNP)	33
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	36
Oliver Mundell (Dumfriesshire) (Con)	37
Ruth Maguire (Cunninghame South) (SNP)	38
David Stewart (Highlands and Islands) (Lab)	39
Willie Coffey (Kilmarnock and Irvine Valley) (SNP)	41
Mark Ruskell (Mid Scotland and Fife) (Green)	42
Gail Ross (Caithness, Sutherland and Ross) (SNP)	44
Finlay Carson (Galloway and West Dumfries) (Con)	46
Kenneth Gibson (Cunninghame North) (SNP)	47
Colin Smyth (South Scotland) (Lab)	49
Clare Haughey (Rutherglen) (SNP)	51
Gillian Martin (Aberdeenshire East) (SNP)	53
The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham) ...	54
PROTECTING SCOTLAND'S LIVESTOCK	58
<i>Statement—[Fergus Ewing].</i>	
The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing)	58
BUSINESS MOTIONS	69
<i>Motions moved—[Joe FitzPatrick]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	71
<i>Motion moved—[Joe FitzPatrick].</i>	
DECISION TIME	72

Scottish Parliament

Wednesday 21 December 2016

[The Presiding Officer opened the meeting at 14:00]

Oath

The Presiding Officer (Ken Macintosh): Our first item of business this afternoon is taking of the oath by our new member. I invite Bill Bowman to take the oath.

Bill Bowman (North East Scotland) (Con): I, William Archibald Bowman, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law, so help me God. [Applause.]

Portfolio Question Time

Environment, Climate Change and Land Reform

14:01

Marine Environment (Protection)

1. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government whether it will provide an update on its work to protect the marine environment. (S5O-00489)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The Scottish Government has made considerable progress in its work to protect the marine environment. The national marine plan was adopted in March 2015 and provides a framework for consistent decision making that takes account of the marine environment. Work is now progressing to implement marine planning at regional scale. Marine protected areas provide additional protection to important locations in our seas, and the network now covers around 20 per cent of our marine area. Work to complete the network and deliver necessary and appropriate management measures will continue over the next couple of years.

Emma Harper: Coastal communities have always relied on the sea for their livelihoods. What is being done to ensure that efforts to protect the marine environment take into account the needs of our coastal communities, and that we eliminate illegal activity that affects the fishing industry?

Roseanna Cunningham: All the work to improve protection of the marine environment has been underpinned by stakeholder engagement and robust management. Stakeholder engagement has been undertaken at all levels—from national and regional stakeholder workshops, to meetings with marine industries, environmental non-governmental organisations and community groups, and consultation events in towns and villages around the coast. The decisions that the Scottish Government has made to protect the marine environment were based on scientific evidence and took proper account of the wide range of views that were received in response to public consultations.

The current work to devolve management of the Crown Estate, to roll out regional marine planning and to complete the MPA network will ensure that communities continue to have every opportunity to have their say.

Enforcement resources are deployed in Scottish waters using a risk-based intelligence-led system

to ensure that illegal activity is deterred or detected.

Finlay Carson (Galloway and West Dumfries) (Con): Given that Marine Scotland sees prevention of electrofishing as a priority, does the cabinet secretary agree that it is very concerning that there has been only one conviction in the past three years for illegal electrofishing in Galloway and West Dumfries? Does she agree that to ensure that the razor clam beds are protected we should now have an all-out ban on that illegal activity?

Roseanna Cunningham: Electrofishing for razor clams is currently illegal, and the Government has in its consultation sought views on whether it should be made legal. That consultation closed on 30 September and our response will be published soon. We consulted on the issue because some recent scientific evidence suggests that electrofishing could be a low-impact method of harvesting razor clams. The subject turns out to be not quite as straightforward as we had assumed. The prohibition is in European Union law, so if steps are to be taken to approve electrofishing, a considerable amount of work will have to be done on management arrangements. I am happy to deal directly with the member on that specific issue, if he so wishes.

Claudia Beamish (South Scotland) (Lab): Regional marine planning is essential, but so far—as the cabinet secretary knows—there are just two regional planning partnerships in operation as pilots. How is the Government working with local authorities to get more planning partnerships up and running and to ensure that they have the resource and expertise that are necessary to take that important initiative forward?

Roseanna Cunningham: I have signed a number of letters today in respect of the Clyde marine plan. Two plans are being progressed—for the Clyde and for Shetland. It is important that we have deliberately chosen two quite different areas so that we can explore issues around how they are to be managed.

It is also important to take things steadily—not all plans will happen in a short space of time. The roll-out of regional plans will take a number of years. I hope that Claudia Beamish will have patience with that, because we have to ensure that what we are doing works in the longer term. There are no immediate plans for a third or fourth regional plan, but that is because the first and the second have to be worked out carefully before we move on to more.

The Presiding Officer (Ken Macintosh): Question 2 has not been lodged.

Protection of Wild Mammals (Scotland) Act 2002

3. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what plans it has to amend the Protection of Wild Mammals (Scotland) Act 2002, in light of the review by Lord Bonomy. (S5O-00491)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I am aware that Colin Smyth takes a keen interest in animal welfare issues. We are considering the Rt Hon Lord Bonomy's findings carefully and will respond early next year. Any proposals for legislative change will be subject to the proper consultation processes.

Colin Smyth: Earlier this month, the *Dumfries & Galloway Standard* reported on an horrific case in which a Dumfries resident, Daniel Sauberlich, looked out of his back door and saw a fox in a neighbouring field. The fox began running towards him, but before it reached him a pack of dogs grabbed the fox, shook it around and left it for dead. It is clear that hunting and killing foxes with packs of dogs still takes place in Scotland.

Will the cabinet secretary give an assurance that, in any future consultation, the Government will consider not only the very welcome recommendations from Lord Bonomy's review in relation to such issues as extended time limits for prosecution, but further amendments to legislation that would remove the flushing-to-gun exemption and reduce to two the number of dogs in all exemptions?

Roseanna Cunningham: I am aware of that specific incident. The Protection of Wild Mammals (Scotland) Act 2002 makes it an offence to deliberately hunt a wild mammal with a dog, but there is still some need for vermin control, so there must be ways for that to happen. Lord Bonomy has given us a detailed outline of the measures that he considers may need to be taken into account. I have indicated that we will respond formally to him in January. If the situation requires primary legislation, there will obviously be further consultation. In any case, we will come back to discuss any response that we make to his review. I confidently expect that Colin Smyth will want to be part of that process.

Air Pollution

4. **Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government what action it is taking to tackle air pollution. (S5O-00492)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The cleaner air for Scotland strategy sets out a series of actions for

Government, Transport Scotland, local authorities and others to further reduce air pollution across Scotland. Financial and other support is provided to local authorities to assist them with monitoring and implementing local actions to improve air quality. The recent budget identified an additional £1 million to support that priority work.

Rhoda Grant: As the cabinet secretary will be aware, we have made quite a lot of progress in cutting carbon emissions from electricity generation but very little progress in cutting carbon emissions from cars and from transport more generally. What infrastructure is required to make a step change? For instance, do we need more charging points, or incentives for people to clean up their vehicles?

Roseanna Cunningham: Quite a lot of activity goes on at local authority level in particular, because it is primarily councils that deal with local air-quality management issues. I am sure that Rhoda Grant will have noticed that the Minister for Transport and the Islands is sitting next to me; he may want to contribute specific thoughts to the discussion. We work closely with Transport Scotland, and there are on-going discussions about the possible introduction of a low-emissions zone, or zones. Again, that would be done—as such things always must be done—in partnership with local government. I hope that we will be able to fulfil the manifesto commitment to have that in place by—when is it?

The Minister for Transport and the Islands (Humza Yousaf): It is 2018.

Roseanna Cunningham: Right. We hope to have it in place by 2018. Such action is best taken at the more local level ideally, because different kinds of management will be required to make the policy work, rather than trying to implement it across the whole of Scotland.

Joan McAlpine (South Scotland) (SNP): Can the cabinet secretary give details of how air pollution in Scotland compares with air pollution in the rest of the United Kingdom and Europe?

Roseanna Cunningham: Air quality in Scotland compares relatively well with air quality in the rest of the UK and Europe. We comply with European Union requirements on fine particulate matter—other than in respect of some issues around Hope Street in Glasgow. That can be compared to the situation in Paris and other French cities, for example, where emergency measures have been introduced as a result of such levels. The situation is often replicated in cities, especially in central and southern Europe. The monitor in Glasgow is intended only to measure the worst-case scenario and is not representative of normal public exposure. In general and in particular, we seem to

be doing relatively well in comparison with the rest of Europe.

Climate Change Targets

5. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government how its proposed new climate change targets will take account of the Paris agreement's goal of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels. (S5O-00493)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): The Scottish Government's forthcoming climate change bill will reflect the increased global ambition of the Paris agreement by setting new statutory greenhouse gas emission reduction targets, which will include a more testing 2020 target. The Scottish Government's approach to climate change targets is based on the best available evidence, and we have commissioned independent advice from the United Kingdom Committee on Climate Change on the appropriate levels, forms and mechanisms for targets in the bill. The committee has issued a call for evidence in relation to its advice, which will remain open until 1 February 2017.

Patrick Harvie: Even before the Paris agreement raised the level of global ambition on limiting the temperature increase, it was clear that the bulk of the world's fossil fuels are unburnable. We have far greater existing reserves of fossil fuels than we can afford to burn, even if we were to restrain warming to 2°C.

Given the increased ambition, the proportion of burnable fossil fuels will reduce even further. Is there not a strong case for the climate change legislation to not only set the right emissions reduction targets but place clear limits on the extraction of fossil fuels? Extraction will have to come to an end if we are to have the remotest chance of achieving the 1.5°C goal.

Roseanna Cunningham: As I indicated, we are awaiting advice from the Committee on Climate Change for the climate change bill, which has not yet been introduced in Parliament and is still the subject of considerable discussion. I hear what Patrick Harvie says and I will ensure that his views are reflected in any discussions that we have.

I should add that Scotland is a member of the under 2 MOU—memorandum of understanding—coalition, which covers more than a billion people around the world in states and regions. As a signatory to the MOU, we recognise that global ambition must be increased to meet the Paris agreement goals.

For additional advice, I will quote the First Minister, who said at the Arctic Circle Assembly:

“it is essential that the world meets the overall target we set ourselves in Paris, of limiting global temperature increases to well below 2 degrees Celsius, and making serious efforts to keep them below 1.5 degrees.”

I hope that Patrick Harvie is happy with that statement of intent.

David Stewart (Highlands and Islands) (Lab):

The Paris agreement will require complex and detailed planning to meet the 2020 and 2050 targets. How important is the TIMES accounting model as a tool in achieving the future climate change targets?

Roseanna Cunningham: For those who are not familiar with the TIMES model, I say that it is a relatively recent innovation that the Scottish Government is using that has made working out the proposals that need to be in the climate change plan rather more straightforward this time around than it was the last time that we had to do that. The model allows us to feed in scenarios and get a clear indication of what the result would be. That will be a vital tool as we move forward with the climate change plan, which still has to be laid before Parliament, and when we come to setting much tougher targets for ourselves in the proposed climate change bill. The TIMES model will give us clarity on what will be achieved when we take certain actions.

Gillian Martin (Aberdeenshire East) (SNP): I declare that I am the parliamentary liaison officer to the cabinet secretary.

Does the cabinet secretary agree that Scotland is a world leader on tackling climate change, given our ambitious targets and our success in meeting our 2020 targets six years early? Does she agree that it is important that we continue to show the international community that significant emissions reductions are deliverable?

Roseanna Cunningham: When one leaves Scotland to have a conversation about climate change, it is interesting to find the extent to which people recognise and are cognisant of the advances that have been made here. Even the environmental non-governmental organisations that delight in tweaking our tails in Scotland will nevertheless go out of Scotland and boast quite widely of the successes that have been achieved. Therefore, I agree with that.

It is worth saying that we are recognised outside Scotland for the work that we have done. It is important that we do not always simply look inside and that we consider that validation is coming from elsewhere. At the climate change talks in Morocco, I met Patricia Espinosa, the head of the United Nations climate body, and she called Scotland meeting its 2020 targets six years early a “great achievement”. The Climate Group is extremely interested in what we have done and

the great advances that we have made, and it hopes to use our example to encourage other states and regions to achieve the same. It is right that we understand that we have international validation for what we do and that it is recognised as world leading.

Air Quality (Glasgow)

6. Annie Wells (Glasgow) (Con): To ask the Scottish Government what steps it is taking to monitor and improve air quality in Glasgow. (S5O-00494)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): Under the Environment Act 1995 and associated regulations, all Scottish local authorities are required to regularly review air quality in their areas against objectives for several pollutants that are of particular concern for human health. Glasgow City Council has produced an air quality action plan that contains a comprehensive range of measures to improve air quality in Glasgow. The Scottish Government is working closely with the council as it implements the measures that are contained in the plan and the Government is providing practical and financial assistance to monitor air quality and support delivery of measures.

Annie Wells: Data from the World Health Organization puts Glasgow among 11 urban areas in the United Kingdom and Ireland that regularly exceed safe levels of air pollution. Given that that is bad not only for people’s health but for the wider environment, what action will the Scottish Government take to encourage more people to choose greener ways to travel?

Roseanna Cunningham: The Government is making considerable progress on persuading people that the use of public transport is in many cases a smarter option than private car use. If people want to use private cars, there is the growing option of electric vehicles, with a widening range of charging points, and there is the potentially exciting innovation that may come from hydrogen. All those things are there and we encourage everybody to take them up if possible.

The member will have heard the comments that I made earlier about Glasgow, which also pertain to her question. To pick up on one important thing that she said, we need to understand and accept the massive health impact that poor air quality has. It is an extraordinary human health issue, and we need to take air quality much more seriously in that regard, as well as considering the environmental impacts.

Air Passenger Duty (Effect on Emissions)

7. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government how it will compensate for the reported 60,000 tonnes of additional emissions that could be caused by it introducing a 50 per cent reduction in air passenger duty. (S5O-00495)

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): Our plan to cut air departure tax by 50 per cent by the end of the session and then abolish it when public finances permit is a key to improving Scotland's international connectivity. That is particularly important in light of the economic uncertainty that has been caused by the outcome of the European Union referendum.

Our approach will be taken forward in the context of the Scottish Government's overall approach to reducing emissions. The Committee on Climate Change's most recent report on Scotland's progress towards meeting the targets advised that any increase in emissions from reducing the tax is likely to be "manageable". We will also consult on how a 50 per cent reduction could be delivered as part of the strategic environmental assessment process.

Iain Gray: When considering the overall plans, the cabinet secretary must understand that air travel is responsible for 13 per cent of Scotland's transport emissions. It is the biggest emitter of carbon dioxide per passenger kilometre of any form of transport, and it is the only sector in which emissions have risen significantly over the past 20 years. Can she not see that her Government's plans to abolish APD will drive a coach and horses—or perhaps fly a jumbo jet—through her Government's credibility on climate change?

Roseanna Cunningham: The short answer is that I suggest that Iain Gray takes up the issue directly with the Committee on Climate Change, which is where we get our advice. It has advised us that any increase is "manageable" across all Government emissions, and we have made the choice because we believe that it will have significant economic benefits.

Angus MacDonald (Falkirk East) (SNP): The cabinet secretary mentioned the United Kingdom Committee on Climate Change. What is her view on its statement that, because of the industry's international nature, future policy approaches to aviation emissions should be at the global or EU level?

Roseanna Cunningham: Many of the key levers are at those levels, so we support the committee's call for international policy approaches to aviation emissions. We recognise the importance of such emissions and we are showing global leadership by including them in our domestic targets.

Murdo Fraser (Mid Scotland and Fife) (Con):

Does the cabinet secretary agree that there would be fewer environmental concerns if we reduced APD on only long-haul flights? If we did that, we would not see the prospect of modal shift from surface travel to short-haul flights.

Roseanna Cunningham: As I advised Iain Gray in my response to him, I advise Murdo Fraser—as I have done on a number of occasions in respect of climate change—that we take advice from the Committee on Climate Change, which has given us a general answer about emissions. How those emissions are composed in connection with a reduction in APD is a matter on which we will make a decision in discussion with others. I hear what Murdo Fraser has to say but, if he thinks that I will stand here and endorse Conservative Party policy without further consultation, he is very wrong.

Rural Economy and Connectivity

Fibre Broadband

1. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government what is being done to provide access to fibre broadband in areas where there is an insufficiency of hardware to meet demand. (S5O-00499)

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): The Scottish Government and our partners are investing more than £400 million in the digital Scotland superfast broadband programme to extend fibre broadband access to at least 95 per cent of homes and businesses across Scotland by the end of 2017. The digital Scotland programme has given access to fibre broadband to around 679,000 homes and businesses, over 90 per cent of which are capable of receiving superfast speeds.

The programme is delivering new fibre infrastructure in areas that the market would not otherwise have reached. Where demand exceeds capacity in an area connected by the digital Scotland superfast broadband programme, extra equipment can be added to the existing fibre cabinets, or a new larger capacity cabinet can be built, to ensure that everyone can connect to fibre.

Alex Cole-Hamilton: The village of Kirkliston is a beautiful and welcoming community just 8 miles from the chamber. Its citizens pay the City of Edinburgh Council's council tax rates and Edinburgh property prices, but they are often overlooked when it comes to things such as affordable public transport links and even—until two weeks ago—Christmas lights. On five occasions in the past four years, residents have been told to ready themselves for the arrival of fibre optic broadband, only to be thwarted for a

range of reasons to do with hardware and cabling connections to the nearest exchange. This summer, to a frisson of excitement, some streets started receiving faster broadband, but—again because of hardware issues—that stalled, with many homes making do with near dial-up speeds of 2Mbps, which is 90 per cent lower than the city average.

Can the cabinet secretary advise my constituents in Kirkliston when they can expect to be fully connected, and how he plans to work with digital Scotland to better manage expectations for fibre optic roll-out?

Fergus Ewing: I am pleased to note that, at the end of quarter 1 in 2016-17, around 3,300 premises in Mr Cole-Hamilton's Edinburgh Western constituency had been connected to the fibre network, with at least 3,200 able to receive superfast speeds.

Mr Cole-Hamilton's constituency is indeed in the City of Edinburgh Council local authority area, where, by the end of the same quarter, approximately 12,500 premises had been connected to the fibre network by the digital Scotland programme, providing 92.7 per cent coverage, with at least 91.7 per cent able to receive superfast speeds.

If Mr Cole-Hamilton had given me notice about Kirkliston, I would have looked at that area specifically. I am happy to do so if he wishes to write to me. However, I am proud of the fact that, because of our £400 million programme, we are proceeding towards 95 per cent coverage by the end of next year, and 679,000 homes have already been connected. Had we not had that programme, coverage would have been not 95 per cent but 66 per cent. I put those facts into the equation.

Stuart McMillan (Greenock and Inverclyde) (SNP): Will the cabinet secretary consider amending procurement regulations to ensure that there is a presumption in favour of installing broadband connectivity when any new buildings are constructed, whether they are fully funded or part funded by public money?

Fergus Ewing: We have been working to enable the roll-out of digital technology as swiftly as possible, particularly in relation to permitted development rights for mobile masts. Many local authorities—not least those in my own part of Scotland—lobbied us for that. Mr McMillan makes a sensible point and I am happy to look into it as a positive contribution to the debate.

Jamie Greene (West Scotland) (Con): Mr Cole-Hamilton made a pertinent point. Many people who live in urban areas in towns—such as Kilwinning in my region—or even in cities are frustrated that, although fibre is being delivered to

local cabinets, they still cannot access high-speed internet. Can the cabinet secretary confirm that none of the residential or commercial premises that are unable to access high-speed broadband has been counted in the current success statistics? Will he guarantee that every one of them will have access by the end of the parliamentary session?

Fergus Ewing: The member should know, because he has heard this before—as have many other members—that a quarterly audit process is carried out to audit and analyse performance under the contract. The figure of 679,000, which I mentioned to him at committee this morning, is not yet audited, but once it has been, we will be able to see that we are well advanced on our way towards meeting our targets. Further, although the Conservatives do not like to hear this, Audit Scotland has already said in its independent report that we are well on track to achieve performance under our contract. If the member is not interested in that, I can tell him that Ofcom, the independent United Kingdom regulator, has said that Scotland is making faster progress than the rest of the UK. I will not be satisfied until we have achieved the universal coverage that is in our manifesto. Surely, at this time of the year, we could expect a little bit more from what is supposed to be the main Opposition than unremitting negativity.

Rhoda Grant (Highlands and Islands) (Lab): The cabinet secretary will be aware that people who live in rural areas are often some distance from fibre. What other future-proofed and high-speed technologies will be used in those areas?

Fergus Ewing: That was a more sensible question than the previous one, if I may say so. Rhoda Grant is quite right to say, as she did at committee this morning, that we need to examine different approaches to different solutions for different parts of Scotland. Community broadband is working in 77 projects, for example, and a special project is being developed by BT to provide better coverage in the Western Isles. There is a variety of technologies, and we are open to working with any member who wants to contribute in a positive fashion.

Common Agricultural Policy (Payments)

2. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Government whether it will provide an update on the information technology system for common agricultural policy payments. (S5O-00500)

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): During my statement to members on 13 September, I committed to reporting back to Parliament in January 2017 on the progress that has been made.

Claudia Beamish: In 2017, the Scottish Government will need to deliver the balance of payments for the loan scheme as well as the remaining balance for the coupled beef and sheep schemes and the vital less favoured areas support scheme. I understand that no timeline has been provided for the delivery of those payments. Can the cabinet secretary clarify when the payments of the balance will begin and when they will be completed?

Fergus Ewing: Claudia Beamish refers to the national loan scheme that we have introduced, and my understanding is that nearly 13,000 farmers have chosen to avail themselves of that scheme, which injected £260 million into the rural economy around the first fortnight of November. That is a good thing, and I think that most farmers—at least those outside the chamber—have welcomed it. [*Laughter.*]

On the specific point that Claudia Beamish makes, just last week I met the chief executive of the IT contractors CGI. Obviously, we are pressing for timeous delivery of all payments by the deadline of June next year. We expect to have repaid the financial transaction element that finances the loan repayments by the end of this financial year or thereabouts.

Peter Chapman (North East Scotland) (Con): I refer members to my entry in the register of members' interests. [*Applause.*]

The cabinet secretary will be aware that there have been significant issues relating to transferring entitlements, with many farmers unable to receive payment for many months. By what date will the IT system be able to process entitlement transfers?

Fergus Ewing: Obviously, there are a great many different cases, and they are all triggered at different times because farms are not sold on 1 January; they are sold or transferred throughout the year. There is no cohort of transactions called "transfer of entitlements" that fall to be dealt with on any particular date. It would be ludicrous to suggest that there was. However, in the spirit of Christmas, I am happy to write to the member to confirm that we shall be tackling all payments as swiftly as we can.

The issue is a serious one for those farmers who are involved in transfers of entitlements. As the member knows, there are complexities, but we all want to ensure that these matters are processed as quickly as possible.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I draw members' attention to my registered agricultural holding of a massive 3 acres.

What measures are being taken to address the costs of the common agricultural policy futures system and to ensure that CAP payments are put on a better footing in future?

Fergus Ewing: I say in reply to the smallholder that we have been working to bear down on the costs of the CAP futures system. From November, we expect to see savings of more than 10 per cent on the cost of the contractor, with the supplier taking the risk on delivery of the savings. In addition, as a result of the negotiations with the contractor that I have overseen, there will be a new penalty and service credit regime in place that will incentivise timely delivery and impose financial penalties where those timetables are not met. I hope that that commercial discipline will help us deliver efficaciously our obligations in respect of the CAP futures system.

Monifieth (Access to Rail Services)

3. **Graeme Dey (Angus South) (SNP):** To ask the Scottish Government how it will improve access to rail for residents of Monifieth. (S5O-00501)

The Minister for Transport and the Islands (Humza Yousaf): Since the introduction of additional ScotRail services between Monifieth and Dundee in 2013, the number of passengers using Monifieth station has more than doubled. I am pleased to confirm that plans are currently being developed by ScotRail to further enhance the service by the end of 2018. That will improve rail connections for the residents of Monifieth and, indeed, the wider region. The Scottish Government is committed to enhancing rail services and connectivity, and the success at Monifieth is being replicated across Scotland.

Graeme Dey: The minister is right to point out that there was an increase of 88 per cent immediately after the introduction of additional services in 2013, and there has been a 42 per cent increase since then. However, all told, there is still a maximum of only seven trains a day serving Monifieth. Might there be any scope to further meet the clearly evidenced demand for rail access in the town ahead of the very welcome introduction of the hourly coastal service in mid to late 2018?

Humza Yousaf: The member is right to point out that Monifieth is in our plans as part of our investment in the revolution in rail. He is also right to point out the increase in the number of passengers using Monifieth station, and I reiterate that plans are being developed for towards the end of 2018. However, I will certainly take his comments back to ScotRail and flag them for consideration of whether anything can be done before then. I caveat that by saying that it can be extremely difficult. As he knows, additional

carriages or additional services at one station or on one particular service usually mean the diminution of services at other stations, unless we can find more rolling stock, which ScotRail is actively looking to do. I will take that back to ScotRail and I will update the member.

Bus Services

4. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what its position is on whether Scotland has good bus services. (S5O-00502)

The Minister for Transport and the Islands (Humza Yousaf): Yes, but there is clearly room for improvement. The most important opinion on the quality of bus services comes from the passenger. The most recent bus passenger survey reflects an increase over the past three years in passenger satisfaction. The survey and the work of Bus Users Scotland help us to understand how services are perceived by customers and, importantly, they identify areas for improvement, which we are committed to.

Neil Findlay: If the minister believes that we have good bus services, I do not know what planet he is living on. Bus services in many areas of Scotland are diabolical and, in many areas, services do not exist, so how on earth did we end up with a £9 million underspend in last year's budget?

Humza Yousaf: All I can say is that the decline in the number of bus passengers has been happening since the 1960s. In fact, the steepest decline was between the 1960s and 1985, when buses were regulated. I point out to the member that the worst decline has been in Glasgow and the west of Scotland, where local authorities have been in charge of bus services for many years.

The member is right to say that the situation is not where we want it to be. He will have noticed in the budget statement last week by the Cabinet Secretary for Finance and Constitution, Derek Mackay, that, because of that, the bus service operators grant of £50 million has been increased by an additional few million pounds. Discussions are taking place with the bus operators about how we can improve services. I would not call it diabolical.

I know that the member has some issues and that we have some differences. In the spirit of Christmas and reaching out to people, I say to him that the Government has committed to a transport bill, and there will be a bus element in it. There are clearly differences between us about the approach, but if he and his party come with considered proposals, I want them to be part of the solution. We can work together to improve bus

services and to reverse the decline in bus patronage.

Liam Kerr (North East Scotland) (Con): As the minister has flagged to Graeme Dey, in the north-east of Scotland good and reliable rail services are as valuable and important as good bus services. Does the minister agree that it is very disappointing that, according to the "Annual efficiency and finance assessment of Network Rail 2015-16", there has been

"slower-than-expected progress on the Aberdeen to Inverness journey time improvement project"?

Also, given the Aberdeen western peripheral route delays and the fact that Aberdeen airport receives less funding than any other Scottish airport, can we conclude that the Scottish Government pays only lip service to improving connectivity in the north-east?

Humza Yousaf: The Christmas Grinch has most certainly arrived, Presiding Officer. The Government can point to the AWPR, the significant investment in dualling the A9 and the A96, and the promised improvements to the Haudagain roundabout. Laurencekirk junction is being delivered by this Government, when other Governments refused to do it. We have a great record in the north-east and I look forward to continued investment there.

I say to the member—come on, don't be the Christmas Grinch. It is the time for good festive spirit. Be generous in your considerations. Where there are delays and where improvements can be made, we will work with local partners as we have done with Aberdeen City Council and Aberdeenshire Council. As part of the funding that we are providing to improve rail services and transport services, there will be a £5 million transport appraisal. If the member wants to come forward with considered and costed proposals, they can be part of that appraisal.

Neil Bibby (West Scotland) (Lab): In the draft budget document, the Scottish Government states that it will

"constrain payments under the concessionary travel scheme ... as a result of a negotiated settlement with the bus sector",

yet the bus industry body says that the budget for concessionary travel appears markedly below the current projected costs for the scheme. Can the minister confirm whether a negotiated settlement with the bus industry has been reached?

Humza Yousaf: There was a very positive meeting with the bus industry yesterday. Discussions are still continuing.

I thought that the member might in his question have welcomed the fact that Derek Mackay promised to extend the concessionary travel

scheme to modern apprentices and for three months to those aged between 16 and 24 with a job grant. That was missing from his question. I am sure that it was just an accidental omission on his part. The Cabinet Secretary for the Rural Economy and Connectivity and the Cabinet Secretary for Finance and the Constitution have said that there will be a consultation on the concessionary travel scheme to ensure that we have long-term sustainability.

Discussions are going well with the bus operators. Once they come to a conclusion, I am sure that the member will be made well aware of that.

Transport Issues (Fife)

6. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government when it last discussed transport issues in Fife with ScotRail. (S5O-00504)

The Minister for Transport and the Islands (Humza Yousaf): My officials discussed transport issues in Fife with ScotRail on 13 December 2016. The meeting covered ScotRail's progress with delivering the initiatives as outlined in the performance improvement plan. I also met Shirley-Anne Somerville MSP and Douglas Chapman MP earlier this month to discuss west Fife rail issues.

Claire Baker: First, I thank the minister for agreeing to my request for a rail infrastructure consultation event to take place in Fife. I am sure that there will be much interest in that.

This month, I have been continually contacted by constituents travelling between Edinburgh and Fife, who are raising complaints about delays, cancellations and capacity. Those complaints have included ones about people being stranded at stations because of limited stops, often with families and young children, about having only two carriages on trains at rush hour and about peak-hour cancellations. That is not inspiring much festive spirit in Fife.

Fife passengers are being short changed. Can the minister give us any assurances that, as we enter the busy Christmas and new year period, the train service for Fife will be able to meet passenger demand?

Humza Yousaf: As I have said repeatedly both in the chamber and in public outside the chamber, rail performance is not at the level that I want it to be. Trying to be constructive, I note that, at the end of period 9, which was the last railway period to be completed, performance on the Fife route was 90.5 per cent, which is higher than for the franchise as a whole and over 2 per cent higher than the Great Britain average. It is not at the level that I want it to be, and I continue to say that. The member will have noticed the announcement from

Phil Verster last month that at peak times ScotRail is looking to reduce skip-stopping. We want ScotRail to go further, so I recognise what she says.

Fife Council and commuters in Fife have mentioned fares to me. I am pleased to say that, with the discounts that we have announced last week, those travelling from Markinch to Edinburgh, for example, will save £78.50 if they are on a monthly or annual season ticket. Of course, if rail fares were frozen, as the member had asked, there would be only a £63 saving. There is a considerable saving from the discounts.

I want to see an improvement in services and performance across the railway. The member articulates the points and the frustrations that passengers feel. I am committed to seeing an improvement—and we are seeing that improvement. I will continue to monitor improvement over time.

The Presiding Officer: That brings us to the end of portfolio questions.

Premature Babies (Maternity and Paternity Leave)

The Deputy Presiding Officer (Christine Grahame): The next item of business is a members' business debate on motion S5M-03029, in the name of Alison Johnstone, on extending maternity and paternity leave for parents of premature babies. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the campaign, the Smallest Things, which is calling on the UK Government to extend maternity and paternity leave and statutory maternity pay for parents of babies who are born prematurely; understands that, according to research by Bliss, there are an estimated 5,800 babies born every year in Scotland who require specialist neonatal hospital care; further understands that this extended period of care can have a serious impact on the health, wellbeing and financial security of the families concerned, including those in Lothian, and notes the introduction of the Maternity and Paternity Leave (Premature Birth) Bill in the House of Commons, which is a private member's bill that seeks to extend leave in these circumstances.

14:45

Alison Johnstone (Lothian) (Green): I am very glad to have the opportunity to lead this debate. I thank Catriona Ogilvy and Karen Stirrat, whose campaigns and petitions have gathered so much support. I also thank Bliss Scotland, the national charity supporting premature and sick babies, and the many local charities that help families and raise funds for neonatal units, including the members of Simpsons Special Care Babies in Lothian who are here in the public gallery.

I want to focus on two important matters: the Maternity and Paternity Leave (Premature Birth) Bill, which is a private member's bill in the House of Commons that seeks to extend maternity and paternity leave and pay for the parents of premature babies; and the steps that we can take in Scotland to improve financial support for families whose babies are born prematurely or require neonatal care.

I express my heartfelt support for Steve Reed's private member's bill in the Commons. Legislation relating to parental leave and pay is currently a reserved matter, but I am sure that many of us here wish every success to the campaign to extend parental leave and pay for the parents of premature babies. I understand that the bill will seek to extend paid maternity leave when babies are born before 37 weeks, allowing an additional week of statutory maternity pay for every full week the baby is born before term. That additional maternity leave could be used as shared parental leave between mothers and fathers.

Campaigners have been calling for such changes to parental leave legislation for years. Currently, parents of premature babies are not entitled to any additional maternity or paternity leave in the difficult, distressing, unexpected period between a premature birth and a baby's anticipated due date, which is time spent in a neonatal hospital ward. Research by Bliss estimates that families with babies in neonatal care can be faced with an average additional expense of around £218 a week, when extra costs such as childcare and travel are taken into account. Those costs can impact on the number of visits that parents can have with their premature baby.

Premature birth can also mean that mothers lose out on their last few weeks, which are the weeks when they were expecting to work for the wages that families rely on when they are budgeting for their baby. Families often count on those savings to cover the gap between the end of statutory maternity pay and returning to work. That degree of financial pressure can force parents to return to work earlier than they would like and before they feel their baby is ready for childcare. In some cases, it might not be appropriate for a baby to go into childcare. A baby born very prematurely—between 28 and 31 weeks of pregnancy—might spend, on average, 44 days in neonatal care, which is over six weeks in hospital: six weeks of parents not knowing when or if they will be able to take their tiny baby home.

New mothers can take 52 weeks of leave, but statutory maternity pay is available for only 39 of those weeks. A mum of a very premature baby returning to work after paid leave finishes would have had, on average, just 33 weeks at home with the baby, a far shorter time than the year of leave that many parents plan to take. Premature babies can take longer to reach developmental milestones during maternity leave. It cannot be right or fair that parental leave in the United Kingdom does not accommodate that difference. Additional paid parental leave is already available to parents of premature babies in a number of European countries, including Finland and Spain.

Extending leave and pay is the simplest and fairest way to address those problems. However, if the bill in Westminster does not progress, it is incumbent on us here in Scotland to listen to the clear message that campaigners are sending and find alternative ways of supporting the parents of premature babies and, indeed, parents of all babies in neonatal care. I ask the Scottish Government to do all that it can to deliver financial support to all parents whose babies need prolonged hospital care.

National health service paediatric hospitals lead excellent work that supports those who need help

with the unexpected cost of hospital care. However, the Scotland Act 2016 gives the Scottish Parliament the power to provide assistance with maternity expenses, and we have the power to create some new benefits. I ask the Scottish Government to heed the campaign and make support for parents in those circumstances as robust as possible.

We do not have the latitude to replace pay, but we could introduce a premature birth maternity grant or a neonatal care maternity grant to help parents with additional maternity expenses and take the financial shock out of a situation that no parent can prepare for. Let us build on the good work that is happening with the baby box scheme.

Sadly, up to 40 per cent of the mothers of premature babies are affected by postnatal depression. I am glad that the draft mental health strategy makes perinatal mental health a priority and that we will finally have a managed clinical network for perinatal mental health, but I would like more clarity on how front-line perinatal mental health services will be resourced. I note that Wales has already ring fenced Barnett consequentials that are related to perinatal mental health. The forthcoming review of maternity and neonatal services should highlight opportunities to improve maternal health.

Boosting the income of pregnant women is one of the best ways to improve their nutrition, mental health and overall wellbeing, and the healthier, wealthier children initiative is a well-evidenced approach to income maximisation. Midwives and health visitors have helped more than 10,000 families to gain over £11 million in benefits that they were entitled to, but which they did not know about. The Cabinet Secretary for Health and Sport has already given me a commitment to roll that out across the country. The urgent need to deliver that is made only too clear by today's annual report on child poverty in Scotland, which shows that 20,000 more children lived in poverty in 2014-15. That is a 14 per cent rise.

The parents of premature babies in particular face financial uncertainty while being deprived of valuable and precious time bonding with their new babies. Too many are forced to choose between putting their babies in childcare before they think that they are developmentally ready, or leaving work altogether. Extending paid leave for those parents is a matter of equality.

We cannot simply leave the matter to Westminster. We must look for alternative ways of supporting those families while we continue to push the UK Government to do the right thing. Let us do all that we can as a Parliament to help those parents and families.

14:52

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Alison Johnstone on bringing this debate to the chamber and, of course, I commend Catriona Ogilvy for launching her Smallest Things campaign and Steve Reed MP for introducing his bill in the House of Commons.

As we are all aware, employment matters, including parental leave, are reserved. The UK Parliament will have to decide whether and in what form to pass the proposed bill. However, it is still worth discussing these matters in the Scottish Parliament, and the debate rightly acknowledges that.

I also pay tribute to everyone who is involved with Bliss. I recognise the excellent work that it does to support families who are dealing with premature and vulnerable newborns.

Most of my constituents who give birth do so at Crosshouse hospital in Kilmarnock or at the Royal Alexandra hospital in Paisley. It is reassuring to know that Bliss has a presence in both hospitals through Bliss champions, who provide information and emotional support to parents whose babies are in neonatal units, and that the support does not stop the moment that their babies leave the hospital.

Even in ideal circumstances, welcoming a newborn baby into the world is an intense and exhausting experience, but how often have mothers said that all the trauma of labour and delivery melts away the moment that they hold their new baby in their arms for the first time? For around 5,800 babies each year, their parents do not get to experience that euphoric feeling, as their baby requires immediate neonatal care simply to keep it alive as soon as it is born. Instead, there is the heartache of not being able to hold the baby straight away and of not knowing whether their child will survive and how the premature arrival will affect the child's development as it grows up. In some cases, the mother will require medical care, which exacerbates the stress that the family is already under.

Aside from the desire that parents feel to be close to their newborn baby, the importance of early physical contact cannot be overstated, as it has been proven to have a significant and far-reaching impact on the child's mental and social development.

As a father, I was particularly struck to learn that nearly 70 per cent of fathers of premature babies end up having to return to work before their baby has even left the hospital's neonatal unit. I am therefore glad that the importance of the presence of babies' fathers is acknowledged in the scope of the bill.

Although parental leave is not devolved, there are things that the Scottish Government can do to increase the uptake of parental leave and reduce the trauma that often accompanies premature births. The Scottish ministers are considering ways to encourage parents to take up more of the parental leave to which they are entitled under the existing legislative framework. They are also in the process of carrying out a review of maternal and neonatal services—as Alison Johnstone pointed out—with a view to improving the care that is provided.

After extensive consultation with a variety of experts, patients and other stakeholders, the review group is now finalising its report, which is expected to be presented to ministers any day now. Indeed, perhaps the minister already has the report. I look forward to reading its findings and recommendations so that services can be further developed to meet the changing needs of babies and their parents.

When it comes to the start of a life, having excellent neonatal care alone is not enough. Babies need to be with their parents, and it is simply unfair that a premature date of birth eats into parental leave. A baby born at 28 weeks will on average spend the first 44 days of its life in a neonatal unit. One would think that a baby who has spent the first three months struggling to stay alive needs their parents to be around for a longer time, not a shorter time, once life really begins. With none of the euphoria that I described earlier, does it not seem unfair and damaging to send parents back to work three months earlier than other parents after their due date? That is no doubt why there are such high levels of postnatal depression, as Alison Johnstone mentioned.

People who have cheated death are often said to be living on borrowed time after that point in life. Taking the view that premature babies live on borrowed time until the day when they were meant to be born, starting the clock on parental leave any sooner than that simply makes no sense. *[Interruption.]*

I urge the Scottish Government to do all that it can to assist the parents of premature babies.

The Deputy Presiding Officer: Thank you, Mr Gibson. I think I heard the sound of a naughty mobile phone, but it has no doubt gone away.

14:56

Donald Cameron (Highlands and Islands) (Con): I warmly welcome the opportunity to contribute to the debate. I thank Alison Johnstone for lodging the motion for a members' business debate.

As a father of three young children, I recognise the supreme importance of parents being close to their children at birth and during the earliest stages of their development. I for one will never forget that moment of a child being born, with that heady mix of emotions: relief, elation, joy and exhaustion—even as a bystander.

For many parents, the days and weeks afterwards are exciting and daunting times, involving ensuring that their newborn receives round-the-clock care. We have been very lucky. All our children were born at term, and they were born healthy. I was able to hold my children and to give them that physical contact that Kenneth Gibson spoke about.

For some babies, sadly, much more support is required. Babies born with a severe or minor disability—and in this instance babies born prematurely—of course require extra attention, not just from their parents but also from clinical specialists. Frequently, they require intensive hospital care.

According to figures from Bliss Scotland, about 5,800 babies are born in Scotland every year who require specialist neonatal care. Almost half of that number are born prematurely. Depending on the time of birth, neonatal care can last anywhere between four and 93 days. It is therefore vital that our NHS has the facilities and staff who are able to ensure that babies requiring additional neonatal care receive the best possible treatment.

We are incredibly fortunate to live not only in a country where parental leave is supported but in a country that affords both parents the opportunity to take a period of leave from work so that they can care for their new offspring. For many years it was only the mother who was entitled to a full period of maternity leave, but the UK Government introduced the shared parental leave law, which allows parents the opportunity to share leave over a 50-week period. Moreover, if a child is born prematurely, statutory maternity leave commences the day after the child is born.

We are also fortunate to live in a country where leave is supported financially. Working parents are able to receive 90 per cent of average weekly earnings before tax for the first six weeks and thereafter either approximately £140 per week or 90 per cent of average weekly earnings. I fundamentally believe that those things are the sign of a country, a government and a society that support parents when they need it most.

Parental leave is of course a matter reserved to the UK Government, but we on these benches will do our utmost to ensure that the terms of the motion and the sentiments expressed in the chamber today reach the relevant people in Westminster.

Although the motion concentrates on parental leave, it is worth recalling that there is also an issue around funding the right neonatal and maternity services in our NHS. Much can be done. For example, in England, funding has been invested to improve facilities in maternity and neonatal care units across the country, creating projects that allow parent accommodation to be built, with bedrooms, kitchens, en suite facilities and so on, all designed to improve the environment for the parents and families of children receiving vital neonatal care.

I recognise that maternity staff in NHS Scotland do an incredible job in supporting babies and their families and I commend charities such as Bliss for all the work that they do in this area. However, let us ensure that our NHS here in Scotland receives adequate funding, that it has the staff to cope with increasing demand, that parents can access maternity services as close to home as possible and that our NHS hospitals have the necessary equipment to care for children who require specialist care at birth.

I hope that all the speeches in this debate will feed into the overall debate about how we support parents and babies. In that vein, I eagerly anticipate the Scottish Government's review of maternity and neonatal services so that we can plan how we will deliver this kind of care in the years ahead.

15:00

Richard Leonard (Central Scotland) (Lab): I thank Alison Johnstone for lodging her motion and so paving the way for this important debate.

It is often said that the measure of a society is how it treats its very oldest and its very youngest members. There are no younger members of our society than babies who are born prematurely in neonatal care, so the treatment of them and of their parents should be a matter of concern to us all. One of the single most important roles of this Parliament is to give voice to the voiceless, so let us speak up for the rights of those who may not yet speak and let us listen to those whose voices all too often go unheard.

In Scotland, nearly 6,000 babies are born each year who are admitted to a neonatal unit for life-saving care. For those babies, there is usually an early life of operations and high-dependency care, so there is an early life spent not at home but in hospital. As well as the emotional trauma that that brings many families, it means extra costs to travel to and from hospital and, in some cases, for additional childcare. For many, all too often it is a story of wages forgone because one or both parents can no longer meet the demands of their job and they go on unpaid leave. For some,

ultimately, it is not just wages that are forgone, but jobs and careers too, as too many parents are forced to give up work or, indeed, are dismissed.

More costs and reduced income is a combination that plunges too many families into debt, and the cost, of course, is not just pecuniary. Four out of 10 mothers of premature babies will suffer postnatal depression compared with one in 10 mothers of full-term babies, and that is not the end of it. Let me share with Parliament this afternoon the real-life example of constituents of mine, Donna and Gavin McColl and their daughter Mirren.

Mirren was born 10 weeks early and required two major operations. As a result, she was in hospital for the first four months of her life. Although Mirren is now at home, she still has to attend hospital regularly, with three hospital appointments this month and two next month, at Wishaw general, Monklands district general, the Royal hospital for sick children and Hairmyres. As Donna McColl said to me this week,

“hospital staff are great at keeping in touch, however community based i.e. health visitors and clubs are not prepared or trained enough.”

She also highlighted that the

“Aftercare and support available to families is poor.”

She takes Mirren to clubs—including massage, music and sensory classes—to help to minimise any developmental delay, but they all have to be paid for; none is free.

Because Mirren was in hospital for the first 16 weeks of her life, as Donna describes it, only five of her nine months' maternity leave have been spent with her daughter. That is the central point of this debate. The law on maternity and paternity leave assumes that babies are born at full term, but so many are not. That is why I, too, am pleased that a Labour MP, Steve Reed, has introduced the Maternity and Paternity Leave (Premature Birth) Bill in the House of Commons. The bill will go for a second reading in March next year and I am pleased that it has cross-party support, although I gently mention that no SNP MPs are recorded as having supported it at first reading—I am sure that that will be corrected in time for the second reading. In my view, the bill should have the support of every right-thinking member of Parliament and every right-thinking member of our society. As Alison Johnstone pointed out, it is not without international precedent.

Presiding Officer, I conclude by paying tribute to Bliss, which has campaigned since 1979 for babies who are born prematurely. It is—

The Deputy Presiding Officer: Yes—you must conclude, I am afraid. You have gone over four minutes.

Richard Leonard: Okay. Thank you.

15:05

John Finnie (Highlands and Islands) (Green): I thank the various groups who supplied briefings for the debate for those and for the outstanding support that they provide, which members have mentioned. I congratulate my colleague Alison Johnstone on securing the debate.

In a previous life, I was involved in dealing with the terms and conditions of police officers, which included maternity and paternity leave, in relation to which we had to put into practice hard-fought-for terms and conditions. It was a very male-dominated environment, particular in the senior ranks, and implementing the changes required a sizeable change in attitudes.

To this day, terms and conditions can be regarded as politically correct, trendy or downright frivolous, but many things that were regarded in that way in the past are now mainstream, such as those in relation to protected duties and reasonable adjustments. Things are far from perfect, but there has been progress in the past few decades, which I hope continues.

It is important that knowledge and understanding go hand in hand with such progress. Parents of premature babies are not entitled to additional maternity or paternity leave. Donald Cameron set out what parents are entitled to, but the significant point is that there are additional burdens and pressures on parents of premature babies, and the commendable proposal that is being considered at Westminster is for additional leave entitlement.

Dads are currently entitled to two weeks' paternity leave. Any objective assessment of the impact of the Maternity and Paternity Leave (Premature Birth) Bill, if it were to be passed, would demonstrate that the beneficiaries would be not just the mothers, the fathers and the babies but the siblings, all of whom will require physical, psychological and social support. It is also the case that the approach would benefit employers—not that that is how I view the issue.

Many of the problems of delivering healthcare are compounded by rurality, and the proposed approach would go some way towards offsetting some of the challenges in that regard—I accept that there are challenges regardless of geography.

Scotland rightly lauds the importance that it accords child development. I hope that the bill will be supported for the right reason: in the interests of the wellbeing of parents and premature

children. All the evidence is that a positive approach to terms and conditions reaps benefits for everyone, including progressive employers.

There is talk of the future introduction of shared parental leave and what that will mean. The approach will bring challenges. I agree that Scotland needs to listen to the clear message that campaigners are sending and find person-specific alternatives. We forget at our peril that the parents whom we are dealing with are individuals with individual circumstances and support needs. We can improve the law for the parents of not just premature babies but all babies in neonatal care.

I was reassured to hear Donald Cameron say that he will share the content of this debate with colleagues. That is important. Until he said that, I was very ready to intervene to ask what his position is. It is positive that members are making suggestions.

When I was researching the topic for this debate, I found an article from *The Guardian* entitled, "Mothers of premature babies also need care—as I know too well". The article was written last year by Joanna Moorhead, who concluded by saying:

"It's not the time to fall apart, and a little bit of support can make all the difference."

The proposed measure could help many people, and I commend Alison Johnstone for bringing it to our attention today.

15:09

Miles Briggs (Lothian) (Con): I congratulate Alison Johnstone on securing today's debate, in which I am pleased to take part.

I commend the excellent work of the staff of Bliss Scotland, whom I was pleased to meet recently. As the motion says, around 5,800 babies who need specialist neonatal care are born in Scotland each year, with half of those being born prematurely. Bliss Scotland plays an important role in supporting many families with sick and premature babies, including in the Lothian region that Alison Johnstone and I represent. I pay tribute to all those who work for and volunteer for this valuable charity, including—as Kenny Gibson outlined—the Bliss champions who work in hospitals across the country.

I recognise that parents of sick and premature babies who require extended periods of specialist hospital care will often experience immense worry and stress and face substantial extra financial pressures. Many parents in those circumstances talk about the difficulties of spending weeks or months in hospital unexpectedly when they had been looking forward to bonding with their new babies at home. The impact of that on parents'

mental health is really significant and is something that we also need to mention in the context of the debate.

We will all have genuine sympathy for parents in these circumstances. I am also very aware that many premature babies will have on-going health problems that make it more difficult for parents to return to work, with many babies requiring repeated hospital appointments after they come home.

Although statutory maternity leave is 52 weeks across the UK, parents who have been employees with the same employer for over a year have the right to a separate entitlement of parental leave of 18 weeks unpaid leave per parent per child up to a child's 18th birthday, of which up to four weeks can be taken in one year.

I am aware that some employers—who are to be commended—already try to be as flexible as possible with parents of premature babies by offering extra compassionate leave, sick leave, or the use of annual leave. However, I accept that parents, as well as Bliss and other charities, want to see more than just those informal arrangements and that we need to look at an extension of formal maternity and paternity leave and statutory maternity pay.

As Donald Cameron said, these matters are clearly within the remit of the UK Government. In light of today's debate and ahead of the second reading of the member's bill on this subject in the Commons next March, I will also be writing to the UK Government, asking it to take account of this debate and whether it will be conducting any further review in this area.

Although we must consider very carefully the financial consequences of extending statutory maternity pay and the potential impact of that on business—especially small businesses in Scotland—there are strong arguments that more can and should be done to support the specific needs and requirements of parents with premature babies.

I congratulate my colleague Alison Johnstone on bringing this important issue to Parliament and I hope that we can make further progress in the new year.

The Deputy Presiding Officer: Thank you, Mr Briggs. Mr Balfour—I can give you two minutes, if that is all right. That is all the time I have left.

15:12

Jeremy Balfour (Lothian) (Con): I thank Alison Johnstone for her speech. I want to make just a few brief comments, as someone who has experienced here in Edinburgh the care that we have been talking about. The experience that my

wife and I had at the Simpson centre for reproductive health was exemplary. We were fortunate to have twin girls, who were born at 34 weeks. It came as no surprise that they needed to be born early, but when they were rushed away into special care, the sense of loss and the fear that came with that were great. However, the care that they received, and that we received as a couple, was exemplary. I congratulate the Simpson centre on the support that it has given to many parents, and I congratulate Bliss on its work.

As Alison Johnstone, Kenneth Gibson and others have said, often when children are born prematurely the mother suffers greater postnatal depression. There are many good organisations across Scotland that offer support. Here in the Lothians, Juno perinatal mental health support has been offering volunteer support since 2015 by mothers who have suffered from the condition and have then gone on to support other mothers. Such organisations need to be welcomed and supported.

Clearly the birth of a child is the highlight of most parents' lives. It is so important to have support and help. As my two colleagues Miles Briggs and Donald Cameron will, I will be writing to the UK Government to ask it to look at the issues that have been raised today. Thank you, Presiding Officer, for fitting me in.

The Deputy Presiding Officer: Thank you very much, Mr Balfour. I am glad that I managed to fit you in. Jamie Hepburn will respond for the Government.

15:15

The Minister for Employability and Training (Jamie Hepburn): I join other members in thanking Alison Johnstone for securing the debate. I also thank members who have spoken in the debate and people in the gallery who have come specifically to witness the debate.

I acknowledge the importance of the matter that we are debating. I doubt that any of us in the chamber will not know a family that has been touched by the experience of premature birth. Donald Cameron and Kenny Gibson spoke of their experiences as fathers and the early contact with their children. I am a father, too: I know how important that early contact was for me. Our hearts go out to people who are denied that experience; it is incumbent on us to consider how we can better support such individuals.

The motion is in two parts: one refers to the Smallest Things campaign, which I will turn to in a minute, and the other refers to the Maternity and Paternity Leave (Premature Birth) Bill, which has been introduced in the House of Commons. I understand that the second reading of the bill was

originally scheduled for last week, but there was a debate on the Istanbul convention—the Council of Europe Convention on Preventing and Combating Violence Against Women—on that day, so the second reading will now take place in March. I will watch those proceedings with considerable interest. We have not seen the full details of the bill, but the Administration in Scotland is sympathetic to the general fair-work focus within it.

I welcome the Smallest Things campaign and the research that has been undertaken by Bliss, which recognises the specific extra challenges that parents of premature babies can face. Virtually every member who has spoken touched on those challenges. Members have spoken of the review of maternity and neonatal services that was announced by the Minister for Public Health in early 2015. Bliss was involved in that review, which examined the choice, quality and safety of maternity and neonatal services in the light of current evidence and best practice, in consultation with the workforce, the health boards and—of course—people who had been patients and had utilised such services. Mr Gibson asked whether I have had sight of the report. I confirm that I have not, but I know that the health ministers will update Parliament in due course on what it says.

As members have rightly reflected, the Scottish Government does not have responsibility for entitlement to maternity leave or statutory maternity and paternity pay. However, we do not let such things inhibit us in trying to make improvements; I have referred to the review of maternity and neonatal services. We also want to utilise some of the newly devolved social security powers that are coming our way and have set out that we will put in place a best start grant to replace the current sure start maternity grant. The new grant will provide increased financial support to eligible families with young children at key points throughout the early years of the child's life, which will mean significant improvements in support for young families.

Starting in two pilot areas from 1 January, with roll-out across Scotland from the summer of 2017, every newborn in Scotland will receive a baby box of essential items, including clothes, nappies, bedding, books and baby-care items. That initiative is very much informed by the experience of other European countries—which Alison Johnstone spoke about—especially Finland, which has seen a significant reduction in infant mortality largely because of such initiatives.

We are taking other actions as well. One area that is not our responsibility but that will become our responsibility in due course is tribunal fees. We have received information from the Ministry of Justice that shows a reduction of nearly 76 per cent in the number of pregnancy and maternity-

related discrimination cases that were brought to tribunals over July and September this year on the number in the same period in 2012, when there were no fees. I am not sure whether that constitutes a failure of policy or a success: it depends on how one views the motivation of the UK Government in introducing the measure. Of course, we disagree with its direction and we have committed to abolishing fees for employment tribunals when we are able to do so.

We will also seek to influence areas that are not in our control. One example is pregnancy and maternity discrimination, on which research from the Equality and Human Rights Commission and the Department for Business, Innovation and Skills found that around one in nine mothers reported being dismissed, being made compulsorily redundant or being treated so poorly that they felt that they had to leave their job. That is why I am chairing the working group that we have set up.

Alison Johnstone: I appreciate that it is a reserved matter, but for the sake of absolute clarity, does the minister agree that, as a matter of equity, maternity leave and pay should be extended for the parents of premature babies and those in neonatal care?

Jamie Hepburn: That is not our area of responsibility, but I believe that it should be. I have already said that we will be looking very closely at the legislation that is being taken forward by Mr Reed in the UK Parliament. Of course, the devil is always in the detail, but as far as the broad direction of travel is concerned, if I was not clear enough in setting out my sympathies with that direction, I hope that Alison Johnstone's intervention has allowed me to rectify the matter.

We have set up with a range of partners a working group on pregnancy and maternity discrimination, and I will be chairing that group as we take forward our work. To get to the nub of the issue, we do not want to bemoan the fact that we do not have power over certain areas—as we are often accused of doing—such as paid maternity leave, but we do have an agenda to embed a more flexible approach by employers, which is why we fund Family Friendly Working Scotland. As Miles Briggs rightly said, some employers are good at that, and others are not so good, so we will continue to push that agenda.

I assure members that, where we have responsibility, we will do all that we can to make improvements, and where we do not have responsibility, we will still do all that we can and will always be willing to explore such matters with the UK Government to ensure that this Parliament's voice is heard on matters for which Westminster still has responsibility.

Illegal Puppy Trade

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-02454, in the name of Emma Harper, on ending the illegal puppy trade. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the reported concerns about the illegal puppy trade and the view that this business is a blight on animal welfare that must be tackled; understands however that the trade is big business in Scotland, with thousands of dogs being brought into the country each year from Ireland in particular; further understands that the Scottish SPCA and activists in Stranraer have been attempting to disrupt such activity at the port of Cairnryan; believes that the animals involved are bred and kept in horrendous conditions, which can lead to illness and death; understands that, as Christmas approaches, more people might be tempted to purchase a puppy; notes the Scottish SPCA's recommendation that people should try to rehome a dog in the first instance but that, if someone is intent on buying a puppy, then they should do so from a reputable and licensed breeder and insist on seeing the puppy's mother and, if possible, father, as well as its living conditions; notes that it also states that puppies should not be purchased in a public place, such as a car park, and that this should set alarm bells ringing if it is suggested by the seller; understands that, while reputable breeders do advertise with it online, the charity generally advises against buying animals via the internet and that searching the seller's phone number online could reveal whether they deal in multiple litters and breeds, and notes the view that tackling illegal trafficking through raising public awareness of it is one of the primary ways that Scotland can begin to disrupt this cruel trade.

15:23

Emma Harper (South Scotland) (SNP): The motion is on ending the puppy trade. Ten per cent of puppies come from licensed breeders; the other 90 per cent are imported or rescued, or come from unlicensed breeders. It is estimated that illegal trafficking could be worth between £100 million and £300 million annually. It is a tax-avoidance, cash economy. Her Majesty's Revenue and Customs has a special task force addressing the trade.

I have learned that many hundreds, or even thousands, of puppies are trafficked illegally every year through the port of Cairnryan. "Illegally trafficked" means that dogs come into the United Kingdom from Ireland, the European Union and Northern Ireland and then into Scotland without legal documents, including EU pet passports. It means that they come from industrial-sized farms that do not support best animal welfare practices.

I would like to credit the campaigners Eileen Bryant, who is here today, and Raymond Carvill, who established the local group. They have worked closely with the Scottish SPCA

investigations unit—with Mark Rafferty and his team, who are also in the gallery today—and with the trading standards staff at Dumfries and Galloway Council. Those people deserve credit for their work so far to detect, deter, disrupt and even detain people who break the law, so that we can put an end to the heinous illegal puppy trade.

I have received advice from many campaigners including puppy love campaigns, the television vet Dr Marc Abraham, who founded the pup aid campaign; and my Westminster colleagues Dr Paul Monaghan MP and Dr Lisa Cameron MP, along with my friend and colleague Richard Arkless MP. I thank them all.

One of the issues that concerns me is the welfare of puppies that are bred in industrial numbers under factory-like conditions. It has been verified that there were as many as 500 bitches in one facility. The Animal Health and Welfare (Scotland) Act 2006 states:

"A person commits an offence if the person does not take such steps as are reasonable ... to ensure that the needs of an animal ... are met",

including its need

"for a suitable environment ... for a suitable diet ... to be able to exhibit normal behaviour patterns ... to be housed with ... other animals",

and

"to be protected from suffering, injury and disease."

In the case of illegal trafficking, those needs are not being met.

How can a bitch and her pups receive the human contact that they need to be good pets if they are not afforded human contact because they are bred in such massive numbers? In the British Academy of Film and Television Arts award-winning BBC Scotland documentary "The Dog Factory", investigative reporter Sam Poling exposed the traffickers and the animal welfare issues. Some traffickers purposely starve and dehydrate the puppies because a weak puppy makes less noise, which makes them undetectable. Experts state that there is a very real chance that rabies will enter the United Kingdom through the dog trafficking route. The welfare crimes and abuses that are involved in the puppy trade can be far reaching. They start with the mother: a breeding bitch kept on a crowded puppy farm, overbred and devoid of human contact.

One of the farms that was investigated uses an automated feeding system that is similar to the ones that are used in battery farming. It is a labour-saving device that further reduces the need for human contact. The mothers barked constantly, creating a continuous racket, which is not ideal for whelping or as a birthing environment.

One owner applied for a handgun licence for the specific purpose of disposing of the mothers when they were no longer able to produce litters. The bitches are discardable—that is despicable and illegal.

The pups were kept in freezing-cold trailers elsewhere on the farm. They were just weeks old and separated from their mums, and they were frightened and huddled together for warmth. Early separation from their mother can affect their immune system, leaving them susceptible to terminal diseases such as parvovirus, which can kill days after an unsuspecting buyer completes the sale—often for hundreds of pounds. Several new pup owners described veterinary bills of more than £1,000 as they tried to save their brand-new pups, which ultimately died a few days after the purchase. That is heartbreaking for the new owners. If the pups survive, their lack of proper socialisation at an early age will likely cause behavioural issues, making them difficult pets.

On an optimistic note, action is being taken. The Scottish SPCA's impressive operation delphin is a partnership with the ferry operator Stena Line, Police Scotland and HMRC that has been set up to fight the illegal trade. The fact that those organisations have worked together so effectively is testament to everyone's commitment to tackle the trafficking and welfare issues that I have highlighted.

Scotland is a country of animal lovers, and part of the task that we face is to make the public aware of the horrors of the trade and to encourage best puppy-purchasing practice. Anyone who is buying a puppy should ensure that they see the dogs in a homely environment with the pup's mother, and breeders should keep the pup until it is old enough to be rehomed. The buyer should insist on seeing the required sale documents. Legitimate breeders will not have a problem with that. If any excuse is made as to why it is not possible, potential buyers should walk away and contact the Scottish SPCA. No one should ever buy a puppy in a public place such as a car park, and if such an arrangement is suggested by a seller it should set alarm bells ringing.

Options for future Government consideration of changes to the law could include ending third-party sales; allowing purchases directly from licensed breeders only; and compiling a national linked register of approved breeders. We could give local councils the ability to self-fund licensing schemes, and we might consider a minimum human-to-dog ratio in breeding establishments so that adequate human contact and health observation are achieved. The Twitter hashtags #nomumnosale and #wheresmum are designed to help to educate people about the issues.

I spoke with my local canine rescue centre at Glencaple over the weekend, and found that it has 26 dogs available for rehoming, including two bonnie collies called Sam and Midge.

Presiding Officer, thank you for allowing me to highlight my concerns over animal welfare issues related to the illegal trafficking of puppies. Scotland should lead the way not only in the UK but in the world by addressing some of the issues that I have spoken about. I look forward to the Government's response and I remind everyone this Christmas of the hashtag #nomumnosale.

The Deputy Presiding Officer: We move to the open debate, with speeches of four minutes, please. We have a lot of speakers, so please keep to that timing.

15:30

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Emma Harper on securing the debate and I welcome her determination to end this heinous trade, which brings misery to the bitches and puppies in these factories. If members are in any doubt about what life is like for them, they can watch the programme that my colleague mentioned. The reporter who did the investigation took considerable risks, given that criminals are running those factories.

It is somewhat depressing that, 12 years after I introduced my proposal for a member's bill on the transportation and sale of puppies in 2004, the trade continues. However, that bill proposal was not wasted because, after discussions with Ross Finnie, the then Minister for Environment and Rural Development, regulations were introduced under the Animal Health and Welfare (Scotland) Act 2006 on the licensing of animal dealers of young cats and dogs. Those regulations came into force on 1 November 2008. Among other things, they attempt to regulate possession and sale of a cat or dog under 84 days old. That is a step in the right direction, but we all know that the criminal trade continues.

Today, puppies are sometimes placed with surrogate bitches to trick a purchaser into thinking that they are the mother. Puppies are now sold not just in public places out of the back of vans and through newspaper advertisements but on the internet. The cross-party group on animal welfare heard at its most recent meeting that kittens—just wee moggies to us—can go for hundreds of pounds. The animals are often sick and, as has been mentioned, they have not been socialised. Worse than that, they have been traumatised by their short life to date.

So, what to do? Legislation has its place, but so does the Inland Revenue, as has been mentioned.

We should remember that Al Capone was downed by the Internal Revenue Service. The traders involved make big bucks. Police Scotland shares units with Her Majesty's Customs and Revenue at Gartcosh. I am glad that they are liaising, but I ask for more.

Without demand, there is no production line, which is what these companion animals are to the heartless people involved. I ask the Scottish Government to launch a campaign to highlight the trade and to educate people to research the dealers and never, ever to buy online. People mean well, and once they have seen the sad-eyed puppy or kitten, they are not heartless, although the dealers are. However, people should remember that, for every kitten or puppy that they buy or rescue from those criminal dealers, another is waiting on the production line. Stop the purchase and we stop the production.

15:33

Oliver Mundell (Dumfriesshire) (Con): I congratulate Emma Harper on securing the debate and I recognise the lead that she has taken on the issue locally since her election to the Parliament in May. Indeed, having seen her Twitter feed over the past few weeks, even my Tory Brexiteer heart has been melted. I understand that a number of colleagues made some new friends in the garden lobby at lunch time.

To look behind all the cute and fluffy advocates of the cause, I, like Emma Harper and many others across Dumfries and Galloway, believe that we cannot afford to ignore the issue and the dark and often barbaric practices that go with it. As the motion rightly stresses, we often see the presence of the illegal trade in puppies on our doorstep. Puppies are being imported on an industrial scale from what can only be described as puppy factories in Ireland. They are brought in from the port of Cairnryan and one cannot help but feel that recent cases, in which tens of puppies have been seized at a time and which have attracted wide exposure, are only the tip of the iceberg.

How can it be right to exploit such young and vulnerable animals for profit? It makes one feel sick when one hears of puppies as young as four weeks old being removed from their mother, after having been born into appalling conditions, and then being bundled into boxes to be transported without having been fed properly.

Such incidents are a blight on our animal welfare standards and should worry us all. I know that they are a cause of great concern to my constituents. To profit on such a scale from the untold misery and cruelty that those practices cause is disgusting. As today's briefing from OneKind rightly states:

"The hidden cost of this business is one of animal sickness, distress and suffering, allied with heart ache for families who have to watch their new pet sicken, and die, or grow up to be confused, unsocialised and potentially aggressive".

We must do more to clamp down on those practices and, building on the work of the Scottish SPCA and other stakeholders at the port, ensure that the message goes out loud and clear that Cairnryan is not an easy route into Scotland. We must also—as Christine Grahame highlighted—do more to educate and inform those who are thinking of buying a dog and encourage them to ensure that they make full investigations and go through established and well-known breeders. Anyone who thinks that a dog is just a dog is clearly mistaken.

It is time for us to give further consideration to legislating on the sale of dogs as pets by third parties and to see what more can be done to protect buyers, as well as animals themselves. As the Dogs Trust highlighted, we also need to look at the abuse of the pet travel scheme and tackle the number of undeclared dogs that enter the UK every day.

It is not just a Dumfries and Galloway problem and it is not just a Scottish problem. I welcome the opportunity to shine a light on the issue and I hope that all parties will reflect on the arguments that are made today and see what we can do to crack down on the illegal puppy trade and the despicable individuals who profit from it.

15:37

Ruth Maguire (Cunninghame South) (SNP): I thank Emma Harper for giving us the opportunity in her members' business debate to raise awareness of the cruelty of puppy trafficking and puppy farms, and for her dogged determination in campaigning on those issues.

The debate is timely, as at Christmas some families may be considering buying a dog as a gift. Many folk will spend months planning surprise gifts for their families and loved ones, but something that really should not be given as a surprise or on a whim is a puppy. Gifts are things, and unwanted things can be left or abandoned—not so dogs.

I get it—puppies are adorable and sweet and so cute and cuddly. I love them too, and I confess that there was a split second at our photo call with the gorgeous rescue pups today when I considered making a run for it with one or both of them—I do not think that I was alone in that. However, it is more than cuddles that someone signs up to; it is a 15-year commitment to a new member of the family. That bundle of joy is a living thing that needs a whole load of investment, attention, training, walking and feeding. Of course,

the bundle of joy will leave you plenty of not-so-joyous bundles to clean up over the years, not all of which will be outside the home, as fellow dog owners in the chamber will testify.

When someone is ready for a new member of the family, it would be good for them to consider adopting a dog from a rescue centre or, if they are purchasing a puppy, to make sure that it is from a reputable breeder. One simple way in which they can do that is by ensuring that the puppy is seen at home with a healthy mother, which the hashtag #NoMumNoSale has done a great job of promoting.

The people who run cruel puppy farms and traffic the wee animals in horrible conditions thrive on how much we love animals. They also thrive on us not asking questions or looking into where they are coming from, so it is our duty to do just that.

It is heartening that public opinion is largely united on the issue. Just outside my constituency, in East Ayrshire, recently announced plans to create Scotland's first industrial puppy farm have met with outrage and opposition from concerned locals, the Scottish SPCA, Police Scotland and the Animal Concern advice line.

We need to translate our values and our strong opposition to the illegal farming and trafficking of puppies like commodities into action by continuing to raise awareness of these issues and by encouraging people to think carefully about getting a puppy, and where they get it from.

I thank Emma Harper once again for allowing Parliament to play its part in raising awareness of this important animal welfare issue and I look forward to hearing the other contributions this afternoon and working with colleagues across the chamber in future.

15:40

David Stewart (Highlands and Islands) (Lab):

I congratulate Emma Harper on securing this afternoon's debate and put on record my thanks for the excellent photo opportunity that she organised earlier. I thought that I was queueing for an early new year sale when I went into the garden lobby, but it was not bargains that people were after; it was photos with puppies. I failed to get one, but perhaps I will succeed in future.

Thousands of dogs are brought into Scotland to be sold. They are often bred in substandard conditions and are suffering from severe illnesses when they are sold. Puppies are raised and transported in conditions that foster worms and parasites or even distemper. Some have genetic defects or personality disorders. By the time a customer has purchased a puppy and realised that

medical help is needed, all too often, and tragically, it is too late.

Puppy farms are the equivalent of battery farms for chickens, with the corresponding concerns about care, welfare and living conditions. The puppy trade has now reached industrial proportions. The Kennel Club has provided evidence that one in four puppies that are bought in the UK might have come from puppy farms. Puppies are held in mass breeding operations in dark and filthy conditions. They often do not receive sufficient food or water, let alone proper immunisation. Mothers are kept in cramped cages and forced to have litters continually. When puppies are born, their mothers are too weak to care for them and are not given the opportunity to bond. When the mothers get older and are unable to breed, they are often killed or sold to laboratories for experiments. OneKind believes that the conditions that I have identified breach the Scottish Government's "Code of Practice for the Welfare of Dogs".

Malnourishment does not end when puppies leave their breeding facilities. Puppies are forced into confined boxes or crates and are dehydrated and left without food for days. Anxiety is common among dogs that are being transported, often for long journeys that span several countries. Such conditions have long-term effects on the puppies involved. If they are not already suffering from an illness when they are sold, they are extremely vulnerable to developing one, having suffered physical and mental trauma.

While the puppies face cruel and inhumane conditions, puppy breeders roll in profits. The SSPCA reports that one gang made £8,000 a week from the sale of sick dogs.

Sadly, puppy trading is on the rise. Following changes to the pet travel scheme in 2012, puppy traders can more easily transport dogs into the UK. The Department for Environment, Food and Rural Affairs reported that, in the first year following the changes, there was a 61 per cent increase in the number of dogs entering the UK.

Puppy traders also use technology to make quick sales undetected. The internet allows dealers to reach a broad potential customer base while they remain anonymous. A Kennel Club survey found that almost one in five puppies bought on social media or the internet dies before the age of six months, and twice as many puppies purchased on the internet suffer serious health problems, compared with puppies purchased directly from a breeder.

It is not just the puppies that are at risk. Puppies that are sold through illegal traders are often extremely young and unvaccinated for rabies. The recent rise in rabies among dogs in eastern

Europe has the potential to reintroduce the disease here in Scotland.

When an eager future owner searches for a puppy online, there is no way for them to know where it comes from, what conditions it was held in, or whether it is healthy. We are now in the midst of the Christmas season. All over Scotland, children are asking Santa for a canine companion. Puppy purchases and profits from the illegal puppy trade are at an all-time high.

Dogs are near and dear to many of our hearts. As Elizabeth Parker said,

“A dog is not a thing. A thing is replaceable. A dog is not. A thing is disposable. A dog is not. A thing doesn't have a heart. A dog's heart is bigger than any 'thing' you can ever own.”

Congratulations again to Emma Harper on her initiative in raising this key issue before Parliament this afternoon.

15:45

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I, too, congratulate my colleague Emma Harper on bringing this subject to Parliament to raise public awareness about the illegal and inhumane puppy trade that operates in Scotland. The appearance of our two wee friends in the garden lobby today certainly helped us to do that.

I also want to thank the SSPCA for its continuing campaign to educate and alert the public and for what it does to expose those who breed and trade puppies illegally, often in appalling conditions.

The relevant legislation on this matter goes back to 1973 and was updated in the Breeding and Sale of Dogs (Welfare) Act 1999, with corresponding regulations on the licensing of animal dealers being introduced in Scotland in 2008, as Christine Grahame noted.

A glance at the 1999 act shows how legislation can be ignored by unscrupulous people who do not even pretend to masquerade as legitimate dog breeders. Section 8 of the act, which relates to Scotland, says that the keeper of a licensed Scottish rearing establishment is guilty of an offence if he sells to the keeper of a licensed pet shop or a licensed Scottish rearing establishment a dog that, when delivered, is not wearing a collar. That is hardly a deterrent these days, and that illustrates one of the difficulties that we face. The law as it stands has fallen behind what some of these puppy traders will do to make their money.

Although a vet and a council official can be dispatched to inspect premises, as far as I can see there is not a test that is equivalent to, for example, the fit-and-proper-person test that applies to private housing landlords. Although the

revised regulations go a wee bit further in some respects, there is still an issue with how we can tackle this issue effectively using legislation.

Part of the solution has to involve increasing public awareness of the criminal side to this trade and educating the public about the serious animal welfare issues that often lie behind it. It is also important not to blame our councils for having to consider dog breeding establishment applications—they have to do that as part of the licensing scheme, as set out in law. They may not welcome or support the applications, but they have to consider them—that is the law. As my colleague Ruth Maguire said, East Ayrshire Council will be considering such an application in my constituency in January, which has attracted a huge number of objections.

Raising awareness of the issues can be as effective, if not more effective, than some aspect of the law that is clearly being flouted. We need to find ways of getting the public to think twice before they consider buying a pup privately, and to look out for the obvious danger signs. Emma Harper suggested a few measures that could help, and perhaps we could also produce some clear dos and don'ts to help the public to be more aware of those danger signs and to help them avoid the dealers whose only interest is profit, not the welfare of the dogs.

Legislation can always be improved, because even the possibility of a custodial sentence does not appear to be sufficient to deter some offenders. Meanwhile, the welfare of the dogs will suffer as a result of the treatment that they receive. In a sense, the legislation helps us to deal with the people who are committing the offences but, at that stage, the damage has already been done to the dogs.

Perhaps we need more random inspections and higher fees, which Emma Harper talked about, and maybe we should be asking for the public's help more directly in blowing the whistle on these rogue puppy traders via a national helpline.

There is a lot more that needs to be done to tackle the problem of illegal and inhumane puppy farming and trafficking. Emma Harper has done us a great service today in highlighting this issue for the people of Scotland, and I warmly thank her for doing so.

15:49

Mark Ruskell (Mid Scotland and Fife) (Green): I declare an interest, in that I am a councillor in Stirling, and warmly thank Emma Harper for bringing this debate to Parliament this afternoon.

It is true that the continued presence of the illegal puppy trade in Scotland is a mark of shame on our animal welfare record. The Dogs Trust estimates that there are around 9 million dogs in the UK. However, the Kennel Club registers around 250,000 puppies each year, and rescue organisations rehome around 150,000. There is a gap there. To maintain that number of 9 million dogs would require hundreds of thousands more puppies to be circulated throughout the UK each year. Although some of those puppies might come from legitimate breeders who are not Kennel Club registered, there are clearly criminal breeders who are providing hundreds of thousands of puppies on an industrial scale, preying on our desire to give a home to a vulnerable animal.

I would urge anyone who is considering bringing a dog into their lives this Christmas to go instead through reputable dog shelters and rehoming charities, such as the excellent Scottish Greyhound Sanctuary. I want to make a special mention of Bandeath stray dog shelter near Stirling, which does fantastic work, not just with animals but through its incredible volunteering opportunities for young people. Such facilities are vulnerable to local authority cuts and need our support.

The welfare of animals that are kept in puppy farms has no guarantee. OneKind, among other organisations, argues that conditions on puppy farms would fail to meet the requirements of the welfare codes of practice that were established under the Animal Health and Welfare (Scotland) Act 2006. For example, one section of the "Code of Practice for the Welfare of Dogs" requires dogs to have

"their own bed, with comfortable bedding"

and another requires puppies to have "long periods of rest". Puppies in large breeding facilities are denied the opportunity to socialise with people, dogs and other animals, which the code describes as

"an essential part of early learning."

Lack of hygiene, proper diet, routine health measures and veterinary attention can lead to puppies being sold to new owners with a burden of parasites, preventable infectious diseases and painful or chronic inherited conditions, from which many, sadly, never recover. The consequences mean unnecessary animal suffering and heartache for the puppies' new families.

Despite the code of practice, Dogs Trust and OneKind have highlighted numerous cases in which puppies have been bred, kept and transported in poor conditions, severely impacting their health. Both charities highlight ineffective border controls and enforcement of the pet travel scheme at UK ports as a major contributing cause

of puppies being farmed in an inappropriate and negligent way.

It is clear that a number of actions need to be taken. I urge the Scottish Government to work with the Westminster Government to ensure, for example, that there are more stringent checks at UK borders; a central database in which microchip numbers and dates of entry into the UK are logged; a shift of enforcement responsibilities, perhaps away from carriers such as ferry companies and towards Government agencies; and an introduction of further offences and increased penalties.

In 2012, the Scottish Government discussed introducing new laws to crack down on the sale of pets over the internet. A *Scotsman* article from the time reported hundreds of cases of puppies and kittens being sold online that turned out to be under age, sick or not properly socialised, as well as cases of illegal dog breeds being sold. Since then the Scottish Government has not taken steps to restrict the sale of pets over the internet.

All the animal welfare organisations that are behind today's debate agree that all pets, but especially dogs, should be bought only after the buyer in person sees them with their mother, to ensure that they are being raised in a healthy and appropriate environment. The continued sale of puppies online means that there is little to no scrutiny of the breeding and living conditions of these animals.

I call on the Scottish Government, 10 years after the passing of the Animal Health and Welfare (Scotland) Act 2006, to step up and commit to ensuring the welfare of our much-loved animals by introducing legislation to restrict the sale of pets online.

15:53

Gail Ross (Caithness, Sutherland and Ross) (SNP): Dogs Trust, the SSPCA and others will tell us, quite rightly at this time of year, that a dog is for life and not just for Christmas. In my mind, that is one of the most successful advertising campaigns that there has ever been, because that line is recognisable all over. As a Parliament, we fully endorse that approach, but we need to make sure that a dog's life is a warm, fun, safe life. All too often a huge percentage of puppies have a terrible start and do not even see their new homes.

The introduction of the pet travel scheme, or PETS, in 2011 saw an end to dogs having to enter quarantine for a period after they came into the country, provided that they have a valid passport and comply with the rules of travel. Unfortunately, it seems that some unscrupulous people have been using the scheme as a cover for the illegal

importation of puppies for commercial sale via online classified websites.

In 2014, the Dogs Trust investigation “The Puppy Smuggling Scandal” found that the ages of puppies were falsely advertised, many puppies’ backgrounds were hidden and some were claimed to be UK bred when in fact they had been imported from other countries. Many puppies were in poor condition, and some did not even survive the trip home. Many that did survive had not been socialised—which leads to confidence and trust issues—were infested with worms, and had hearing defects or various other health issues.

During the first few weeks of a puppy’s life, it is vital that they are habituated to all the sights, sounds and smells that they are likely to come into contact with throughout their lives and given the confidence for when they encounter new experiences and places. The way in which puppies are bred and brought up is hugely important to the kind of dog they will grow to become and for their future physical and psychological health. That is especially important in dogs that will come into contact with children.

A few weeks ago, I attended an event that was hosted by David Stewart about the sale of exotic animals online and I was shocked to hear of some of the horrific conditions and lack of animal welfare associated with some sales. It saddens me now to learn, although perhaps I should not be surprised, that that extends to other animals kept as pets, including dogs and cats.

The lack of regulation in the online classified website market means that this situation is increasingly difficult. As Mark Ruskell did, I call for more regulation. Every day, popular UK websites advertise more than 20,000 pets for sale. Many of them are from reputable breeders, but many are not. Advertisements are also placed in the local press; close scrutiny of them shows the same mobile number appearing on different advertisements for different breeds. Potential buyers need to be vigilant.

I fully support all the organisations in their calls for key agencies, including the Scottish and UK Governments, to share information; for the waiting period to travel after rabies vaccinations to be extended from three weeks to three months; for more stringent checks at British borders; and for accessible databases and microchip numbers with date of entry into the country, as Mark Ruskell also said.

Puppies and dogs bring a lot of joy to families all over the country. They are bought in good faith to be a lifetime companion in a safe, loving home. We cannot stand back and do nothing as some people profit by breeding dogs in filthy, rotten

conditions, full of disease, with some never seeing the light of day or even playing with a toy.

I thank all the organisations that are campaigning on this issue. I also thank Emma Harper for bringing the debate to the chamber today. I was one of the lucky ones: I did indeed get a cuddle in the garden lobby.

The Deputy Presiding Officer: There are still quite a few members who would like to speak in the debate. I am minded to accept a motion without notice to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Emma Harper*]

Motion agreed to.

15:57

Finlay Carson (Galloway and West Dumfries) (Con): I declare an interest as an elected member of Dumfries and Galloway Council.

I thank Emma Harper for securing this important debate. As she said in her opening speech, the illegal puppy trade is a very serious issue at the ferry port of Cairnryan in my constituency. Let us be clear: the illegal trade in puppies is very big business. Dog breeding is not a new business—indeed, my family bred cocker spaniels almost 100 years ago—but the scale and the value have grown hugely since the expansion of the internet.

Across the UK, illegal trading in puppies is worth hundreds of millions of pounds, and some puppy farms can produce £2.5 million-worth of puppies each year. Puppies are sold wholesale: the more people buy, the cheaper they are. The puppies can then be sold on for exorbitant sums, with the dealers pocketing large profits.

Last month, the *Sunday Post* revealed the awful details behind the trade, with an investigation into puppy smuggling from Ireland into Scotland. Scots will have been outraged to read that the puppies are bred on an industrial scale like battery chickens, kept in squalor, deliberately starved, as Emma Harper said, to make them more docile for transport and smuggled into Scotland crammed into vans in appalling conditions. Unsuspecting families are led to believe that their new puppy comes from a loving home, but it is all part of an elaborate con.

The SSPCA has been at the forefront of efforts to stop this inhumane trade in Scotland and, along with colleagues across the UK, has made seizures at various ports, including Cairnryan, where 330 puppies have been seized in the last 18 months alone. The SSPCA has also taken part in a pilot scheme that gives it powers to stop and search

vehicles that are suspected of smuggling. I am pleased to say that Dumfries and Galloway Council has extended that scheme until next year.

My colleague Maurice Golden recently wrote to the Cabinet Secretary for Environment, Climate Change and Land Reform to ask what discussions the Scottish Government has had with the SSPCA, Police Scotland, Dumfries and Galloway Council and other stakeholders about the illegal trade in puppies. I am pleased to report that the cabinet secretary supports the actions that are being taken by Dumfries and Galloway Council and that Scottish ministers will receive a report on those efforts. I ask the Scottish Government to share that report with all Scottish Parliament members so that we can increase awareness of the issue.

More needs to be done. The puppy smugglers are no amateurs; they are sophisticated and we must be sophisticated in tackling them. There are already a large number of organisations working together on the issue, such as the SSPCA, Police Scotland, HM Revenue and Customs, Stena Line and animal charities such as Dogs Trust and OneKind. They are to be commended for their efforts, but the Scottish Government should explore how that co-operation can be broadened to bring in more organisations that can better share information and work more efficiently together.

We must do more to inform the public, too—certainly a debate such as this helps. Animal charities such as Blue Cross and the Kennel Club provide information on how to buy a puppy from a reputable breeder. I would like to see the Scottish Government explore how it can spread that message further. We need to raise awareness of the puppy trade and ensure that everyone asks the right questions before buying to ensure that only reputable breeders are used. Legislation can do only so much. As with drink-driving, smoking in public or littering, it is not just the threat of prosecution that brings the practice to an end: that happens because it becomes socially unacceptable, and we have to ensure that puppy trafficking becomes just that.

The illegal trade in puppies is driven by one thing, and that is greed. That greed leads to the barbaric treatment of animals that we consider to be man's best friend. It is time that we repaid that friendship and put a stop to this terrible trade.

16:01

Kenneth Gibson (Cunninghame North) (SNP): I congratulate Emma Harper on securing time in the chamber to debate an issue that has clearly captured the interest of so many colleagues. Particularly at this time of year, it is

important to consider the lasting effects that puppy trafficking has on animals, owners and the wider public.

We have all heard—not least today—the familiar slogan, “A dog is for life, not just for Christmas”. That is an important message, but there is much more to it than meets the eye. The illegal puppy trade is estimated to make criminals millions of pounds in profit every year, but the dark underbelly holds a heavy, hidden cost. Puppy farms are not something that I imagine any of us are comfortable thinking about, but they are the basis of much of the illegal trade in puppies. Often, dogs are bred in such horrendous conditions and on such a mass scale that the poor animals go through great distress and, even after their life on the farms, might suffer from debilitating disease and life-threatening illness. When those puppies are sold to innocently unaware owners, they are suffering. The pain and anguish that that causes both the animals and, ultimately, the families involved is heart-breaking to consider, let alone go through. We can and must take steps to avoid that.

As we know, many pups that come into Scotland are smuggled into the country from puppy farms in Europe, by people exploiting measures that were put in place to protect travelling pets. Once in the country, puppies can end up anywhere, with few clues as to their whereabouts. It would be very difficult, of course, to stamp out all illegal trading immediately. However, there is much that can be done to help tackle the current dire situation. Public awareness is hugely important, and I hope that today's debate—and, indeed, the photo call at lunch time, which sadly I missed because I was writing this speech—will help to alert people to the dangers of puppy farming and buying a dog from an unknown source.

Many are unaware that the illegal puppy trade even exists, although it is often right under their noses. Even the new pup owners are oblivious to the origin of their new pet and certainly do not know the consequences of that until it is too late. Just a few months ago, North Ayrshire Council's trading standards team issued a warning about illegally trafficked pets after bulldog puppy Oscar was brought over 1,000 miles to Scotland with a fake pet passport and a lack of vaccinations. Luckily, that was one of the few cases of puppy trafficking that have had a happy ending, as the Dogs Trust quarantined and treated Oscar, and rehomed him when it became safe to do so.

Sadly, not many cases of puppy trafficking end so well. Those who are looking to take on a pet should be careful to go to a reputable source, as colleagues have pointed out. Rescue centres are an excellent source, and it is untrue that they

house only damaged and difficult beasts. There are many deserving and loving animals in rescue centres that are just waiting for a home to go to. Both cats and dogs of all ages and a wide variety of breeds can be found in rescue centres across Scotland. That situation not only helps the fight against the illegal pet trade, but helps with related issues such as pet overpopulation.

Many kittens, too, suffer terrible health conditions as the result of mass breeding and having been sold at under eight weeks. That leads to the wee kittens being in poor health, underweight and often ill. In North Ayrshire, the Kilwinning-based Cats Protection works hard to combat that.

Giving abandoned or unwanted animals a home is a great thing to do. Reputable rescue centres also offer the security to owners that the pet that they take home is in the best health possible and has had all necessary veterinary checks. The work that rescue centres do through rehoming and targeted neutering is slowly but surely making a difference as we campaign to better regulate the pet trade.

Emma Harper introduced the phrase “best puppy-purchasing practice”. I support that.

16:05

Colin Smyth (South Scotland) (Lab): I declare an interest as a councillor in Dumfries and Galloway, where I chair the committee that oversees trading standards in the region.

I, too, thank Emma Harper for lodging the motion, which has enabled us to have the debate at such a pertinent time, just before Christmas—as Ruth Maguire said. I am sure that we all remember the Dogs Trust’s iconic slogan, which Gail Ross highlighted: “A dog is for life, not just for Christmas”. Unfortunately, that slogan is as relevant today as it has ever been.

In my region of South Scotland, West Calder Dogs Trust received a staggering 228 phone calls in the weeks following Christmas last year from new owners who no longer wanted their dogs. Sadly, 42 unwanted dogs were handed in to that centre.

The sale of puppies as mere commodities does not give a clear message that a dog is for life, and the increasing demand for so-called designer puppies and rare breeds in particular is contributing to the growth in the illegal trade of puppy trafficking and farming—and increasing it to a scale that has not been seen before.

Emma Harper referred to the excellent BBC documentary “The Dog Factory”, which aired in April 2015. It exposed in particular the disturbing trade in puppies reared on puppy farms in the

Republic of Ireland and sold throughout Scotland. Many were transported through the port at Cairnryan in my home region of Dumfries and Galloway. The documentary showed puppies being intensively farmed in cramped conditions in Ireland. Some premises held in excess of 600 breeding bitches. Those dogs were not shown an ounce of compassion and were rarely handled. In some cases, food was provided through automated feeding systems, which meant that they had little or no socialisation.

The Scottish SPCA special investigations unit was central to exposing the appalling trade that was featured in that documentary. It developed operation Delphin, which is a special joint operation involving a range of agencies, including Police Scotland, HMRC, Stena Line, the Scottish, Royal, Ulster, Irish and Dublin SPCAs, and Dumfries and Galloway Council. There is no doubt that joint working across agencies is key to helping to tackle the illicit puppy trade.

An example of that is the unique pilot project that is taking place in Dumfries and Galloway, which Finlay Carson highlighted. The local council has provided five Scottish SPCA special investigations inspectors with the designated authorisation that is required to exercise enforcement powers under the Trade in Animals and Related Products Regulations 2011. Since the pilot began in January, seven people stopped at Cairnryan have been found to be in possession of illicit puppies, resulting in 140 puppies being recovered and rehomed.

There has also been a gradual but significant reduction in the number of adverts in Scotland for high-demand cross-bred puppies, and the Scottish SPCA has noticed a reduction in the number of complaints from people who found that they had bought sick puppies. It is clear that, in the run-up to Christmas, the fear is that that number might increase again. It was therefore a pleasure to chair the recent council meeting in which it was agreed to extend the period of authorisation to allow Scottish SPCA inspectors to continue their excellent work in disrupting the puppy trade at Cairnryan.

Although a lot of excellent work is taking place in our local communities across a range of agencies, the Parliament and the Government need to do more to support that work. It is widely recognised that the current animal welfare legislation is out of date. We badly need a major overhaul of that legislation to, for example, introduce modern offences that take into account large-scale puppy farming, online trading and designer breeding as well as a fit-person check to improve the current situation.

Sharing intelligence has been crucial to the operations at Cairnryan that I have described. We

need to explore how the sharing of intelligence could be made easier. Perhaps that could be done by introducing a national database of licensed breeders.

Consumer protection legislation could also be used to take action against the puppy sellers, if they could be identified. Consumers could seek redress. Indeed, trading standards Scotland is currently running an operation to gather intelligence on puppy sellers.

Although the welfare of puppies is the paramount concern of all of us, we should recognise that it is devastating for people who have bought a puppy—in some cases, they will have parted with over £1,000 for it—only for that puppy tragically to become ill and die within a week or so. The best way to avoid such tragedies is to encourage people to rehome a dog, or to buy from a reputable licensed breeder, and to see the puppy's mother, its father and its living conditions before they buy.

If we demonise those consumers who have suffered by making the mistake of buying from an illicit breeder, they might not seek the advice of or report the offences to trading standards officers, due to being embarrassed. Those families who have reported their experience to trading standards could provide a home to a rescue pup. Putting those families in touch with the Scottish SPCA could be another positive example of the collaborative work that is already taking place in Dumfries and Galloway and across Scotland to tackle the illicit puppy trade. That work needs to continue until we see an end to this despicable and unacceptable trade.

16:10

Clare Haughey (Rutherglen) (SNP): I, too, commend Emma Harper for securing the motion and for bringing the plight of the animals concerned into the spotlight. By making life as difficult as possible for puppy traffickers and illegal breeders, we can provide the best start in life to beloved pets.

The import of puppies from Ireland and elsewhere into Scotland should be of major concern to us all. It is hard to overstate the size of such operations. Thousands of dogs are illegally trafficked to Scotland every year in a multimillion-pound trade that is inextricably linked to animal cruelty and distress. Puppy farmers and traffickers are high-volume breeders who have little regard for the welfare of their animals. Their intent is profit.

Put simply, the animals have had the worst possible start in life. Although the breeding of dogs is regulated under UK law, additional provisions in Scotland regulate the sale of dogs, requiring

anyone selling more than two young dogs under 84 days old to hold the appropriate licence.

Local authorities issue dog-breeding licences after the inspection of premises. They impose standards and conditions relating to the suitability of accommodation, nutrition and exercise, infection and disease control, the treatment of bitches and the sale of puppies. Those standards are enforced by a vet or by another professional. None of those standards applies to illegally trafficked puppies, which are therefore not offered the same protections. Far from getting a bargain, new owners are often left with an unhealthy, sickly dog, which may have problems with socialisation and aggression.

The trade has a ripple effect, which reaches far beyond the families who buy a dog. Puppies that are brought into the UK from elsewhere in the EU should have pet passports, microchips and rabies vaccinations. As trafficked puppies have none of those, legislation that was set up to defend the UK from rabies is being breached.

In economic terms, the contribution of the trade to the economy is minimal. It almost certainly places a greater burden on the taxpayer, due to tax evasion. The trade must be costing the UK millions of pounds each year in undeclared income. For example, the Royal Society for the Prevention of Cruelty to Animals found one group in Manchester that was earning £35,000 per week. That is the equivalent of £1.8 million of undeclared income every year. Another dealer was earning £200,000 a year trafficking puppies from Ireland into Scotland. It is big business, the scale of which may shock many people. The RSPCA estimates that, last year, more than 93,000 dogs were imported from the EU to the UK. That represents a massive increase from figures that were reported just five years ago, when fewer than 2,000 puppies were imported.

This cruel trade has skyrocketed, and it has built networks of organised crime. The Dogs Trust believes that the puppy trafficking trade may be replacing the illegal trade in cigarettes. A recent report from a cross-party group in the European Parliament estimates that pet trafficking is now the third most profitable illegal trade in the EU, after narcotics and weapons. The bottom line is that, as the law stands, the penalties for puppy trafficking are low and the profits are high. The trade is an attractive proposition for unscrupulous operators and criminal gangs.

I recognise the actions that a range of agencies, in particular the Scottish SPCA, have taken to tackle puppy trafficking through Scottish ports, especially Cairnryan. I reiterate the message from the Scottish SPCA this Christmas: the only responsible way to purchase a puppy is via a reputable dealer, after visiting their premises to

see the puppies with their mothers. Alternatively, as the motion suggests, people should perhaps consider rehoming a dog by contacting their nearest animal rehoming centre.

16:14

Gillian Martin (Aberdeenshire East) (SNP): I would like to talk about the dog in the photo that I am holding up. Her name is Dieta. The photo shows me and Dieta on the couch. She was a giant Schnauzer and she had been a breeding bitch, although we are not entirely sure where, and we are not entirely sure how many litters she had. We think that it was three in three years, but it could have been more. By the time my friend rescued Dieta, she had had a pretty hard life. She is the dog that I want to speak about today.

We know that Dieta was kept in a pen with a concrete floor in an outdoor yard. When she was rescued and she came into our lives via my friend Donald, who became her new owner, she was unfit, unwell, absolutely filthy and terrified. Her journey from the north of England, where she was found, to Aberdeenshire must have been full of so many new things for Dieta, because she had never been let out, exercised or shown any affection. She had never really had much human contact. All of a sudden, there she was with someone who was going to look after her. She was in a car for the first time and she was travelling to goodness knows where.

As I said, she had never been exercised, and she was in really quite a bad condition in terms of her muscles and her make-up. She was overweight, and that was one of the issues that Donald had to deal with. We think that, in effect, Dieta had been a puppy-making machine and she had outlived her usefulness and her short shelf life as a breeding bitch. I was struck by what Emma Harper had to say about the licensing of a gun at one of the farms. It really gave me pause for thought as it made me think about what Dieta's fate might have been if she had not been rescued once she had outlived her usefulness.

During the first couple of months of Dieta's new life with Donald, he had to go and spend some time in the States and she came to live with me for three weeks. It was at the early stages of her rehabilitation. In effect, I had to teach Dieta how to be a dog and how to be a pet, because she did not know. She did not know how to run. It was the weirdest thing. I have dogs of my own and they hallirackit all over the place. We took Dieta out with us and, in effect, my dogs taught her to run. I ran with her, too. I remember uploading a video to show my friend in the States that we had managed to get Dieta to run, and he was absolutely delighted. It was a major step for her.

She did not know how to play with other dogs or with humans and she did not know how to respond to affection. She was not aggressive at all; in fact, it was quite the opposite: she was incredibly docile. When she got any attention or affection, it was almost like she had a question mark over her head as to what it was. The photo that I am holding up now shows the point at which Dieta started to respond to affection. Beyond that point, she was a limpet—she would not leave my side at all. When Donald came home, he latched on to her again, and she became an excellent pet.

We think that Dieta came not from an illegal breeder but from a licensed breeder. I wanted to mention today that there is bad practice going on in dog breeding all over, whether people are licensed or not. I urge prospective dog owners to think beyond the puppy that they want. When they look at a puppy, they should think about where it came from, the mother that it came from, what has happened to that mother, what conditions she was in and how she was treated.

I do not want to make anyone cry here, but I finish by saying that Dieta lived to a ripe old age of 10 years and 10 months, and she died last month. When Emma Harper told me about this debate, I decided that I would speak about Dieta because behind every puppy there could be a mother like Dieta who needs rescuing from a terrible situation.

The Deputy Presiding Officer: I now call on Roseanna Cunningham to close this debate. You have around seven minutes, cabinet secretary.

16:19

The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham): I will try to get through as much as I can in my seven minutes, Presiding Officer.

I congratulate Emma Harper on securing the debate and for organising the puppy photo call in the garden lobby today. Puppies at Christmas—that suggests that Emma Harper is learning fast how to do this job.

I also thank everyone who contributed to the debate. I am grateful to have heard members' concerns and views, many of which I share. I will not try to mention everyone who has spoken—that would be almost impossible. However, a number of issues were raised by more than one person.

Concerns were expressed about human contact and automated feeding. The issue will be considered in our overall review of animal welfare, which is on-going. Oliver Mundell raised the possibility of ending third-party sales; that will also be part of the review, which includes the breeding and sale of animals. That is a big hint to everyone

who is interested in the matter to look out for the review and perhaps get their submissions in.

On local councils self-funding through licensing, local authorities have powers in that regard under the Breeding of Dogs Act 1973. We perhaps need to encourage authorities to consider what they can do in respect of the 1973 act.

A number of members talked about internet sales. Regulating the internet, including the advertising of animals for sale, is difficult and is reserved to the UK Government. The Scottish Government will ensure that the UK Government has our full support in tackling illegal and inappropriate sales. We have endorsed the pet advertising advisory group minimum standards and we agree that those—or higher—standards should be used.

Members talked about the abuse of the pet travel scheme. A difficulty is that pet movements within the UK are exempted from the scheme and Northern Ireland is in the UK, so movements between Northern Ireland and Scotland are not caught by the scheme. As members know, breeding often takes place in another jurisdiction entirely, over which we have no direct control. That creates a number of difficulties for us.

Members talked about a fit-and-proper-person test. We will take all such matters into consideration in the context of our review.

For obvious and understandable reasons, there was a focus on the situation in Dumfries and Galloway and particularly Cairnryan. The illegal puppy trade is a blight across the whole of Scotland, but we know that Cairnryan is a main entry port for unfortunate puppies. Their illegal importation is a matter that is very close to the hearts of many people in Dumfries and Galloway and those who represent them.

One of my veterinary advisers has been attending meetings of the local group, which comprises residents, the local authority, transport companies and the SSPCA. The adviser keeps me informed of the situation on the ground, and that will continue to be the case. It was encouraging that the most recent meeting included representatives from some of the Northern Irish enforcement authorities, who are co-operating in sharing intelligence and are increasing checks to detect and stop illegal movements before puppies leave Northern Ireland.

I particularly praise the way in which the local authority and the SSPCA have collaborated over the past year to intercept and turn back illegal consignments at Cairnryan. I also praise the SSPCA for its continuing vital work to gather evidence for the prosecution of people who are involved in the illegal selling of puppies after importation.

Many members, quite rightly, talked about the demand for puppies. There is already a great deal of information available to people who want to buy a puppy. The code of practice for the welfare of dogs, which the Scottish Parliament approved in 2010, advises potential purchasers on all aspects that should be considered when obtaining a puppy and on how to purchase one from a reputable source. The code of practice also provides details of some of the best-known other sources of advice on the purchase of a puppy.

Buyers are advised to see the puppy with its parents, where possible. It is sad that many people act on impulse without seeking information beforehand and will take delivery of an animal in the most unlikely places, perhaps wrongly believing that there is such a thing as a cut-price pup. By doing that, they—unwittingly, at best—create a market that can be exploited by puppy traffickers.

There is also a tendency for well-meaning buyers to want to rescue puppies that might be sick or come from dubious sellers. Unfortunately, that simply fuels the trade. If rescue is the intent, there are plenty of well-known establishments whose premises can be visited and who will have brought puppies and dogs back to health before trying to rehome them. Such establishments should be the first port of call for anyone who wants to take on a rescue dog.

Christine Grahame: I advise the cabinet secretary that Edinburgh Dog and Cat Home does not rehome over Christmas and new year. People can reserve animals but it does not like animals being rehomed over that period because of the activities within a household. I just wanted to put that on the record.

Roseanna Cunningham: That is a well-made point.

The Scottish Government is well aware of public concerns about the breeding and sale of puppies and indeed cats, rabbits and exotic pets. These concerns have been raised in meetings with stakeholders as part of our review of pet welfare legislation. Again, I invite people to submit their views to that review if they have a particular interest.

However, developing new legislation is not the only answer and to investigate this further, the Scottish Government commissioned some social science research from Northumbria University to consider the demand side of the trade in illegal puppies. We should receive the research by next April.

The research should provide valuable insights into the attitudes of potential buyers and how to influence them. By identifying the most effective ways to communicate messages about

responsible buying, the Scottish Government and others could ideally use these to achieve a significant reduction in the illegal trade. I hope that Christine Grahame and others who raised that particular issue welcome that research.

The research will also offer an estimate of the actual number of legal and illegal sales of puppies in the UK and might help to provide enforcement agencies with information that could help to disrupt illegal trade.

Presiding Officer, I have just about one more minute of my speech left to go, if I may go over time.

The Presiding Officer (Ken Macintosh): Yes.

Roseanna Cunningham: Thank you.

What I want to say in closing is that we should be under no illusions. The movement of dogs between Northern Ireland and Scotland will not be easy to disrupt. There are no animal health restrictions on the free movement of pet animals between these two parts of the UK, just as there are no restrictions on movements of dogs to Scotland from England or Wales, although poor welfare conditions in transit can of course be dealt with when they are detected. That sounds gloomier than I hope the position actually is, or will become.

When the research concludes, we should be better placed to influence the illegal trade in puppies, whether imported or native born, by working to reduce the size of the market and the opportunities for sellers. We will also continue to work closely with the pet advertising advisory group and support its efforts in this area, which seem to be having some effect in encouraging more responsible advertising of animals.

We are also consulting with local authorities and animal welfare organisations, as I have already indicated.

However, the key message remains that the illegal trade in puppies from Ireland and elsewhere could be seriously disrupted if every single puppy buyer first considers rehoming an animal from a centre in Scotland, or, if they must buy a puppy, insists that they always see it first with its mother at the breeder's premises, and, of course, remember—especially at this time of year—that a dog is for life, not just for Christmas.

Protecting Scotland's Livestock

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Fergus Ewing on protecting Scotland's livestock. The cabinet secretary will take questions at the end of his statement. There should therefore be no interruptions or interventions during it.

16:28

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): Presiding Officer, those of us who were in Parliament in 2001 will probably never forget the devastating impact of the foot-and-mouth disease outbreak that year. It engulfed Dumfries and Galloway and the Borders and significantly affected rural communities throughout Scotland.

The outbreak had a profound human impact: it ended generations of farming by some families, it haunted communities and it left fields bare and barren. There was a significant economic cost, too—over £8 billion UK-wide, according to the National Audit Office. We should do all that we can to avoid repeating those costs. The 2001 foot-and-mouth disease outbreak taught us lessons about how to protect the health of Scotland's livestock better. We have not suffered such a debilitating outbreak of a notifiable disease since then.

However, that cannot, and should not, make us complacent. We must have in place the best possible measures to minimise risks to the health of our livestock. That is why, from 1 January 2017, the system that is known as CTS—cattle tracing system—links is being replaced by ScotMoves to record cattle movement data. I announced that previously in response to a parliamentary question on 22 September. I now want to provide members with more detail on why we are making the change and what it involves.

First, we must do all that we can to protect Scotland's livestock from the threat of notifiable diseases. That requires ready access to accurate information for all cattle movements. Secondly, we must be able to control any outbreak of exotic disease effectively and efficiently. Again, the ability to trace animals between locations is key. Such data enables us to deploy our resources where they are needed. It also allows us to take a proportionate approach to restricting movements and, thereafter, to lifting those restrictions. The longer it takes to trace livestock, movements and disease, the greater the risk that an outbreak will spread.

The CTS links system has served Scottish livestock keepers well, but it had deficiencies. It required the location and movements of animals between linked holdings—for example, when a

number of farms are owned by the same family—to be recorded only in the on-farm holding register and not to be reported centrally. The system required only cattle movements between non-linked holdings to be reported to a central database. In recent years, the use of CTS links has become common practice, and there are now around 3,000 cattle holdings sharing 7,000 CTS links. That means that we lack information about the movements of an increasing number of Scotland's cattle. However, farmers and the public would rightly expect the Government to have that information available in the event of a disease outbreak.

The third reason to change the system is that there is no legal provision in European legislation for the use of CTS links, so the system's continued use poses a risk of disallowance to the Scottish Government of around £2.5 million initially, and of more than £800,000 per annum thereafter. Moreover, CTS links is a 20th century process when what we need is a 21st century system that best utilises technology and is more efficient for farm businesses to use. Currently, farmers and crofters are required and expected to keep manual records. Cattle tag numbers must be written and rewritten to keep records up to date, which is a burden on farm businesses' time and resources. The ScotMoves system addresses those issues. It is a further development of the well-proven database that is hosted by ScotEID, which already has robust traceability systems in place for BVD—bovine viral diarrhoea—control.

ScotMoves will enable livestock keepers to record centrally all cattle movements within their businesses. Eventually, all cattle—indeed, all three major livestock species—will be traceable on the same database, and the data will enhance our capacity to respond to a disease outbreak or other emergency. ScotMoves will also allow information to be shared along the supply chain to the benefit of farm businesses—from farms to abattoirs and consumers, and from abattoirs and markets back to farms.

Moving from a paper-based system to an online system will also be more efficient and effective in the longer term, and the development will contribute to our ambitions on provision of efficient public services through enhanced digital delivery. In that context, ScotMoves is a good system that enables regulatory requirements to be met while potentially adding value to all parts of the supply chain.

I reassure members that the development of ScotMoves has been informed by the views and experience of the livestock sector, and that it is supported by key stakeholders and industry leaders. The switch from CTS links to ScotMoves does not mean a substantial additional workload

for most farmers: cattle keepers will record the same information as they record now, but in a different way, so that it is available centrally. The ScotMoves system has also been designed to be flexible enough to allow for business development and change. Locally and nationally, we will be able to analyse changes in how individual businesses operate—in respect of the land that they use, the leases that they take, the acquisitions that they make and the diversity of their activities.

I want to reassure people in the sector who are concerned about cross-compliance. To ease the changeover from the old CTS links system, I announced in September that during 2017 we will take a soft-landing approach in order to encourage farmers to use the new system.

I also want to make it clear that the new system is needed for, and will be beneficial to, Scotland's reputation for quality meat. The ScotMoves system recognises the economic value in a livestock and farming business, as well as its location. The livestock sector is an integral part of Scotland's rural economy. Farm output of cattle, sheep and pigs is worth £1.1 billion to the Scottish economy, and the poultry sector is worth close to £170 million. We have built an international reputation for quality and excellence that adds significant value to the rural economy, and we must do all that we can to protect and enhance that reputation. The ScotEID system provides for accurate provenance and tracing, which are key to the quality-assured "Scotch" brand that is applied to beef, lamb and pork. If we were to follow the system that is being rolled out in England, we would have different holding sizes for cattle compared with sheep and pigs, which would add unnecessary complexity.

The shift from the CTS links system to ScotMoves, which will take place on 1 January, is about changing from an outdated local recording system to a modern national system that harnesses technology and is sufficiently flexible to grow with businesses as they adapt, innovate and develop. Fundamentally, it is about creating a 21st century national traceability system that covers all cattle in order to protect the health of Scotland's livestock better against the risk of disease. That traceability will give us the tools that we need to control an outbreak of a notifiable disease effectively, and it will help to maintain and enhance confidence in the provenance of our livestock and of our quality meat. That will help to protect livelihoods, businesses, communities and jobs in Scotland's rural economy. For all those reasons, the shift to ScotMoves is the right move to make.

The Presiding Officer: The cabinet secretary will now take questions on his statement. I intend

to allow around 20 minutes for questions, until decision time.

Peter Chapman (North East Scotland) (Con):

I refer members to the interests relating to farming in my entry in the register of members' interests. I am grateful to the cabinet secretary for giving me advance sight of his statement.

Back in September, when I raised the issue of the new cattle tracing system with him, the cabinet secretary was incredibly dismissive of NFU Scotland's concerns, saying that the reported concerns were "unspecified". If he had been properly engaging with the NFUS and with farmers' worries, he would know that reporting movements in a 48-hour window will be challenging. Why will his plan not take into account normal working hours? Surely he does not expect farmers to be tied up in paperwork all weekend trying to keep up to date with his Government's new information technology systems. He must realise that, with just a few minor tweaks to the rules, the move to the new scheme could be much more manageable for farmers, thereby increasing compliance and massively reducing the risk of heavy-handed and disproportionate penalties. Why cannot he extend the ScotMoves reporting window to three days and bring it into line with the cattle tracing system rules?

Fergus Ewing: First of all, Mr Chapman's premise that I have not engaged with the NFU is quite simply wrong and false in fact. The record shows that and I am happy to share details of the meetings that I have had. As it happens, I am meeting the NFU tomorrow after Parliament closes, so I take exception to assertions that are just false, and I really wonder whether that serves anybody's cause. Moreover, if Mr Chapman had really studied the matter, he would have ascertained that the NFU was on the working group that we established to look at the very serious issue of how to prevent the huge spread of a disease that decimated the rural community in 2001. It was on the working group and supported the business case. Yes, it had some concerns about timing, but Mr Chapman did not mention that the NFU was on the working group. Would it not have served his cause better if he had not portrayed a selective version of the facts?

On the question of why we are allowing keepers only 48 hours to notify moves when the ScotEID system allows four weeks to register additional holdings, I remind members that the ScotEID office is processing most applications for additional holdings registration within a day or two. It is only those that are more complicated—and some are extremely complicated, particularly for farms that have multiple linked holdings—that take more than a few days.

Mr Chapman's last point—I am trying to answer all the points that he raised in between making his snide comments—was about penalties. He did not mention that, as we have made clear and as he knows, we want there to be a soft landing. In fact, I will read out that bit of my statement again: for initial breaches, farmers will not be penalised. The purpose is not to punish anybody but to implement a system that will enable us to know, if there is an outbreak of a dreadful disease, where hundreds of thousands of cattle are. I am afraid that the current system does not give us that security. We need a system, as is legally required and as is necessary to avoid disallowance, in which we act on the advice of the chief veterinary officer rather than pooh-pooing it, disregarding it and making snide comments of the sort that Mr Chapman has made.

Rhoda Grant (Highlands and Islands) (Lab):

Given the Scottish Government's track record on IT systems, has the system been tested to ensure that it is fit for purpose? Is the cabinet secretary confident that it will work properly? The cabinet secretary will be aware that large parts of rural Scotland that will be impacted by the new system do not have access to broadband. How can farmers who cannot access broadband, or whose broadband systems are down, report movements in good time?

Fergus Ewing: Rhoda Grant raises some practical and sensible questions. That was one of the first matters that I raised in the early discussions on the system. We are confident that, because the system already works in other respects, it will be made to work in this respect too. Incidentally, the development and delivery costs are relatively modest, at £125,000 including VAT, and the project has been delivered on time and within budget. To satisfy myself of that, I took the opportunity in the past week to see for myself how the system works with a demonstration at Saughton.

There is no additional burden on cattle holders—the new system simply requires information to be recorded in such a way that enables us to know where those cattle are. We need that information in the event of an outbreak so that we know where to send veterinary inspectors. At present, we do not have that information, so veterinary officers would have to go and inspect cattle in every single linked holding throughout the country, which would waste their time and increase the risk of spreading disease. That seems to be what some Conservatives are advocating—if so, that is the height of irresponsibility.

Lastly, with regard to the impact on crofters, which I know is a subject dear to Rhoda Grant's heart, there is no change to the well-established rules on the movement of livestock in crofting

townships. Cattle that move between a croft and common grazing land do not need to be recorded on ScotMoves, and the township will be considered as a single epidemiological unit. It is helpful to get that on the record for Rhoda Grant's constituents—and for some of my constituents, given that Inverness-shire is a crofting county—who may be interested to know.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I very much welcome the reannouncement and confirmation of the soft-landing approach in the transition from the CTS links system to ScotMoves. Given that the purpose of the soft landing is to encourage take-up of the new system by farmers, what other steps will be taken to smooth the path and encourage early and meaningful engagement with the ScotMoves system for this important part of our farming infrastructure?

Fergus Ewing: We have adopted several methods to do that. First, the purpose of my statement is partly to draw attention to the importance of taking steps to ensure that, in the event of any exotic disease breaking out in Scotland, we have the most robust and resilient systems available. At present, we simply do not have such systems available. We are required to introduce the system under EU law—we are still in the EU and we therefore have to abide by the law. However, the most compelling reason is that we need to do it on commonsense grounds, based on expert advice.

It is important that we communicate the matter, as the scheme comes into effect on 1 January. That concerned me, because people generally will not be at work that day, but farmers have to work 365 days a year. We recognise that and, at my specific request, we will have a hotline available on 1 January. We have also taken steps to publicise the matter through the specialised and the general press, and we will continue to do so. Plainly, we also rely heavily on our excellent officials in our rural payments and inspections division offices—I think that there are 17 throughout the country, the majority of which I have visited. Staff and other experts, particularly in the Huntly office, will of course be extremely helpful in providing advice, support and back-up, especially in the early days of implementation of the new system.

I inadvertently failed to answer one of Rhoda Grant's questions. It will be possible to intimate information by paper—by first-class post or by fax—or by telephone. We want to be flexible and introduce the system effectively, and we do not wish to have a punitive regime. Today's event in Parliament will help us to communicate effectively our purpose, the necessity of the scheme and the

fact that it is not something to be feared but something to be embraced and supported.

Finlay Carson (Galloway and West Dumfries) (Con): As an ex-farmer and businessman from Dumfries and Galloway who was directly affected by foot and mouth, like all my colleagues, I welcome workable, measured and appropriate intervention to avoid such outbreaks happening again. However, the Government has an appalling record on delivering working IT systems for Scotland's farmers. The cabinet secretary will therefore understand my concerns and those of the NFUS with regard to the relationship between the CTS system and ScotMoves. Will the cabinet secretary agree on the record to protect farmers from being penalised by IT foul-ups by opening the timeframe for registering moves only once the allocation from CTS to ScotMoves has happened?

Fergus Ewing: I have said that, throughout 2017, the soft-landing approach will be applied, and that is what will happen. That will allow more than sufficient time for any initial teething or other difficulties to be navigated successfully and for communication of the scheme to happen.

Reference has been made to the NFU, which supported the basic argument on the need for the scheme. I am pleased that Mr Carson said that he recognised that need, before he went on to the more characteristic tale of woe that we hear from the Conservatives day and daily. He mentioned the NFU, which has seen the map that shows the linked holdings and the movements of cattle across Scotland and which has recognised the obvious risks if there is an outbreak and we do not know where those cattle are. People do not need to be an expert on epidemiology or a chief veterinary officer to see that, at the moment, we do not know where hundreds of thousands of cattle are. Therefore, I had no hesitation, in my role as the cabinet secretary with responsibility for the matter, in accepting that advice and supporting the NFU, which recognised the need to introduce the scheme. I also had no hesitation in making the statement, as part of a responsible method of ensuring that the need for the scheme and the way it operates are effectively and clearly promulgated to all concerned.

Claudia Beamish (South Scotland) (Lab): The cabinet secretary has sought to reassure those in the sector who are concerned about cross-compliance. In his statement, he said:

“To ease the changeover ... I announced in September that we are taking a soft-landing approach during 2017 to encourage farmers to use the new system.”

Will there be a proportionate system of penalties after the first year? Will the cabinet secretary give a bit more detail about the support that farmers will get in the changeover process?

Fergus Ewing: As Claudia Beamish will know, “cross-compliance” is the term that is used to refer to a series of statutory management requirements and standards that cover the environment, public, animal and plant health, and animal welfare. Farmers must adhere to them in order to receive direct subsidy—it is necessary for farmers to comply with cross-compliance rules to qualify. That is respected and understood.

The purpose of the soft landing, which I think Claudia Beamish supports, is to ensure that a penal regime is not introduced as farmers get used to the new system. A year is a reasonable time within which to expect that to take place. Where it is determined that there has been a negligent breach of cross-compliance requirements, a reduction to direct payments of 3 per cent is expected. The reduction can be varied up to 5 per cent and down to 1 per cent. However, as stated, to encourage Scottish cattle keepers to use ScotMoves, negligent first-time breaches of notifications or recording requirements will result in a written warning rather than a financial reduction to a farmer’s direct subsidy. The procedure will be in place for the whole of the next calendar year.

Richard Lyle (Uddingston and Bellshill) (SNP): As a member of the Rural Economy and Connectivity Committee, I welcome the cabinet secretary’s statement. Will he, as part of the shift to the ScotMoves system, commit to reviewing the rules on standstill, which currently require livestock holders to hold animals on their land for 13 days before they can move them off again?

Fergus Ewing: The chief veterinary officer has already agreed that that would be a valuable exercise, for the reason that the data that will come forward over the next year through the new ScotMoves system will be of considerable value in reviewing the standstill regime. That is one of the potential benefits of the new system.

Mark Ruskell (Mid Scotland and Fife) (Green): I thank the cabinet secretary for the advance copy of his statement. I certainly welcome the digitisation of public services, although perhaps, with regard to the common agricultural policy payments issue, it has been more of a bumpy ride than a soft landing so far.

When the cabinet secretary went to Saughton house, he would no doubt have spent some time banging 12-digit codes into a computer. He will recognise that the capacity for error is fairly large in that regard. In terms of the penalties that will apply for first-time negligent breaches, what support and advisory work will be undertaken with the farming community to ensure that such technical issues are resolved?

Fergus Ewing: Mark Ruskell makes a fair and practical point, and he is right: when I saw the

demonstration of the system, I saw that every animal has its own reference number, which I think is 12 characters. Plainly, accuracy is essential, but I make the point that that the use of such identifiers is not new and it is understood and appreciated by those who hold cattle. There is nothing new about their use in respect of the administration of integrated administration and control system forms, single application forms and so on. It is familiar territory.

The operation of the system, as I saw from the demonstration, is pretty straightforward in practical terms, provided that one has digital capacity. As I said to Rhoda Grant, who rightly raised the point, alternatives will be available for those who do not.

In the second part of his question, Mark Ruskell asked about inadvertent errors. I am speaking from memory, Presiding Officer, and if I subsequently ascertain that what I am about to say is wrong I will correct the *Official Report*. I mentioned earlier that there is a disallowance for negligence errors. There is separate provision in the EU penalty regime for mistakes that are of an inadvertent nature. Where a mistake is inadvertent, it is possible for a less penal, less harsh, less oppressive and more proportionate result to ensue. I very much welcome that, as I think that Mark Ruskell does—as indeed does Commissioner Hogan, who has used a lot of his time and effort to explore the issue and take it in the direction that Mark Ruskell, I and every other member would wish to see.

Mike Rumbles (North East Scotland) (LD): I thank the minister for the advance copy of his statement. The minister highlighted the foot-and-mouth outbreak of 2001 that started across the border in England. He is right to ensure that the risks of such devastating outbreaks are minimised. Under ScotMoves, Scotland will now have a different cattle movement management system than is operated in England. Does the minister really think that that will help him to achieve his aim of minimising risk, especially when the NFU Scotland specifically asked him to introduce in Scotland a system similar to that which was proposed in England?

Fergus Ewing: Mike Rumbles has asked a fair question and he is right that the system is different in England. The proposal to remove CTS links in England and Wales contains complexity and developments that are at odds with accepted policy in Scotland. Examples include registration of temporary land associations at field-identifier level within 10 miles, and use of temporary county parish holding numbers with no distance limit. The major difference in practices, as I am sure Mr Rumbles is aware, is that in England and Wales there is a 10-mile radius, as opposed to the current 5-mile radius in Scotland. The 10-mile

radius covers 314 square miles or 81,000 hectares, which is four times the area that is covered by the current 5-mile radius in Scotland. There are already differences. Scotland has well-established 5-mile CPH rules, which have been in place for many years. It is fair to say that those rules are well known to keepers and officials and that they operate effectively across all livestock species. They have also been the subject of EU audit.

It is therefore also fair to point out in response to Mr Rumbles' question that existing cattle holders are familiar with the different systems that exist in England and Wales, and that there are many practical reasons why the approach that we are taking is the right one for Scotland.

Mairi Evans (Angus North and Mearns) (SNP): The cabinet secretary mentioned in his statement one of the reasons why we are not following the system that is being introduced in England. Will he provide more information on that, and any other reasons why we are not considering that system?

Fergus Ewing: My earlier answer was rather long but, to supplement it, I can say that if we were to move to a 10-mile CPH rule, that would create more complexity and upheaval and would be no use to the 65 per cent of keepers that use the CTS links and are within 5 miles of the main holdings, nor to island cattle keepers who send animals to the mainland for away wintering.

John Scott (Ayr) (Con): I thank the cabinet secretary for advance sight of his statement and I declare my interest as a beef and sheep farmer.

I am pleased to note and welcome that the cabinet secretary is willing to be lenient in enforcement of the new rules as they are introduced in 2017. However, the penalties that will be enforced for failure to register movements timeously after the grace period is over are apparently excessive—in particular, for genuine and inadvertent errors. As the purpose is not to punish anyone, will the cabinet secretary look again at the cross-compliance penalties and perhaps put them on a sliding scale relative to time? Will he again reassure Scotland's farmers that genuine errors will not be unduly punished?

Fergus Ewing: John Scott has raised a reasonable point. I am glad that he appreciates our adoption of a soft-landing approach. We have shown that we do not want to introduce a punitive regime; we want to introduce a successful and effective regime that further enhances Scotland's reputation for producing quality livestock and which keeps us free, as far as possible, from disastrous outbreaks of disease that have caused so much damage, as Finlay Carson rightly said.

On the penalty scheme, I have referred to the disallowance and the statistics already. I would love to see a scheme that is more proportionate and less punitive, harsh and oppressive. As John Scott has, I have over many years taken up many individual cases and sought to argue with my predecessors that those people should not be penalised. All too often, the upshot was that there was no alternative but to pursue the fines, as is effectively prescribed in EU law. I am quite sure that the existence of that disproportionate penalty regime played a significant part in the thoughts of many people in the farming community when they cast their votes in the EU referendum, because it is a regime that few of us in this Parliament have ever sought to defend.

I will, of course, look to see whether there is any wriggle room in relation to what happens after the first year is over and, therefore, the possibility of disallowance exists. I am happy to work with Mr Scott to see whether there is any means whatsoever by which the penalties that are set out in the regulations can be mitigated, precisely for the reasons that he set out.

The Presiding Officer: I said that I would take Colin Smyth. Please be brief, though, Mr Smyth.

Colin Smyth (South Scotland) (Lab): Thank you, Presiding Officer. As someone who saw the devastating impact on communities in Dumfries and Galloway of the outbreak of foot-and-mouth disease in 2001, I and, more importantly, local farmers fully understand the importance of robust traceability. However, how will the Scottish Government guarantee that no farmers whose animals have been moved more than four times around the same farm under linked holdings will be penalised at slaughter under the new system?

Fergus Ewing: I absolutely assure Colin Smyth that we will take every possible step to ensure that farmers are not penalised for any breach of rules, either harshly or in a fashion that is unduly oppressive. I hope that I have made that clear in response to several questions. The approach that we will take is to ensure the efficient operation of the scheme—it will not be to impose a penal regime.

Business Motions

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S4M-03229, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 10 January 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Scotland's Place in the European Union – Protecting and Promoting Human Rights and Fundamental Freedoms

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 11 January 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Justice and the Law Officers;
Culture, Tourism and External Affairs

followed by Scottish Government Debate: Scotland's International Development Strategy

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 12 January 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.45 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Education and Skills Committee Debate:
SQA, Education Scotland, SFC and
SDS - Performance and Role

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 17 January 2017

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 18 January 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Education and Skills

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 19 January 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.45 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-03231, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable at stage 1 for the Railway Policing (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Railway Policing (Scotland) Bill at stage 1 be completed by 5 May 2017.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

17:02

The Presiding Officer (Ken Macintosh): The next item of business is consideration of Parliamentary Bureau motion S4M-03233, on the designation of a lead committee.

Motion moved,

That the Parliament agrees that the Education and Skills Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Children and Social Work Bill (UK legislation).—[*Joe FitzPatrick.*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:02

The Presiding Officer (Ken Macintosh): The question is, that motion S5M-03233, in the name of Joe FitzPatrick, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Education and Skills Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Children and Social Work Bill (UK legislation).

Meeting closed at 17:02.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba