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Scottish Parliament

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Father Andrew Garden, priest of St David's Catholic church in Dalkeith and St Luke and St Anne's, Mayfield.

Father Andrew Garden (St David's Catholic Church, Dalkeith, and St Luke and St Anne's, Mayfield): Presiding Officer and members of the Scottish Parliament, thank you for this time.

CS Lewis tells us that, if we are to act well, reflection must always come first. He says that, when you wake up each morning,

"All your wishes and hopes for the day rush at you like wild animals. And the first job each morning consists simply in shoving them all back; in listening to that other voice ... letting that other larger, stronger, quieter life come flowing in."

What a beautiful description of the purpose of reflection:

"letting that other larger, stronger, quieter life come flowing in".

CS Lewis knew that it did not just happen, that it really was a job, a task. It was being attentive not to the noisiest voice but to the true voice.

Queen Margaret of Scotland understood that as well, just up the road in the castle, nearly a thousand years ago. The court of Malcolm must have been a noisy place with so many voices and influences clamouring for attention, but Margaret took time each day to reflect: to listen to that other voice and let that other life come flowing in. She found that voice, that life, in the gospels, the accounts of the things that Jesus said and did. Her book of the gospels can still be seen in a library in Oxford.

It was in reflecting on that book that Margaret found the inspiration and the energy to act as she did every day of her life, finding people who had nothing, not keeping her distance but washing their feet, giving them food and clothing, filling the hall in the castle with people she had found and giving them warmth and nourishment.

Invite those who cannot repay you—she had read that in her book. It was not just a voice to listen to but life, a stronger life. It was not just an idea but the energy to carry that idea through.

King Malcolm watched Margaret, and he saw a precious new light coming into this country through her. There is a story that Margaret was once unable to find her gospel book. Eventually she came upon Malcolm, just sitting holding the book in his hands. Although Malcolm himself was illiterate, unable to read, somehow he knew that the book was precious. It made his wife the person she was. She listened to the voice that she found there. As he held her book, Malcolm somehow began to sense the value of reflection for Margaret and for Scotland.

The Presiding Officer: Before we move on to our first questions of the day, I am sure that the chamber will wish to join me in welcoming to our gallery the Speaker of the Legislative Assembly of Ontario, the Hon Dave Levac MPP.

Topical Question Time

14:04

Carillion

1. Gillian Martin (Aberdeenshire East) (SNP):

To ask the Scottish Government what implications the situation at the construction company Carillion might have on the completion of the Aberdeen western peripheral route and other infrastructure projects throughout Scotland. (S5T-00865)

The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown): The Scottish Government has been working to manage or eliminate risks associated with Carillion's difficulties since July last year and we have contingency plans in place for affected contracts, including the one for the AWPR, which contains a mechanism for the remaining two joint venture partners to deliver the project. We expect that work to continue.

We understand that Balfour Beatty and Galliford Try will now take the necessary steps to jointly deliver the remainder of the project. We will continue to work closely with Aberdeen Roads Ltd to assess and mitigate any impacts that may arise as a consequence of the announcement. Separately, we understand that Network Rail has contingency plans in place to deal with the situation and that those plans will be implemented.

I will convene a high-level meeting with Government officials and agencies this afternoon to discuss key actions and consider plans going forward. Furthermore, we understand that Skills Development Scotland and the Minister for Employability and Training are working closely with Carillion's training provider in Scotland, Tigers Ltd, to understand how modern apprentices will be affected. SDS has advised me that contingencies are in place to help in a potential redundancy situation.

Gillian Martin: Carillion was employer to thousands of people, including those employed on the AWPR project. It also had many subcontractors—much smaller firms that will be concerned about any knock-on effect on them. What work is the Scottish Government doing to help those employees and smaller companies throughout Scotland that might now face a very uncertain future?

Keith Brown: First, our thoughts are with all those who will be concerned for their jobs. We will do what we can to support them. I advised the Secretary of State for Scotland in a telephone call yesterday morning that the Scottish Government, through its partnership action for continuing

employment initiative, stands ready to provide assistance in those circumstances.

We are also continuing to progress discussions with the liquidators and the UK Government about the measures that they intend to put in place regarding the private sector—I mentioned Network Rail—and the UK Government-backed contracts in Scotland. We will be supporting Carillion employees to secure the completion of those contracts. Companies and individuals in the supply chain who are working on public sector contracts have been asked to operate as usual, so there should be no immediate impact on those projects.

A cross-governmental meeting has been convened today to identify ways in which further support can be offered to those who are affected by yesterday's announcement. That will include representatives from key departments and agencies. We also stand ready, as I said, to offer assistance through PACE.

More information is coming in all the time, and we will take it forward. In addition, we have in place advanced plans to establish a helpline through Scottish Enterprise to help any companies further down the supply chain that want to get more information on the situation.

Gillian Martin: I thank the cabinet secretary for the assurances that he has given. The work to deal with the situation is obviously on-going, but the AWPR works are one of the biggest infrastructure projects in Scotland and the project will see huge benefits for the north-east. Those of us in the north-east are seeing that it is nearly ready to be completed. What steps can the Scottish Government take to ensure that the other partners in Aberdeen Roads Ltd can carry out the rest of the work without any delay to the completion date?

Keith Brown: Gillian Martin may have seen that the two other contractors that are involved, Balfour Beatty and Galliford Try, have advised the stock exchange of their intention to do exactly what she says—to continue with the contract, which is their obligation under the contract that we signed with them, as Aberdeen Roads Ltd. The consortium is responsible for delivery of the project. We have spoken to them requesting that they set out how they propose to fulfil their contract obligation to complete the work.

We understand that the other contractors will now take forward the necessary steps to deliver the remainder of the project. It is a complex process and it may take some time to conclude. However, I reassure the member and others that the AWPR contract is designed to ensure that the project is completed. Meanwhile, Transport Scotland will work closely with ARL to assess and

mitigate any impacts that may arise as a consequence of this development.

Dean Lockhart (Mid Scotland and Fife) (Con):

I associate myself with the concerns that the cabinet secretary expressed for the thousands of employees of Carillion and associated companies, who will be facing an anxious time. The cabinet secretary mentioned that the Scottish Government

“has been working to manage or eliminate risks associated with Carillion ... since July last year”.

Can he provide more information on what actions the Scottish Government has been taking to mitigate those risks?

Keith Brown: I have mentioned the major contract, which is the one for the Aberdeen western peripheral route. As each of the profit warnings was issued for Carillion, we put out statements saying exactly what we foresaw as the way forward, which was the continuing obligation and commitment of the partners to see through that contract. We have ascertained that that is the position of the contractors and they have confirmed that.

In the case of other contracts, Registers of Scotland has taken action to ensure that services that Carillion previously provided can be provided by others, and Network Rail has advised us that it has contingencies in place to ensure that two of its contracts—the Waverley and Shotts line electrification contracts—will be completed. It is Network Rail that lets those contracts, of course; we do not do that.

As members would expect, as soon as the first of the profit warnings was issued back in July, action was taken not directly by the Government at the centre but by the different parts of the Government that have been involved with Carillion to mitigate and eliminate where possible any risks to those contracts.

Jackie Baillie (Dumbarton) (Lab): There are many questions to be asked about the collapse of Carillion, but it is clear that our immediate focus should be on jobs and services. Gillian Martin was right to highlight the significant number of employees who work for companies to which Carillion subcontracted work. Will the cabinet secretary meet the Federation of Small Businesses Scotland and others so that subcontractors beyond those that are employed on the Aberdeen western peripheral route can be provided with reassurance? Can he say how many contracts Carillion has in Scotland for facilities management services as opposed to construction? Will he explore the option of returning those to the public sector, if appropriate?

Keith Brown: Jackie Baillie’s first point, on the status of subcontractors and smaller companies, is

a very important one. The vast bulk of the let contracts relating to the Aberdeen western peripheral route have been let by the consortium and not directly by Carillion. It has let one or two contracts, and we will look further at those, but the vast majority are in the name of the consortium, so they should proceed as previously.

If there are any requests from the FSB to meet, we will do that, although I hope that the helpline that Scottish Enterprise has established, which I mentioned, will satisfy any questions that come from that side of things.

I am happy to provide Jackie Baillie with a list of the contracts that the Scottish Government or its different agencies—I mentioned Registers of Scotland—are involved in. It is a very short list. In fact, I am happy to provide any knowledge that we have about other organisations. Jackie Baillie will know about the West of Scotland Housing Association and Glasgow Langlands. I am happy to provide such information but, in most of those cases, it is for the individual organisations or agencies concerned to ensure that they have alternative arrangements in place. As I mentioned in my previous response, that has been done in almost every case. Alternative arrangements are in place. Whether the agencies and bodies concerned decided to bring those in-house or to seek another provider was down to them. However, as I said, I am happy to provide Jackie Baillie with as much information as possible about those contracts.

Patrick Harvie (Glasgow) (Green): I very much welcome the cross-party concern about and attention to the impact on the workforce, and I hope that the cabinet secretary will continue to keep Parliament updated on that.

However, the longer-term context also needs to be recognised. The story of what has happened with Carillion is intimately bound up with many years of domination by a model of delivering public contracts through large profitable companies, but with the public sector bearing the risk and often being expected to bail projects out when things go wrong. Carillion has been part of that model, as has Galliford Try, which the cabinet secretary mentioned, and whose share price has also come under pressure in recent days.

Does the cabinet secretary recognise the dysfunction that that system represents in relation to both the private finance initiative model and the Scottish Government’s own non-profit-distributing model? Does he agree that the Audit Scotland review of the NPD model—which is, I believe, due to take place later this year—needs to take account of the events of recent days so that we can ensure that we can avoid and eliminate such risk in the future?

Keith Brown: It is not possible to eliminate all the risk that is attached. Long before PFI was ever conceived, many road and other projects were, of course, tendered for and delivered by the private sector.

I bow to nobody in my opposition to PFI. I have a criminal conviction for refusing to pay my toll on the Skye bridge, which was the first and, perhaps, the most notorious of the PFI projects under the Conservatives, and I opposed in every possible way the PFI contract that my local authority took out for new schools back in the early 2000s. However, regardless of whether there has been a Tory or Labour Administration, the constraints on public sector borrowing have meant that we have had to find ways to fund vital infrastructure projects.

We proposed the NPD solution in order to mitigate the worst effects and the most obscene of the profits that Patrick Harvie talked about. The fundamental point of his question was that Governments should look at what has happened and learn lessons from any incidents like this. I am happy to give that undertaking.

Mike Rumbles (North East Scotland) (LD): The cabinet secretary has twice said that he understands that the other two members of the consortium for the Aberdeen western peripheral route will take up the slack in the contract. Will the timescale for that cause any delay in completion of the contract? In what month will the AWPR be opened to traffic?

Keith Brown: It is not just me saying that the contract will be picked up by the two remaining contractors: the contract itself says that that must happen, and it is to the credit of the people who devised the contract that it includes that guarantee. The contractors are also saying that; they gave that commitment to the Stock Exchange very quickly, as has happened for other joint ventures south of the border. Nothing that I have said necessitates a delay to the AWPR project, because of that guarantee.

The former Carillion employees may be taken on by the other contractors, because many of them serve vital parts of the project. We will be interested to see that, and we will encourage the contractors to take them on. Nothing in the change that has happened necessitates a delay.

Of course, we will keep our eyes on further developments as they take place. Information is coming in to us all the time. The final announcement of the liquidation came overnight on Sunday night, although we had previously had profits warnings. We will continue to work with the contractors to ensure that we deliver the contract as it is stipulated.

Richard Lochhead (Moray) (SNP): The thoughts of us all will be with Carillion employees and the subcontractors and suppliers.

I am sure that the cabinet secretary is aware that Carillion has contracts for servicing Ministry of Defence properties in Scotland, which includes 650 properties in Moray connected to RAF Lossiemouth and accommodation at Kinloss barracks. I welcome the assurances that the MOD has given so far that there will be minimal disruption to servicing of the MOD properties. Will the cabinet secretary explore those assurances when he next speaks to the MOD, and return with more information to Parliament, or get back to members who have MOD properties in their constituencies, so that we can give the assurance to families that their homes will be serviced and maintained?

Keith Brown: Richard Lochhead has raised a good point. I think that the United Kingdom Government has substantially more contracts with Carillion in Scotland than has the Scottish Government: the Moray properties are among the contracts. I refer the member to the assurances that have been given so far by the MOD, to the effect that there should be no direct impact on defence contracts, including the services that are provided to armed forces personnel and their families. Housing that is provided under the contract will continue to be serviced, catering facilities will continue to be provided and buildings and offices will be cleaned. As the member suggests, I will seek further information from the MOD. In my telephone call with the Secretary of State for Scotland yesterday morning, I pointed out that we have the partnership action for continuing employment scheme, which the UK Government is involved in through Jobcentre Plus. If any of the contracts for which the UK Government is responsible in Scotland were to result in redundancies, we would make sure that PACE was deployed to help employees in that situation.

Peter Chapman (North East Scotland) (Con): My thoughts are with the workers and their families, who are clearly having a very difficult time. I welcome the Government's contingency plans to help to mitigate Carillion's collapse. I am pleased that the cabinet secretary has said that there will not be a delay in the AWPR. However, will the collapse add extra cost to the AWPR?

I am very concerned about the subcontractors who work not just on the AWPR contract but across the country. Will they be paid? Are we facing many small companies going bust because of this? Will the people who work with Carillion on the AWPR now be taken on board by the other two members of the consortium, or are they now unemployed?

Keith Brown: I have sought already to answer some of those questions. On Peter Chapman's final question, I think, as I said, that it is likely that the two remaining contractors will be required to do the work that was previously done by employees of Carillion. I do not want to be too definitive, but I think that there is a very good chance that they will be taken on by the other two members of the consortium. Some 70-plus direct employees of Carillion are employed on the contract, and about 190 people are employed on other terms, including some agency staff. We are coming towards the end of the contract, so it might well be the case that all that resource will have to be there.

In relation to some of the other contracts, the UK Government has said that the Transfer of Undertakings (Protection of Employment) Regulations 1981 will apply in certain circumstances.

We cannot give a cast-iron guarantee on this, but I think that there is a good chance that many of the workers will be re-employed. For those who are not re-employed, we have offered the assistance that I set out previously.

On cost, the issue is in some respects the same as it is in relation to timing: we do not think that costs are associated with the situation. The member might have seen reference by the remaining partners to a "hole" in the project of between £40 million and £80 million. That is for the partners to consider, with the banks and lenders who are part of the consortium. It is not for the Scottish Government to fill that hole. However, we will consider whether there are additional costs, although we do not expect any. We are in dialogue with the companies involved: I again undertake to keep Parliament updated, as things progress.

The Presiding Officer (Ken Macintosh): We can squeeze in two final questions.

Lewis Macdonald (North East Scotland) (Lab): As the cabinet secretary said, the two remaining partners in the Aberdeen western peripheral route contract are taking up the slack. I am sure that he agrees that the failure of one of the three partners has been extremely serious and that the failure of another would be catastrophic. In the past six months, has the Government assessed the impact of the AWPR contract on Carillion, which has now gone out of business? Has it assessed the potential impact on the other two partners in the consortium?

Keith Brown: I do not want to speculate too much on the very hypothetical situation of a second partner coming out of the contract. In relation to Carillion, we have undertaken the checks that Lewis Macdonald would expect us to

undertake—not least when a situation was signalled by the profit warnings, which were public. We carry out such checks and, of course, we carry out checks on the contract in order to make sure that it is progressing as it should.

I make no bones about it: there is no information that suggests that the eventuality that Lewis Macdonald talked about will happen. Of course, if it were to happen, the remaining contractor would be responsible for taking things forward. That is the nature of the contract. That would be very unfortunate, but I have no information that suggests that that will happen. I confirm to Lewis Macdonald that we carry out checks of the nature that he described.

Jamie Greene (West Scotland) (Con): Last year, Carillion was awarded a contract to deliver electrification of the Shotts rail line, as a vital part of ensuring connectivity in the central belt. The cabinet secretary mentioned that contingency plans are in place. Will he say what guarantees are in place that the project will continue and be delivered? Does he anticipate that the contract will be awarded to another firm, or that the Government will in some way be able to support the existing team that is delivering it? If the contract is to be awarded to another firm, what timescale is the cabinet secretary working to for transferring the contract?

Keith Brown: I clarify to Jamie Greene that the Government did not let that contract; that contract was let by Network Rail. Of course, I am not denying that the Government will stand behind and pay for that contract in one way or another. We have been in touch with Network Rail, which has given us the assurances that the member seeks that the project has contingencies in place and is expected to continue as before. I am happy to see whether there is further information that I can provide to the member, but Network Rail has provided an assurance that the project will be completed.

The Presiding Officer: I thank the cabinet secretary and members for their forbearance. There was a great deal of interest in the topic.

Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill: Stage 1

The Presiding Officer (Ken Macintosh): The next item of business is a debate on motion S5M-09894, in the name of Annabelle Ewing, on the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill.

14:24

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): I am pleased to open the stage 1 debate on the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill. I thank all the members of the Justice Committee for their careful consideration of the bill thus far. I also thank the very hard-working clerks on the Justice Committee and the many stakeholders who contributed to the proceedings.

Above all, I express my sincere thanks to Sheriff Principal Taylor for his diligent and thorough review, which lasted more than two years, of the issues to do with the expense and funding of civil litigation in Scotland. Sheriff Principal Taylor was kind enough to give very comprehensive evidence to the committee in spite of on-going health problems. I am sure that we all wish him well.

The context of the review was a 41 per cent decrease in civil litigation in Scotland since 2008-09. We know that, further to the review, the potential costs involved in civil court action can deter many people from pursuing legal action even where they have a meritorious claim.

When the bill was introduced, Sheriff Principal Taylor said:

“The proposals address some concerns which may cause people not to exercise their legal rights and ultimately their right to go to court. The fear of having to pay their own solicitor and also the legal costs of their opponents can be a significant deterrent. This Bill provides for the setting of a straightforward formula, in personal injury and other civil cases, to enable a client to work out what his or her own lawyers can charge. It also removes the risk of having to pay their opponent’s costs in personal injury cases, provided they have acted properly.”

Those contemplating civil litigation need to have more certainty about how they will be able to afford to exercise their rights, and the provisions contained in the bill will make the cost of civil litigation in Scotland more predictable and hence increase access to justice.

The three major reforms proposed in the bill that will bring that about are the introduction of sliding caps on success fees, allowing solicitors to offer damages-based agreements, and qualified one-way costs shifting.

The first proposed reform—the introduction of sliding caps on success fees—has been generally welcomed and, when the time comes to provide the caps in regulations to be made under the bill, I confirm that I am minded to set the levels at those suggested by Sheriff Principal Taylor in his report—that is, up to 20 per cent on the first £100,000, up to 10 per cent on the next £400,000 and up to 2.5 per cent on any amount more than £500,000.

The second major reform proposed will widen the availability of damages-based agreements by allowing solicitors to offer them directly. Currently, damages-based agreements are not enforceable by solicitors but are offered through claims management companies. They have proven to be very popular for those contemplating pursuing a claim, as they are simple to understand. Basically, the client pays nothing up front, but agrees to pay a percentage of the damages awarded, or agreed, to the provider of the legal services. The solicitor will be responsible for all outlays in personal injury actions, such as court fees.

Sheriff Principal Taylor stated in his evidence that one solicitor-owned claims management company has entered into 17,600 new damages-based agreements in the past three years and 23,800 such agreements in the past five years. This, he argued, goes some way towards explaining the rise in the number of claims in Scotland over the past five years, about which some giving evidence to the committee have expressed concern. The Government considers that the enforcement of legal rights by individuals is something to encourage.

While on the subject of claims management companies, I will mention the concern that has been expressed that the bill does not make provision for their regulation. We have, however, been in discussions with the United Kingdom Government about the extension to Scotland of the regulation of claims management companies by the Financial Conduct Authority, as proposed in the Westminster Financial Guidance and Claims Bill. I am pleased to say that appropriate amendments were accepted during the bill’s third reading in the House of Lords. Claims management companies will therefore be regulated in Scotland more quickly than would have been the case through our initial approach, which would have involved relying exclusively on the work of the Esther Robertson review of legal services regulation. However, at this stage, I cannot give a definite date when the Westminster legislation will be implemented.

The third major proposed reform is the introduction of qualified one-way costs shifting in personal injury cases. The vast majority of defenders in personal injury actions are well

resourced and the majority of pursuers are of comparatively limited means. Although very few claimants are pursued for expenses by successful defenders, there is always a risk to a pursuer that they would be liable for considerable expenses and could face bankruptcy if they lose. Sheriff Principal Taylor's review confirmed that there is real fear of that in the minds of potential pursuers, which stops too many meritorious claims from getting off the ground. Qualified one-way costs shifting removes that risk, so long as the pursuer and his or her legal team conduct the case appropriately.

The tests by which the benefit of qualified one-way costs shifting can be lost by pursuers due to their behaviour have been the subject of varying views from witnesses before the committee. Broadly, representatives of insurers have suggested that the bar is too high, while representatives of claimant groups have suggested that it is too low. We are therefore considering amendments at stage 2 to make it clearer that the Wednesbury test of reasonableness recommended by Sheriff Principal Taylor is to be applied to determine whether the benefit of qualified one-way costs shifting might be lost.

The bill also makes provision for the potential payment of expenses by third-party funders, which is intended to ensure that venture capitalists, whose only interest in a case is commercial, will be subject to adverse awards of expenses. There have been concerns that awards of expenses will be made against trade unions and providers of success fee agreements. That is not the Government's intention; indeed, as trade unions have no financial interest in the proceedings, they will not, as the bill is drafted, be subject to such awards. We will, however, consider amendments at stage 2 to make it clear that trade unions and providers of success fee agreements will not be liable for expenses. Moreover, Sheriff Principal Taylor recommended that all funding of litigation be disclosed, and amendments will be considered to broaden the requirement for disclosure.

Part 3 of the bill relates to auditors of court, who determine a successful party's expenses in litigation by order of the court or where there is a dispute with their opponent—a process referred to as taxation. The Scottish civil courts review, headed by the former Lord President, Lord Gill, expressed concern that the auditor of the Court of Session and the sheriff court auditors were able to make private profit out of a public office that provides a public service. The bill's provisions will remedy that situation by providing that auditors will, in future, be employees of the Scottish Courts and Tribunals Service. Auditors of court who are currently self-employed will remain so until they retire, if they so wish; however, in future, auditors

will be appointed under the same civil service rules that apply to the appointment of other officers of court.

Auditors will continue to have functional independence as part of the Scottish Courts and Tribunals Service and the auditing process will continue as it has in the past. As part of the service, auditors will be independent of the Scottish ministers in the same way as the rest of the service, which is an independent body corporate under the Judiciary and Courts (Scotland) Act 2008. Provision for an annual report on the activities of court auditors will make the system of taxation of judicial accounts more transparent.

Finally, I want to say a word about group proceedings. I am pleased that the proposal to introduce class actions to the Scottish courts has broad support. I am convinced that the best way forward at this time is to introduce an opt-in system, as it is prudent when introducing a new procedure in the Scottish courts to select the option that will be more straightforward to implement and will therefore not cause undue delay in getting the procedure off the ground. Opting in means that individuals must have explicitly chosen to be part of the group, having weighed up the benefits and possible disbenefits of doing so. The approach has been supported by an overwhelming majority of stakeholders, including the Faculty of Advocates, the Law Society of Scotland, the Scottish Trades Union Congress, the Association of Personal Injury Lawyers and the Forum of Insurance Lawyers. Of course, we have not ruled out considering an opt-out procedure at a later date, once group proceedings have bedded in.

In summary, the bill seeks to put in statute approximately half of the recommendations in Sheriff Principal Taylor's review. Some of his recommendations, for example on sanction for counsel, have already been implemented in the Courts Reform (Scotland) Act 2014, while the remainder will be considered for potential rules of court by the Scottish Civil Justice Council.

As I have mentioned, the civil justice statistics for Scotland show an overall—and continuing—decrease in civil litigation in Scotland of no less than 41 per cent since 2008-09. That should be a source of concern for all those who care about the provision of access to justice in Scotland and, indeed, the health of our Scots civil law jurisdiction. The bill will therefore implement Sheriff Principal Taylor's major recommendations to begin to address this situation by making the cost of going to court more affordable, more predictable and more equitable.

I move,

That the Parliament agrees to the general principles of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill.

14:34

Margaret Mitchell (Central Scotland) (Con): I am pleased to speak on behalf of the Justice Committee in this stage 1 debate on the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill. I begin by thanking all the witnesses who provided evidence to the committee. I also thank the Delegated Powers and Law Reform Committee for its report, which we endorsed. I pay particular tribute to the Justice Committee clerks, who have done a superb job in producing the stage 1 report on what is a technical and complicated bill.

By changing the rules on how people can fund their claim and the costs that they could be liable to pay the other side, the bill will directly affect many thousands of people in Scotland who bring a civil claim. The bill's principal policy objective is to improve access to justice. The committee considers that, on balance and despite conflicting evidence, there are problems with access to justice in respect of civil litigation. However, it also considers that more up-to-date research on the consumer experience of legal services in Scotland is required in order to properly inform future policy.

I turn to the detail of the bill. The bill will regulate success fee agreements, which are often known as no-win, no-fee agreements. For the first time, solicitors in Scotland will be allowed to enforce damages-based agreements where the solicitor receives a percentage of the compensation awarded to their client if the case is won. One of the committee's key concerns relates to the approach that the bill takes to damages for future loss in personal injury cases. For example, damages can cover lost earnings while an injured person is off work recovering. In more serious personal injury cases, damages can cover the loss of all future earnings, as well as care and medical costs. The bill will allow a solicitor to include damages for future loss when calculating their success fee, subject to certain conditions. Here, the bill implements Sheriff Principal Taylor's considered recommendations, but the committee remains concerned that the failure to ring fence damages for future loss could reduce the money available to a person to pay for their future care and medical support. The committee therefore asks the Scottish Government to reconsider that approach.

The bill will also introduce qualified one-way costs shifting, known as QOCS. That means that, provided that the pursuer has acted appropriately, they will not be liable for the defender's expenses if they lose their case. Committee witnesses had

starkly opposing views on the introduction of QOCS. Pursuers' representatives argued that QOCS is necessary to redress the David and Goliath relationship between pursuers, who tend to be individuals with little experience of the legal system, and defenders, who tend to be insurance bodies. However, representatives of defenders and insurers argued that QOCS could have adverse unintended consequences and could facilitate a compensation culture in Scotland.

The committee was persuaded that QOCS could improve access to justice for pursuers, but it considered that that must be balanced by other safeguards to prevent any rise in fraudulent claims—for example, through the introduction of pre-action protocols in certain cases to safeguard against fraudulent claims without adversely affecting access to justice. Crucially, the committee asked the Government to commit to post-legislative scrutiny of the bill.

The regulation of claims management companies is a vital safeguard against any rise in fraudulent claims. Regulation was introduced in England and Wales in 2007, but there is no regulation of claims management companies in Scotland. Witnesses spoke about the negative impact of the practices of some claims management companies on Scottish consumers, particularly as a result of cold calling, which Sheriff Principal Taylor stated was

"the biggest mischief of claims management companies."—
[*Official Report, Justice Committee, 31 October 2017; c 15.*]

In addition, research from Which? reveals that Scottish cities suffer the highest number of nuisance calls in the UK.

The UK Financial Guidance and Claims Bill, which will strengthen the regime in England and Wales by transferring responsibility for regulation to the Financial Conduct Authority, was being considered at the same time that the committee was considering the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill. Following correspondence between the committee and the Minister for Community Safety and Legal Affairs, the UK bill has been amended to extend regulation by the FCA to claims management companies in Scotland. Nonetheless, there remains a potential regulatory gap that could have detrimental consequences for Scottish consumers if the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill is implemented before such FCA regulation is in place. The committee therefore recommends that the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill should not be implemented until claims management companies in Scotland are regulated.

The bill allows group proceedings or multiparty actions to be brought in Scotland for the first time.

Although that is welcome, to improve access to justice, the bill allows group proceedings to be brought only on an opt-in basis—that is, a person must expressly consent to being part of the action. In an opt-out system, the court agrees the definition of those affected, and anyone who is covered is deemed to have consented to court action on their behalf unless they expressly opt out.

The committee recognises the Government's pragmatic reasons for starting with an opt-in approach. However, given the strong evidence from Which? on the benefits of an opt-out approach for low-value consumer claims, the committee considers that there could be advantages in the court deciding whether proceedings are to be opt in or opt out.

So far, the minister has made no commitment to post-legislative scrutiny, to commissioning more consumer research, to changing policy on future damages, QOCS and uninsured defenders, to delaying the bill's implementation until the claims management companies are regulated, and to amending the bill to ensure that only regulated bodies can offer success fee agreements. Although the committee unanimously agrees with the general principles of the bill, it asks the Scottish Government to give serious consideration to the above recommendations to ensure that access to justice is improved and unintended consequences are avoided.

14:41

Liam Kerr (North East Scotland) (Con): At the outset, I declare an interest: I am a practising litigation solicitor and hold practising certificates with the Law Society of Scotland and the Law Society of England and Wales.

I am pleased to open for the Scottish Conservatives and to speak in favour of the principles of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill. The Scottish Conservatives are committed to the principle of access to justice. Anything that ensures that those who have rights are better able to avail themselves of those rights must be a good thing.

In the 2013 Taylor review, Sheriff Principal Taylor concluded that there would often be a David and Goliath relationship that prejudiced the attractiveness and prospects of litigation for those with rights. He made 85 recommendations on funding civil litigation in Scotland, and the bill seeks to introduce some of them.

However, there are a number of areas in which the bill can be improved. First, like the Justice Committee, I am concerned about the lack of ring fencing for future loss and the consequent potential for award erosion. Under the bill as

drafted, compensation that is intended to pay for the care of a seriously injured litigant will be reduced by a cut going to their solicitor. That could lead to injured parties being undercompensated and not receiving the full value of the damages that a court awards. We should bear in mind the fact that future losses are an assessment of what might be required to pay for future care needs. It could also lead to courts overcompensating claimants by increasing the damages award to negate that carve-out, or the statement of valuation of claim could perhaps be inflated to offset the deduction.

Many have expressed their concern over those points, including the Forum of Insurance Lawyers, which argued that

“To apply a crude percentage deduction from such huge sums could result in an enormous windfall for the solicitor and a funding gap (and significant anxiety) for the injured pursuer.”

I therefore agree with the Justice Committee's recommendation that the future loss part of any award should be ring fenced and, notwithstanding the Scottish Government's response to the stage 1 report, I urge further consideration of the matter.

The second question that merits further reflection is whether there are sufficient safeguards in place around QOCS to prevent a rise in unmeritorious and/or fraudulent claims. Some evidence suggests that, in Scotland, the number of personal injury claims has risen significantly during the past seven years, without QOCS. Logically, removing the financial risk in raising a claim will result in a further increase as access to justice is increased. By extension, there will, of course, be a rise in the number of fraudulent or unmeritorious claims. As drafted, the bill does not sufficiently define the circumstances in which a pursuer will lose QOCS protection. We therefore support the proposal from Sheriff Principal Taylor and the Justice Committee that section 8(4) should make it clear that the benefit of QOCS would be lost in fraudulent situations when the pursuer fails to beat a tender and when a pursuer's claim is summarily dismissed.

I welcome the amendments to the Financial Guidance and Claims Bill, which will provide for the regulation of claims management companies in Scotland. That is a sensible move that will provide Scottish consumers with the same level of protection against nuisance calls that consumers in other of the UK receive.

However, reasonable concern has been raised that if the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill comes into force before UK-wide regulation is in place, there will be a regulatory gap, whereby there are no rules governing the activities of claims management companies in Scotland. According to Which?, that

could lead to more claims management companies registering in Scotland, leading to even more nuisance calls for Scottish consumers and leaving Scottish consumers open to harmful practices by rogue firms. I hope that the Justice Committee's recommendation that the bill should not be brought into force until UK-wide regulation of claims management companies is in place is looked upon favourably at stage 2.

Finally, I am concerned at the lack of detail in the financial memorandum on the cost implications for public bodies—in particular, the national health service. NHS Greater Glasgow and Clyde argues that a more comprehensive analysis of future costs is “essential” to quantify the financial impact. The Medical and Dental Defence Union of Scotland argues that QOCS, if introduced, will mean that NHS resources will be taken up in defending unsuccessful claims, rather than spent on delivering services to patients.

The purpose of the financial memorandum is to assess the financial implications for public bodies. It is surely possible to calculate the total number of claims made against public bodies and then to calculate the increased cost to the taxpayer if there is, for example, a 5 or 10 per cent uplift in the number of claims. Like the Justice Committee, I urge the Scottish Government to undertake more detailed modelling on the likely impact of the bill.

The general principles of the bill are sound and I shall vote accordingly today. However, there are some flaws, and we hope that the Government will reflect on the debate and lodge appropriate amendments.

14:47

Daniel Johnson (Edinburgh Southern) (Lab): Before I begin, I draw members' attention to the fact that my wife is a practising solicitor.

Justice that is only open to those who can afford it is not justice at all. A critical component of any justice system is the ability to seek redress against third parties who have harmed an individual or their interests. That is a fundamental point of the civil justice system, and we must ensure that that ability is available to as many people as possible. As Sheriff Principal Taylor put it:

“Court action is always going to be stressful for litigants. Much of the stress is a fear of the unknown: ‘Will I win my case and if I don't, what will it cost me?’”

The Taylor proposals represent a sensible way of increasing certainty and rebalancing the risks, particularly through qualified one-way costs shifting. The bill takes forward those proposals and has the potential to mark a significant improvement in the ability and confidence of individuals to seek justice, so Labour will be supporting it at stage 1 at decision time.

However, as the bill progresses, we would like improvements to be made on a number of issues. In particular, we feel that trade unions must be explicitly exempted in section 10; that more could be done on the predictability and affordability of court fees; and that improvements might be possible with regard to group litigation.

For many people who pursue a case involving their employment or workplace, seeking assistance from their trade union is the single most important step that they will take. Trade unions provide support to the individual and can help them to meet their financial costs, so the role of trade unions in this area is highly complementary to the aims and objectives of the Government in introducing the bill.

It is right that the bill seeks to ensure that speculative involvement by third parties is limited or excluded from the changes, but trade unions are not a corporate interest and their explicit exclusion in section 10 is vital. I welcome the minister's comments in her opening remarks, but I seek a firm commitment and would welcome the minister making such a commitment in her closing speech.

Currently, court fees are incurred and payable on an on-going basis as a case proceeds. The pay-as-you-go model can prove to be an insurmountable barrier, even for those with a good chance of success, as they find that that cash-flow hurdle stops them taking their complaint to court. One way to address that could be by making fees payable only at the end of litigation, and the Government could consider whether they should be payable only if the case is successful, with fees being recovered from an unsuccessful defender.

The provision for group proceedings on an opt-in basis is welcome, but further consideration should be given to adopting an opt-out model. The consumer group Which? contends that, given the often low value to individuals in consumer claims and the lack of awareness or knowledge of the claims process, individuals might not choose to opt in. The Government should clarify its thoughts on the area and give those proposals serious consideration.

There are two areas of very real concern: the financial memorandum and the provision for delegated powers. Although nobody would wish for the NHS, the Parliament or any other public body to have increased costs, making it easier to pursue litigation clearly gives rise to the risk of an increase in the number of court actions that are taken against the public sector. The financial memorandum must be improved to include actuarial projections and risk-based forecasting to assess the possible financial impact on the public purse.

Liam Kerr: I agree with the point that the member has just made. As an extension of that, does he recognise the evidence that was given to the committee that the bill could increase insurance premiums? Does he agree that that is an unintended consequence that the Government needs to reflect on before the next stage?

Daniel Johnson: Naturally, any action that could increase the volume of civil litigation has that potential consequence. I was going to come on to the fact that there needs to be post-legislative scrutiny of the impact of the legislation and the general environment. I very much agree with the member on that point.

The Delegated Powers and Law Reform Committee concluded in its report on the bill that the provision in section 7(4) would enable the Government to amend part 1 of the bill and in that regard is “unusually wide”. Parliament must protect its right to legislate and hold the Executive to account, and section 7(4) must be amended to ensure that that happens.

The bill is welcome, and we all hope that it leads to greater access to justice. However, as I have just remarked, it is vital that Parliament reviews the impact of the changes, as there might well be unintended consequences, such as an increased compensation culture or a greater number of vexatious or weak claims. For that reason, the Government should commit to a review of the legislation in five years, particularly of qualified one-way costs shifting and damages-based agreements.

We support the aims and objectives of the bill and we will vote for it, but we ask the Government to consider our constructive comments so that the bill can be improved as it progresses through Parliament.

The Presiding Officer: We move to the open part of the debate.

14:52

Rona Mackay (Strathkelvin and Bearsden) (SNP): I support the general principles of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill at stage 1, because the purpose of the bill, which can seem complex and which is hard to boil down into a four-minute speech, is to increase access to justice and, in my view, that can never be a bad thing.

There is a need for civil litigation to be more accessible and affordable to everyone. How many times have we heard about people being put off bringing an action because they say that they cannot afford it? Since 2008-09, there has been a decrease of 41 per cent in civil litigation and, in my view—and, more importantly, in Sheriff Principal

Taylor’s view—that is based on a fear of the costs that are involved.

I will briefly outline what to me seem the most relevant points in the bill. I am aware that other members will focus on one or two more specific issues. To me, the most relevant points are damages-based agreements, the power to cap success fees, damages for future loss, qualified one-way costs shifting, the regulation of claims management systems and group proceedings.

On damages-based agreements, the set-up of a Law Society of Scotland working group will work to protect against conflicts of interest. It is vital that the pursuer is aware of the full range of funding options that are open to them.

The bill includes the power to cap success fees, which means that clients are not required to pay two success fees from damages obtained. I am pleased that the Government has committed to consider whether legislation is required to ensure that caps would apply.

On damages for future loss, much of the committee’s evidence and questioning surrounded whether those should be ring fenced when calculating solicitors’ fees, particularly when someone has been injured so severely that they require lifelong care. As has been said, the committee is asking for that provision.

The bill introduces qualified one-way costs shifting for personal injury claims. Under QOCS, a pursuer is not liable for the defender’s expenses if they lose but can still claim for their own expenses from the defender if they win.

We heard opposing views on the introduction of QOCS. Supporters of its introduction argue that it is necessary to redress the David and Goliath relationship in personal injury cases between pursuers, who tend to be individuals with little or no experience of the legal system, and defenders, who tend to be insurance bodies. People who are against the introduction of QOCS argued that it could have unintended consequences and, in particular, could facilitate a compensation culture or fraudulent claims in Scotland. I believe that QOCS will improve access to justice for pursuers, but the committee heard concern about that. However, I agree with Sheriff Principal Taylor’s oral evidence that it would not facilitate a compensation culture or fraudulent claims, among other reasons because a solicitor would not take on a case that had little prospect of recovery.

I am pleased that the Government will consider amending section 10 of the bill to protect third-party funders such as trade unions or public bodies so that they are not affected by the introduction of QOCS.

We are all aware of the prominence of claims management companies and the negative impact of cold calling on customers, so I am encouraged that regulation will be introduced for claims management companies in Scotland. Apart from deterring nuisance calls, that will discourage spurious court actions. This year, £125,000 was provided to fund call blocking for people who are identified as vulnerable. The Government agrees that the Law Society should make it clear to solicitors that a case referred by a claims management company must not be a result of cold calling.

The bill will also allow one set of court proceedings to be brought on behalf of two or more people with similar claims—referred to as group proceedings—which the committee welcomed. It will allow group proceedings to be introduced only on an opt-in basis, whereby the pursuer must express their consent to be part of the action, as opposed to an opt-out system, in which the court agrees a definition of the people who are affected by the proceedings. It is simpler for an opt-in system to be introduced in the first instance.

The Deputy Presiding Officer (Christine Grahame): I am sorry, but you must conclude.

Rona Mackay: The bill will facilitate access to justice, and I am happy to recommend its general principles to the chamber for that important reason.

The Deputy Presiding Officer: The previous item of business overran, so we are on tight four-minute speeches.

14:57

Maurice Corry (West Scotland) (Con): Ensuring that everyone has suitable access to justice is a principle that is vital to an open democracy, and it is one that I and the Scottish Conservatives are deeply committed to maintaining. That is why I will join my Conservative colleagues in supporting the bill at stage 1, but only on the understanding that the Government will lodge amendments during stage 2 to address the flaws that we are all aware exist in the bill.

Everyone accepts that the bill's aims and objectives are well intentioned. The Association of Personal Injury Lawyers argued:

“the fear of swingeing expenses awards ... currently results in cases not being brought or routine undersettlement in our jurisdiction”.

Unison Scotland similarly stated:

“the risk of being exposed to that legal bill is a real barrier to access to justice even to members supported by their trade union.”

As Ronnie Conway of the Association of Personal Injury Lawyers pointed out, the number of personal injury claims in Scotland has increased in the past few years. However, he emphasised that it was from “a very low base” and that the rate of claims per head of population in Scotland remains well below that in England. That view was shared by Sheriff Principal Taylor, who said that he had

“no doubt ... that the fear of an adverse award of costs inhibits people from exercising their legal rights.”—[*Official Report, Justice Committee*, 31 October 2017; c 17-18.]

There is also a general consensus that the bill has the potential to improve access to justice. In its written submission, the Law Society of Scotland stated that the bill had

“the potential to significantly increase access to justice.”

Nevertheless, improvements will be required to ensure that the bill does not cause issues while solving others.

One potential issue, on which I would be interested to hear from the minister in her closing speech, is the potential for the bill to result in an increase in insurance premiums for the Scottish people. If there is a large increase in court action because there is no financial risk in going to court, insurers will pick up the cost of more court cases. That would increase their overheads, and I worry that it would lead to price pressure on premiums for everyone in Scotland.

In addition, I am interested to hear from the minister about what thought she has given to ensuring that proper resourcing follows group proceedings because of the possibility that they will require correspondingly greater judicial preparation time and consistent management by a nominated judge who deals with those particular proceedings. The increases in court delays, with only three courts—Portree, Lerwick and Lochmaddy—managing to meet the 26-week target for 100 per cent of cases in any month in 2017 is of particular note. It would be a comfort to us and the professional person working in the courts service to know that the Government has started to think about and plan for proper and effective resourcing.

I welcome the bill and its intentions, but I would like to hear from the minister on the issues that I have raised.

15:00

Fulton MacGregor (Coatbridge and Chryston) (SNP): I speak in this debate as a member of the Justice Committee and, like others, I want to put on record my thanks to those who provided evidence during the course of the scrutiny of the bill.

I am pleased that the committee agreed to the general principles of the bill, and we have made some suggestions about how it can be improved. The balance of evidence that we heard suggested that there is an access-to-justice issue in Scotland, and the bill, carrying out the conclusions of the review of Sheriff Principal Taylor, seeks to address that.

Many people are put off pursuing legal action even when they have a genuine claim. As mentioned by the minister, civil justice statistics from 2015-16 demonstrate a decrease in civil law cases initiated across the Court of Session of 41 per cent from the 2008-09 figures, and we should all be worried about that. Many people fear that they will have to pay the solicitor and defender if they lose a case, and I cannot help but think that the current issues around austerity, welfare and other financial factors are at play here. On that basis, I would say that we need the bill, and I am glad that the committee has agreed to its principles.

Like Rona Mackay, I want to concentrate on the bill's introduction of qualified one-way cost shifting for personal injury claims. Under that arrangement, the pursuer is not liable for the defender's legal expenses if they lose, but can still claim the expenses from the defender if they win. On balance, the committee is persuaded that the introduction of QOCS could improve access to justice for pursuers, but notes concerns that it could have unintended consequences, as mentioned by Daniel Johnson for example, including a rise in unmeritorious and fraudulent claims. However, the arguments for QOCS were much stronger, and included the rectification of the David and Goliath situation that was raised by the Association of Personal Injury Lawyers and was referenced by Sheriff Principal Taylor. Further, during the committee's sessions on the bill, Unison said that the issue was the cornerstone of Sheriff Principal Taylor's report.

There were arguments against QOCS, such as those from the Glasgow Bar Association, which legitimately had concerns about weak claims because of a nothing-to-lose attitude. The main argument against QOCS, as I could tell, was that there would be a rise in spurious claims. However, we heard evidence from many people, such as Patrick McGuire of Thompsons Solicitors Scotland and Paul Brown of the Legal Services Agency, who argued that it was unlikely that there would be a rise in such claims, that the bill would protect against that and that the majority would indeed be genuine. As a further safeguard, as Daniel Johnson mentioned, the committee has asked the Government to consider post-legislative scrutiny of the bill, including of QOCS, at the five-year mark.

Liam Kerr: Does the member therefore support the expansion of the test for fraud in section 8(4), as Sheriff Principal Taylor recommended?

Fulton MacGregor: I am not going to comment on that at this stage. My point was on QOCS and the David and Goliath situation.

The David and Goliath argument really resonated with the committee and I note that that particular argument resonated with Liam Kerr. I think that we were all agreed on that issue and it was good that the committee was in agreement on that. We should be united in trying to restore a balance to access to justice.

However, what about cases where there is not a David and Goliath situation? I think that those situations were referred to at one stage as David v David. The Faculty of Advocates argued, for example, that QOCS should only be available in claims against public bodies and insured defenders. The committee therefore asked the Government to consider that as an option, but I welcome the Government's response, which highlights why it is not minded to change its position. Some reasons that it gave were that defenders may

"choose not to be insured when they should be; take a larger excess than they should; or breach the terms of their policy so that the insurance company will not act".

I note those concerns. The Government's arguments for not being minded to change its position have been laid out well.

15:04

Mary Fee (West Scotland) (Lab): I thank the Justice Committee and its clerks for the informative stage 1 report that was produced for the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill.

As a member of the committee during the evidence sessions and the drafting of the report, I heard from a wide range of voices that supported the bill. I am no longer a member of it, but I take this opportunity to pass on my best wishes to the committee as it continues its work.

Scottish Labour welcomes the bill and its aim of improving access to justice. The Scottish Government's commitment to justice reform is commendable and the bill shows that the Government's intent is honourable. Sheriff Principal Taylor's detailed review, which shows the challenges facing Scots in accessing civil justice, is also welcome. During committee discussions about the bill, there were conflicting views on whether there was a problem with access to justice. I am glad that the majority opinion backed the position of Sheriff Principal Taylor, the Scottish Government and the bill.

However, as highlighted by the committee and previous speakers, there are numerous areas where the bill must be improved. That was acknowledged by the minister in the Government's response to the stage 1 report. The most notable issue is with section 10. As a trade unionist, I deeply value the role played by unions in supporting members to access justice. I would like section 10 to be amended to make it explicit that the power to award expenses against third-party funders does not apply to trade union-funded litigation. I welcome the fact, as stated in the Government's response to the stage 1 report, that the minister is considering amending section 10, and I am grateful for the minister's comments on the issue today, but we need a clear commitment that no trade union or trade union member will suffer any unintended consequence of the bill.

It is commendable that the imbalance between individuals and large insurance firms is being redressed. The regulation of success fee arrangements is a step in the right direction to tilt justice back in favour of the individual. The introduction of qualified one-way costs shifting, or QOCS, will also help to address the imbalance.

The committee has rightly raised concerns about possible unintended consequences, such as a rise in unmeritorious and fraudulent claims. I have sympathy with the minister's position in her response to the committee's concerns, but I believe that the Scottish Government must be vigilant after the bill has been enacted, to ensure that the committee is not proved right and that pursuers are not at a loss because of unmeritorious claims.

I support the Government's ambition to improve access to justice for all. I hope that the concerns raised today and in the committee report are properly considered and that the right safeguards are there for pursuers and solicitors against conflicts of interest.

The Deputy Presiding Officer: At this rate, we are making up time at an accelerated pace. Members should not take that as a licence to go over their time.

15:07

Mairi Gougeon (Angus North and Mearns) (SNP): It is fair to say that this is one of the more complex matters that the committee has dealt with. It is probably also fair to say that it is an issue that does not pick up a lot of traction or interest in the press or among the public. When we say civil litigation, sometimes it feels like people's eyes tend to glaze over. That is unfortunate, because it is a vitally important issue that is about fairness and access to justice. The legislation that we are

looking at today could affect any one of us at any given time.

The element of the bill that I will focus on today is section 8 and the proposed introduction of qualified one-way costs shifting, or QOCS, for personal injury cases. Others have already talked about QOCS. In Scotland, we follow the principle that expenses follow success, and that the unsuccessful party in a case should bear the legal costs of the successful party. There are situations where that does not apply, such as when the unsuccessful party is in receipt of legal aid, has before-the-event insurance or is supported by a trade union. However, that is not always the case.

After-the-event insurance is another option. It can be purchased by the pursuer before any significant legal costs are incurred, but it is often prohibitively expensive—it can cost as much as 60 per cent of the cover sought. People can therefore be prevented from bringing forward a claim because they are effectively being priced out of taking any action for fear of the legal expenses that they might incur. It is because of that, along with the view that in personal injury cases the pursuer tends to be an individual versus a large organisation or insurer—the David v Goliath scenario—that Sheriff Principal Taylor, in his review of expenses and funding of civil litigation in Scotland, argued for the introduction of QOCS in relation to personal injury claims.

The introduction of QOCS will essentially mean that there will be no risk to the pursuer in bringing forward a claim. During our evidence sessions we heard fears that that would result in a rise in spurious claims, though that was refuted by some, such as Thompsons Solicitors, which stated that it was quite simply not in their interests to take forward a claim that had little chance of success or where the defender was an individual, as there would be little chance of recovering expenses.

I had a particular concern that if I, as an individual, was taken to court by someone and the court found in my favour, I could still be liable for the pursuer's legal fees. The Glasgow Bar Association had similar concerns and felt that QOCS subverts the principle that expenses follow success. As the association put it,

"Not every defender is a Goliath and not all defenders are insured or wish to rely on insurance ... Section 8 would protect even wealthy pursuers. And prejudice even poor defenders."

Rather than there being a blanket application of QOCS, Simon Di Rollo of the Faculty of Advocates suggested in oral evidence to the committee that in order to create a balanced civil justice regime,

"QOCS could be available only to somebody who is insured, a public authority, somebody who has the backing of the Motor Insurers Bureau or somebody whose means and resources are such to enable them to make payment of

expenses.”—[*Official Report, Justice Committee, 26 September 2017; c 17.*]

However, all those concerns were not shared by Sheriff Principal Taylor when he responded to that issue at committee. He said:

“We can look to England and Wales, where the rules of court are the same as what is proposed here, to find out what has happened there. We have heard of no difficulties with qualified one-way costs shifting being operated as it is proposed to be operated here.”—[*Official Report, Justice Committee, 31 October 2017; c 10.*]

The system has been operating in England and Wales with no issues having been raised, as far as the committee is aware, which makes the point that he raised hard to argue with.

Consideration of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill has been one of the most difficult pieces of work that we have undertaken, because of the polarising views on each side of the issues raised, so finding a compromise on all of them was never going to be an easy task. I want to add to what my colleagues have said by thanking all those who took time to submit evidence to the committee, and the clerks for pulling it all together.

The introduction of QOCS will be a positive step, and the bill, if passed, will increase access to justice for people in Scotland. That is why I support the general principles of the bill.

15:12

John Finnie (Highlands and Islands) (Green):

I took gratification from the convener saying earlier that the bill was technical and complicated. We have heard that from others, too. The bill has also broadened our parliamentary vocabulary to include QOCS, of which we have just heard an excellent explanation from Mairi Gougeon. I am grateful to all the people who continue to give us briefings, including the Law Society of Scotland, which said of QOCS that

“the basic terms are good and will help provide certainty which is the priority for solicitors.”

We need to have a discussion about the purpose of our legal system, and we did so in the course of examining the bill. It is to serve our citizens, and we heard from the minister that there was a reduction of 41 per cent in the level of litigation. Clearly, there are a lot of interests to be served, not least those of David and Goliath, which have been much mentioned in the debate thus far. Patrick McGuire, representing Thompsons Solicitors, told the committee:

“I have absolutely no doubt that the provisions that are in the bill will enhance access to justice ... Equally important, it will also do what Sheriff Principal Taylor said was his prime focus and what I see as the mischief of the bill, which is redressing the imbalance in the asymmetrical relationship ... between pursuers of personal injury claims

and the extremely large, powerful and wealthy insurers”.—[*Official Report, Justice Committee, 19 September 2017; c 5.*]

The Scottish Government made it clear that the principle of the bill was to create a more accessible, affordable and equitable justice system, and at close of play today the Scottish Green Party will support the general principles of the bill. That is not to say that there are not things that we would wish to see improved, such as issues relating to court fees. Again, Thompsons Solicitors had a clear view on that and suggested that court fees should be treated in the same way as expenses are treated under QOCS, which would mean that pursuers’ court fees would be paid only at the end of the case, and then only when they could be recovered from an unsuccessful defender, so the pursuer would always be protected from liability. If the case was won the defender would pay the pursuer’s fees, and if the case was lost the pursuer would not have to pay court fees.

Money is at the heart of much of what we discussed. We were particularly concerned about issues surrounding future loss, and the committee suggested that that be ring fenced. That is a personal thing and something that could affect a person’s future career prospects, loss of earnings and health projections, and I hope that that can be taken on board.

A number of colleagues have mentioned third-party funders. Clearly, we have heard the assurance from the minister that those were not to include trade unions. That should be expressly said.

I welcome the issue of disclosure of funding, and post-legislative scrutiny, which is also important.

I want to touch on something that the minister will not be surprised to hear me mention, as I seem to mention it on every piece of civil legislation. I refer to the Aarhus convention, and the view that access to environmental justice in Scotland urgently requires a comprehensive response. It is certainly the view of Friends of the Earth Scotland and others that Parliament should extend qualified one-way costs shifting to environmental cases, in order to ensure that bringing such cases is not prohibitively expensive. We know that equality of arms has not applied thus far, and the bill goes some way to addressing that.

Criticism has rightly been directed to the Scottish legal system and its failure to comply with the Aarhus convention. Addressing that was a manifesto commitment of the previous Government. It said that it would consult on it and, in fairness, four years and 50 weeks into its five-

year term, it did so. I hope that the minister takes that on board.

I confirm that the Scottish Green Party will support the general principles of the bill.

15:16

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I declare an interest as a previous practising solicitor who is still registered on the roll of Scottish solicitors, although not practising.

I thank my colleagues on the Justice Committee, the witnesses who gave evidence and the clerks for helping us through the process to this point.

I highly commend the Scottish Government for bringing forward the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill in order to enhance access to justice through a number of means, as we have already heard, and to undertake the constant evolution of our independent legal system to make sure that it keeps in touch with the needs of society and the development of our economy.

As others have done, I will focus on a specific part of the bill—in my case, part 4 on group proceedings, which came out of Sheriff Principal Taylor’s chapter 12 on multiparty actions. As the Scottish Government has said, the bringing forward of group proceedings in Scotland will help to broaden access to justice by allowing a litigant the opportunity to take part in a multiparty action at a lower cost than an individual case. It will also deliver a more streamlined and cost-effective outcome and reduce court time by enabling a number of related claims to be taken forward as one group procedure.

That has support from many stakeholders. As the Scottish Government’s response to the Justice Committee’s report says, the Scottish Law Commission supported group proceedings in the 1990s with the opt-in procedure, which the bill includes at present. That was also supported in written evidence that we received in August 2017 from the Law Society of Scotland, which said:

“The basic proposals for group actions seem sensible and should be able to work for solicitors in practice. A system which proceeds on the basis of ‘opt in’ (rather than ‘opt out’) is a positive development and is welcomed by agents.”

I appreciate that the difference between opt-out and opt-in procedure is a point of contention. I listened attentively in committee to the evidence from Which? on the benefits of an opt-out procedure. We also received an interesting briefing from Friends of the Earth Scotland about the value of an opt-out procedure. I asked a number of questions about that in committee.

However, I am convinced that there are practical issues around introducing a new area of Scots law such as this. There needs to be an opportunity for the legal system to build up experience of group proceedings. An opt-in is better for introducing something entirely new to Scots law.

The Scottish Government’s remarks on legal aid, which we mention in paragraph 396 of our report, are reassuring, but there is a need to keep looking at the matter. I therefore welcome the fact that the Scottish Government has committed to looking at it on an on-going basis. Opt-in is better in order to not cause undue delay now but, as a Parliament and as a society, we need to keep looking at the possible value of using an opt-out system in the future for group proceedings. If there is a commitment to post-legislative scrutiny, which the convener of our committee suggested, perhaps an evaluation of opt-out procedure could be undertaken then.

Finally, I note that the Law Society of Scotland states in its briefing for this debate:

“the question of how issues of expenses in group actions will be dealt with has not been considered in the Bill and, we believe, would be helpful to address.”

I support the principles of the bill.

The Deputy Presiding Officer: For a fleeting moment, Mr Macpherson, I thought that witches had given evidence, but I realised that it was Which? That was quite intriguing, as the bill is about group actions. [*Laughter.*]

I call Daniel Johnson to close for Labour.

15:20

Daniel Johnson: I should have pointed out at the beginning of my previous speech that I am a trade union member, being a member of both Community and the Union of Shop, Distributive and Allied Workers.

The high degree of consensus in this afternoon’s debate is notable. There is a huge common agreement that we must commit to the reforms in terms of both the specifics and the general principles. Mairi Gougeon put it very well. Quite often, when we discuss these matters, people’s eyes glaze over and they wonder what on earth it means to them, but the reality is that, when someone needs redress and needs to use the courts, it all becomes all too real.

For too many people, both the cost and the complexity of taking court action become prohibitive, and that is why the key measures that the Government is bringing forward in the bill will be helpful. I think that there is broad agreement about the sliding caps, the introduction of damages-based agreement for solicitors, qualified one-way costs shifting and group proceedings.

They will improve the transparency of the costs that people are likely to face while pursuing a court case, and they will remove downside uncertainty, provide more options for individuals to access legal services and provide more routes to justice through the introduction of group proceedings. Those things are all welcome.

There has been a lot of talk of QOCS and David and Goliath relationships, but it is the central and key provision. Fulton MacGregor did an excellent job of outlining both the advantages of the introduction of QOCS and the pitfalls. The removal of the awarding of costs to people pursuing a case removes the huge consideration that many people would contemplate, which is clearly of considerable advantage, but it also comes with the possibility of some downsides. Fulton MacGregor provided a balanced analysis of that. The Government will need to watch for what might happen because of the reduction in the threshold for litigation, and the examples of David v David actions need to be considered.

Three key concerns that I did not cover in my opening remarks were well expressed in the debate. First, a number of members pointed out the issue around future losses. One of the key reasons why individuals pursue court actions is that they are facing increased living costs or care costs because of personal injury. It is vital that those people are still able to achieve awards to enable them to support themselves, and any consequences of the bill that led them to find it harder to achieve those awards would be of serious concern. Ring fencing must be looked at.

Likewise, a regulatory gap that might be introduced through the bill passing into law needs to be looked at. It would be absurd if claims management companies descended on Scotland because they found a loophole as we were attempting to democratise the law. Again, that point was well made.

We also heard about the possibility or risks of increased insurance premiums, and that needs to be watched. I mentioned in my opening speech the cost to the public sector. The point about what might happen if there are increased volumes and values of claims needs to be looked at, whether in relation to insurance premiums or costs to the public sector. For those reasons, it is vital that the Government commits to a review.

The points that John Finnie made on the possibility of QOCS for environmental cases were well made. It is clear that that would be of real interest in environmental cases in which communities look for redress. The costs can be prohibitive, and it is worth looking at whether those principles could be extended in those cases.

In conclusion, the measures are welcome and are a positive step forward. We must ensure that the law is accessible and open to all. The bill is but one step. As Ben Macpherson said, we must continually review the law and how it works and seek to improve it, whether there are specific issues or in general. I ask the Government to commit to excluding trade unions from section 10. I know that it has said that it will look sympathetically on amendments, but I would welcome a further and more robust commitment to that. It is also vital that we have a commitment to a five-year review of the legislation as a whole.

The Deputy Presiding Officer: I call Gordon Lindhurst to close for the Conservatives.

15:26

Gordon Lindhurst (Lothian) (Con): I begin by mentioning my register of interests: I am a practising advocate and a member of the Faculty of Advocates.

I want to provide an anecdote and to mention a mythical creature that has hardly featured in the debate, except in the minister's speech: the auditor of the Court of Session. I do not know whether anyone else here has appeared before the auditor of the Court of Session, as I have. The auditor has a long history, of course. The office was created by an act of sederunt of the Lords of Council and Session in 1806, and confirmed by an act of Parliament in 1821. I note the minister's comments and am pleased that she has confirmed that the auditor will remain independent of the Scottish ministers. I want to raise with her one or two brief points on that.

Having acted in a case a number of years ago, I appeared before the auditor of the Court of Session, who can determine whether fees are fair or reasonable. Therefore, I did not appear before the current auditor, but one of his predecessors. The solicitor had questioned the level of fee that I had charged on the basis that it was too much, although I thought that it was reasonable. We went into a room, and the auditor sat at one side of the table. I explained in detail to the auditor why I thought that the fee was appropriate, and the solicitor explained in detail why he thought that it was not. The auditor then basically made a decision as a judge does in a court case. The hearing was very professional, and it did not interfere with the relationship between the solicitor and me, as professionals.

The confidence in the process for the office of auditor of the Court of Session is probably not in question. My confidence in that process was certainly boosted by the outcome of that hearing. The auditor's decision arrived to my surprise: although I had not asked for it, he decided that my

fee was too low, so he increased it. I do not know whether it was for that reason that I never had to appear in front of him again. I should add, of course, that solicitors and I would discuss fees on occasion, because that is normally how one would adjust fees.

I have a question on which the minister may want to give reassurances. Section 13(4) deals with the appointment of an auditor of court. It says that the appointment

“lasts for such period, and ... is on such other terms and conditions ... as the”

Scottish Courts and Tribunals Service “may determine.” My concern about that is whether we will continue to have, as we have had with the previous 13 auditors, someone who is legally qualified and entitled to litigate in the courts, and is therefore in a position to judge matters properly, fairly and appropriately. The auditor holds a sort of quasi-judicial office. I am pleased to see that the auditor’s functions for the whole of Scotland in the auditing of court fees will be retained in the legislation. Will the minister give us an assurance on the length of tenure, which does not seem to be spelled out, and the security of conditions of the office, because the office is an integral part of ensuring that the legislation that is before the Parliament will be properly applied?

I think that most points have been covered in this fairly consensual debate. On the primary purpose of the legislation, which is said to be to resolve disparity between the positions of pursuer and defender, particularly in personal injuries litigations, the question has always been the fear of swingeing expenses awards, similar to those in a court of law. My understanding from the Justice Committee’s report is that the evidence was not entirely clear on that issue, but the committee has clearly come to a view on the value of the proposals based, in particular, on Sheriff Principal Taylor’s view that fear of adverse awards and costs inhibits people from exercising their legal rights.

It is right that members should also bear in mind the other side of the coin: we should avoid creating in Scotland the compensation culture that we see in other jurisdictions, and which is not necessarily of benefit to people who have valid claims. That point was addressed by Justice Committee members Rona Mackay and Fulton MacGregor.

I wonder about the test for qualified one-way costs shifting being based on Wednesbury unreasonableness. Fraud would be a very high standard to apply, but Wednesbury unreasonableness is equally hard in the specifics of a case, when one tries to argue for it before a

judge, as I have done. It may be helpful to have more clarity on that test.

I welcome the committee’s proposal that the Government consider extending the mandatory pre-action protocol for personal injury claims. Consideration and definite proposals are needed for post-legislative scrutiny, as Daniel Johnson called for. Margaret Mitchell also touched on the issue on behalf of the committee.

We need to look at the bill very carefully. Liam Kerr referred to David against Goliath cases, but some cases are simply David against David—or, indeed, Goliath against Goliath.

The Deputy Presiding Officer: Before I call the minister, I will say that we will be moving on shortly to the next debate. I do not see any front-bench members or other speakers for the next debate. I hope that they are paying attention, wherever they are, because in eight minutes they had better be on their toes. I call the Minister for Community Safety and Legal Affairs. You have eight minutes.

15:32

Annabelle Ewing: I point members to my entry in the register of interests, wherein they will find that I am a member of the Law Society for Scotland and hold a current practicing certificate, albeit that I am not practising.

I have listened with great interest to the debate and contributions from across the chamber. I welcome the general support that has been expressed for the bill, although I appreciate that some members have concerns. It will be helpful to stress at the outset that the fundamental aspiration of the bill is to ensure that people who contemplate litigation in our civil courts will have more certainty about what it will cost them. With predictability about costs and increased funding options, we seek to address inequality of arms in personal injury cases. Those, in turn, will afford increased access to justice, which, I am pleased to hear, all members support.

The bill has received broad support from stakeholders who represent pursuers and those who represent defenders. I will now, in the time that I have available, which is about seven minutes, turn to issues that have been raised. I may not be able to deal with every issue, but I shall do my best.

On section 10 funding, I thought that I had made it clear at the Justice Committee, and again in today’s opening statement, that we do not intend to cover or encompass trade unions in the obligation. We and the parliamentary draftsmen will reflect on that point very carefully. They take the view that section 10 is clear, but I

acknowledge the concerns that have been raised and undertake to ensure that it is absolutely clear that trade unions and legal service providers are not covered.

A number of members raised the important issue of the future-loss element of damages; the Justice Committee asked us to have another think about the matter. It is important to remember that, in his report, Sheriff Principal Taylor gave detailed and careful consideration to the future-loss element of damages and whether it should be paid by way of a periodical payment or a lump sum. Periodical payment orders are currently a matter of practice in our courts, albeit that the court cannot impose a PPO without the parties' consent. We propose to introduce this year legislation to amend the position. The future-loss element of damages is already ring fenced under the bill's provisions, because it may not be included in any success fee calculation, if there is a PPO. PPOs tend to be made in cases in which the longer-term care needs of individual pursuers have to be addressed.

Sheriff Principal Taylor concluded that future loss that is to be compensated for in a lump sum

"should not be excluded from the ambit of a damages based agreement"

and the calculation of a success fee under that agreement. He went on to say that

"This has the considerable advantage of simplicity."

He came to that conclusion on the basis that the approach would not involve agreement on how a principal sum of lump-sum damages should be divided between past and future loss. Indeed, he remarked that there was a risk of incentivising delays in proceedings, such that people would seek to attribute more to past loss than to future loss.

Sheriff Principal Taylor also argued:

"To require parties to stipulate how an agreed lump sum settlement figure should be divided into different heads of loss could be impractical and pose a barrier to settlement."

He concluded that

"Protection for the pursuer should be achieved by other means".

Such "other means" are set out in the bill. Subsections (5) and (6) of section 6 make provision, in circumstances in which the lump sum exceeds £1 million, for independent assessment of whether it is in the best interests of the pursuer to have the future-loss element paid by periodical payment or in a lump sum. If the damages are awarded by the court, the court will make that assessment. If they are agreed in a settlement, the question will be referred to an actuary.

The bill faithfully follows Sheriff Principal Taylor's recommendations in that regard. The Scottish Government, taking account of that and Sheriff Principal Taylor's comprehensive evidence to the Justice Committee on the issue, is not persuaded that there is a need to change its policy on the matter. Reference has been made to what happens in England and Wales; Sheriff Principal Taylor said that Lord Justice Jackson had taken a different view some years ago, but had subsequently got cold feet.

It is important also to point out that the success fee that can be deducted as a percentage of the claim will be capped, on a sliding scale. Currently, if the claim is for £1 million, a fee of 15 per cent applies to the entire amount—it is £150,000. If the proposed cap and sliding scale are accepted by Parliament, the success fee in such a case would be £72,500. It is important to bear that in mind.

I welcome the Justice Committee's conclusion that the introduction of qualified one-way costs shifting will "improve access to justice", but I do not accept—and nor is this conclusion borne out by the key evidence—that the approach will lead to

"a rise in unmeritorious and fraudulent claims."

A number of factors militate against that happening. First, why would a solicitor take on a case if there was no chance of success? The solicitor would not be paid, they would use up their time and they would spend money on outlays that they could not recover. Secondly, the regulation of claims management companies in Scotland will discourage unscrupulous companies from operating north of the border.

Liam Kerr: Does that mean that the minister agrees that we should wait for that regulation before passing the bill?

Annabelle Ewing: I was coming on to that, but time is short. No, we should not wait, because first, if there is to be a gap, I think that it will be very short and, secondly, we should remember that many claims management companies already operate subject to regulation, be it through their solicitor ownership or through the Ministry of Justice.

Also, the direction of travel in Scotland is clear. The message is out there for any claims management company that wishes to operate in a way that is inconsistent with the legislation that, should the bill be passed by Parliament, the legislation will be applied to it in very short order.

Also, with regard to the unlikelihood of there being a huge surge in unmeritorious claims, it is the case that the bill provides in section 8(4) for circumstances in which the benefit of qualified one-way costs shifting might be lost. I understand

the comments that have been made about section 8(4), and we are looking into the matter.

On possible increases in insurance premiums, it is not founded that there will be an automatic rise in spurious claims. I therefore do not accept that the consequential conclusion that there will be a significant rise in insurance claims is founded.

I see that I am quickly running out of time. Before I do so, I thank the Justice Committee for its work, and I look forward to further discussion on all the issues at stage 2. I did not have time to deal with a number of issues today, but I am always happy to speak to members about concerns that they may have.

I thank the members for their support in principle for the bill. I commend the motion in my name.

The Deputy Presiding Officer: That concludes the debate on the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill at stage 1. Before we move on to the next item of business, I will suspend briefly to allow members to take their places on the front benches. I apologise to Ms Hyslop, who is in already in the chamber, and to Mr Carlaw, who is looking a bit peeved.

15:41

Meeting suspended.

15:42

On resuming—

International Policy Framework and Priorities 2018

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-09887, in the name of Fiona Hyslop, on Scotland's international policy framework and priorities for 2018. I call on Fiona Hyslop to speak to and move the motion. You have eight minutes, please, cabinet secretary.

15:42

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): Presiding Officer, if you want me to extend my speech on the Scottish Government's refreshed international framework and policy statement, you just need to indicate to me that that is the case.

The Scottish Government continues to have a strong and consistent commitment to international engagement. Internationalisation sits at the heart of Scotland's economic strategy, alongside innovation, investing in our people and inclusion.

Scotland has a strong track record of international collaboration. We remain the second most attractive for foreign investors to the United Kingdom after London and, in 2017, visitors voted Scotland the world's most beautiful country. In addition, the Edinburgh international festival goes from strength to strength as a global forum for cultural exchange.

Last year, we joined the Under2 Coalition to express our determination as good global citizens to play our part in shared challenges and to strive to limit global warming to 2°C.

We are alive to the constant need to build on and reinforce those strengths. As a result, we have recently refreshed "Scotland's International Framework" and "Scotland's International Policy Statement". Those documents set out how our international work supports this Government's central purpose of creating a more successful country, with opportunities for all to flourish through increasing sustainable economic growth.

The first objective is to strengthen our external relationships under networks. Our international work is founded on partnerships with our people, our institutions and our partners inside and outside Scotland.

Our second objective focuses on building our reputation and international attractiveness. That includes strengthening and enhancing Scotland's reputation, boosting our trade and investment and striving to be a leader in areas such as climate change and equality.

The third objective is to enhance our global outlook, embedding internationalisation in everything that we do and equipping the people of Scotland to capitalise on the vast number of global opportunities.

The fourth objective is to encourage engagement with the European Union and we will strive to protect Scotland's place in Europe.

Scotland has experienced significant social and economic change over the decades since we launched our international framework, but no single event has had a greater impact than the result of the UK's European Union referendum. That now threatens to redefine Scotland's place in Europe and the world, affecting our ability to play a full and constructive part in international affairs, so the international policy statement and underpinning framework are more essential than ever to communicate Scotland's open and welcoming approach.

Yesterday, the First Minister launched the document "Scotland's Place in Europe: People, Jobs and Investment". It presents the latest analysis by the Scottish Government of the implications for Scotland's economy and society if the UK exits the European Union. That analysis is clear: leaving the EU could result in a hit of up to 8.5 per cent of gross domestic product.

EU nationals remain key to our international competitiveness, and the free movement of persons within the single market is helping Scotland to address the substantial demographic challenges that we face. All outcomes short of full EU membership will cause some damage to Scotland's economic, social and environmental interests, and a Brexit that results in the UK being outside the European single market and customs union will have the most damaging consequences for Scotland. We do not think that that is acceptable and neither, we believe, do the Scottish people. Whatever the outcome, I agree with the Labour amendment that we need a "lasting progressive partnership".

I will focus now on our wider international priorities. As Scotland's ambitions continue to grow, so does the importance of our country's international reputation and the need to work with others to contribute to the success of the global community. To enhance Scotland's reputation as a place to work, live, invest, study and visit, the Scottish Government and its key partners are working together to offer a coherent and compelling picture of modern Scotland to the world. We will continue to focus on our priority countries—the United States, Canada, China, India and Pakistan—and to increase our engagement with Japan.

Last month, the Deputy First Minister visited India, accompanied by 11 principals and vice-principals from Scottish universities and one college, to explore academic collaboration and investment from India into Scotland. India celebrated 70 years of independence in 2017—it was an important year for India. The Deputy First Minister addressed more than 2,000 members of Scotland's Indian community at Murrayfield for the independence day celebrations in August, as well as hosting key international investors to boost the partnership between Scotland and India. During the UK-India year of cultural exchange, we also saw no fewer than 13 Scotland-India collaborations taking place in India and across Scotland.

In addition to our five priority countries, our desire to strengthen engagement with Japan is a manifesto and programme for government commitment. Since 2009, there have been six Scottish ministerial visits to Japan, the last being my visit in February 2017. Since that visit we have seen another very busy and successful period of collaboration between Japan and Scotland, especially in terms of increased trade, investment and cultural links.

Recent successes in Japan include the signing of a memorandum of understanding between the Nippon Foundation and Scottish Enterprise in 2017, in which each party agreed to up to \$10 million of investment over five years for a research and development programme targeting the development of subsea technologies. My meetings with Nippon while visiting Japan helped to play a key role in taking that forward. There will be many opportunities to recognise and encourage stronger engagement with Japan, particularly over the coming years as we look forward to the rugby world cup next year and the 2020 Tokyo Olympics.

Closer to home, "All Points North: The Scottish Government's Nordic Baltic Policy Statement" was published in September 2017. That refreshed policy document reaffirms our commitment to strengthening our links in that region, promoting collaboration and policy exchange. Since the statement was launched in 2014, we have seen strong examples of that: the co-operation with the First Minister's baby box initiative from Finland, our tourism memorandum of understanding with Iceland and our on-going engagement with Norway on fisheries science and negotiations. Looking ahead, we will continue to promote the aims and objectives of the policy statement through our support for the Nordic horizons group, our on-going ministerial engagements and opportunities for our policy makers to learn and exchange ideas with policy makers in that region.

In November 2017, at the request of the Arctic circle organisation and its chair, Ólafur Ragnar

Grimsson, the former President of Iceland, we hosted in Edinburgh an Arctic circle forum to examine the theme of “Scotland and the New North”. That was the first time that an Arctic circle forum had been held in the UK, and it was attended by more than 300 delegates. Partnerships across the Arctic region will be central in the coming decades, to address shared environmental, demographic and economic challenges and opportunities. We are proud to be playing a leading role and have committed to developing an Arctic strategy for Scotland.

One of our long-standing engagements and relationships is that with China. Only recently, I represented Scotland in London as part of the UK’s people-to-people dialogue and exchange with the Chinese Government. Through our achievements to date, we have been demonstrating that our reach is wide and that we have the ability to make a positive contribution as a good global citizen, which includes just trade. On that subject, I look forward to hearing from the Greens on their amendment.

It was almost exactly a year ago that members debated the Scottish Government’s dynamic new international development strategy of global citizenship, which brings greater focus and direction to our international development work. We have made good progress in implementing that strategy and have new development programmes in Zambia and Rwanda, a new Malawi funding round and expansion of our successful Scottish scholarship scheme for women and children in Pakistan.

We have placed great importance on Scotland being a good global citizen and playing our part in tackling global challenges as part of our wider engagement with the international community. That includes providing training with the United Nations special envoy for Syria’s advisory group, and we have been supporting 50 women in that area. We are also deeply aware of the importance of the contribution of the human rights-based approach to all forms of our engagement and our commitment to Scotland’s values and practice in respect of human rights, common dignity and humanity. I will be interested to hear from the Liberal Democrats about their stress on the importance of that.

I am delighted to present the Government’s new international policy framework and priorities to the Parliament. Scotland will continue to seek opportunities across all policy areas for international collaboration to build on our global reputation and improve the lives of everyone who lives, works, visits or studies in Scotland.

I move,

That the Parliament notes the new International Framework and International Policy Statement published on 8 December 2017 and the four overarching objectives that it contains; supports the Scottish Government working with business, higher education, civic Scotland and the UK Government in achieving those objectives; agrees that maintaining an international perspective remains vital to the continued prosperity of Scotland’s economy, society and people; commends the efforts of those building partnerships to advance Scotland’s role as a good global citizen, and shares the importance of a human rights-based approach in doing so.

The Deputy Presiding Officer: I call Claire Baker to speak to and move amendment S5M-09887.3.

15:51

Claire Baker (Mid Scotland and Fife) (Lab): As a Labour MSP, I am proud of Labour’s internationalist history. Our record in Government, both here in Holyrood and at Westminster, is one that I can speak positively about. From our fresh talent initiative, started under Jack McConnell, to our work on international development both here and at Westminster, the Labour Party has a good story to tell and it is one that I am proud of.

Ahead of the 2015 election, I and some of the members who are in the chamber took part in a number of hustings on issues that we will no doubt debate today. How does Scotland face the challenges of the future on globalisation, climate change, trade alongside exploitation and poverty existing alongside extreme wealth? It was clear then—I am confident that it will become clear again over the course of this debate—that on those issues there is cross-party consensus in many areas. I hope that we can work constructively on those areas in the year ahead and I welcome the opportunity of this debate.

Our international policy must be diverse and we must couple promoting our country, people and businesses with our moral obligation to use positively our position in the world, as part of the UK, to help other countries and continue to be internationalists in our outlook. We know that the climate change consequences of flooding, droughts, extreme temperatures and coastal erosion impact most on those countries that have contributed least to the creation of those tragedies. We must redouble our efforts to reduce emissions and limit our contribution to climate change. The proposed climate change bill to be introduced this year will be an important part of achieving that ambition.

I am proud of our history in helping countries through our international development work. It is a vital area that can often be overlooked, especially at times of financial constraint for Governments. It is also an area that is often an easy target for negative media coverage, which is evident right

now in certain sectors of the press that argue that charity starts at home and either that overseas aid is not our responsibility or that it simply supports corrupt Governments. However, that aid, which is less than 1 per cent of our gross national income, is vital to countries that receive it and crucial to developing health and education services and supporting infrastructure development. Although there is broad political support for that aid, there are debates around how it should be spent and how it is accounted for.

I acknowledge the important work of our aid and development charities, which work closely with local partners to tackle the root causes of poverty and give us confidence that that support is making a material difference to people's lives. Although emergency aid will always be a factor, it is vital that we play a significant role in building capacity in education, employment, governance and advocacy. We also have a crucial role to play in empowering women and girls, and that should be a key factor in our projects.

The fact that, in percentage and in cash terms, we are one of the most generous countries when it comes to helping others should be a source of great pride, and we must continue to meet the contribution level of 0.7 per cent of gross national income, as set by the UN millennium development goals.

While in Government, we set up the partnership with Malawi, along with introducing the international development fund. I am pleased to see those two achievements continuing under the current Government. Ahead of the election, we pledged to increase the fund in real terms over the parliamentary session. I hope that, in her closing remarks, the cabinet secretary can commit to the fund and aim to increase it, to ensure that we can continue to help those who are most in need outwith Scotland. I recognise the introduction of the climate justice fund.

Fiona Hyslop: Not only have we introduced the climate justice fund, we now have a £1 million humanitarian emergency fund.

We initially increased the international development fund that we inherited from £3 million to £8 million, then it went to £9 million and it will go to £10 million, although that depends on the budget. I hope that the member understands the importance of the budget vote to ensuring that we get that increased funding for international development.

Claire Baker: I recognise the cabinet secretary's commitment and the resources that have been put in. However, it is important that we reflect on whether we can do more to ensure that Scotland's contribution is proportionate to our overall budget.

During the previous parliamentary session, we saw clear evidence of the good that the Parliament can do, as well as the good that the people of our country can do. With the humanitarian crisis that filled our television screens, we saw the Government, local authorities, the third sector, the trade union movement and many of the general public respond in a way that we should all welcome. From the "from Wishaw to Calais" project, to supporting the refugees who came to Scotland to settle and find safe refuge, to challenging the UK Government's response, Scotland's actions were encouraging.

However, worldwide human displacement is not just a reality when we face it on the "News at Ten" or the front pages of our papers. We need to ensure that Scotland and the UK are welcoming, and that we are able to work with others at the source to ensure that displacement does not occur in the first place.

I appreciate that Brexit casts a large shadow over our international policy. Last week, many of the members who are in the chamber took part in the Culture, Tourism, Europe and External Relations Committee's debate on the process so far. Later this week, I will join conveners and fellow deputy conveners at Westminster to continue discussions on the route ahead. The on-going negotiations are clearly important, and it is right that we continue to hold the UK Government to account. Our amendment highlights the importance of our trade unions, which have been active campaigners in the European Union with a degree of success, and we must protect the gains that they have made.

It is also important that we do not spend the next two years or the years beyond that allowing Brexit to define us as a country. While it clearly brings challenges to our future trade relationships with other countries in Europe and across the world, as well as to how our businesses and culture in Scotland can adapt to the changes, we are still very much open to opportunity. I welcome the overall impression of positivity from the international policy statement that we are discussing this afternoon. There is much more that we can achieve.

I move amendment S5M-09887.3, to leave out "and the UK Government in achieving those objectives" and insert:

" , trade unions and the UK Government in achieving the best outcomes for the people of Scotland; recognises that Scotland must now work toward a new lasting progressive partnership with the EU based on shared values and history".

15:57

Mark Ruskell (Mid Scotland and Fife) (Green): I welcome the debate and the

Government's desire to show ethical leadership in its international strategy.

In considering how we achieve that, our identity as Europeans is important. It is about not just our membership of the EU but our alignment with European rights and values. We will always be Europeans, and part of our shared tradition across this continent is one of citizens' movements that highlight injustice and deliver progressive change. In an uncertain post-Brexit future, we will need to listen again to our citizens' movements as global trade relationships between Scotland, the UK and the rest of world are recast in the years ahead.

Scotland's citizens and Scotland's Parliament must be engaged at a time when we face an unprecedented democratic deficit over UK trade deals. Such a democratic deficit could erode hard-won protections and rights unless we ask the right questions in the right places at the right time. For example, the recent comprehensive economic and trade agreement between the EU and Canada is hailed as a blueprint for future agreements, yet it is one on which democratic accountability in the UK has been woeful. There has been no meaningful statement on or scrutiny of the deal at Westminster. No committee has tried to understand the implications of the final agreement. There was no debate and no vote. There was also no engagement with the Scottish Government or Parliament. It appears that only one industry body—the Scotch Whisky Association—was directly involved during all the years of consideration that led to the final deal.

I want to contrast that with the level of democratic engagement in other states across Europe and even in Canada itself. The Canadian provinces were directly involved in the CETA process and Wallonia was instrumental in galvanising the work of citizens' initiatives across Europe—initiatives that resulted in millions of people raising their voices against unaccountable corporate courts and the potential for social and environmental rights to be undermined.

Up to a point, the pressure that those citizens' movements exerted worked—limited concessions on corporate courts were made and the Canadians in particular have had to learn how important the dialogue with civil society in Europe is. However, the final CETA deal has been far from transparent and future deals need to be democratically accountable.

If a US-UK trade deal is negotiated in private with Trump, we should expect agribusiness to try to sweep away trade barriers on genetically modified crops and the use of hormones in beef production, and we should expect US healthcare corporations to try to open up the national health service. Full-blown corporate courts could come back, thereby allowing Governments to be sued

for decisions that big business believes harm profits.

A UK-India trade deal, if negotiated in private, could spell disaster for the production of generic medicines that are low cost and accessible to those who live in poverty globally. For decades, rich countries have attempted to push new intellectual property laws on to India to protect the monopolies of big pharmaceutical corporations. The impact of higher prices on the fight against tuberculosis, HIV/AIDS and cancer could be devastating.

The best way to detoxify such trade deals is to open them up to the light of scrutiny and debate, but we are seeing a power grab at Westminster—the proposed trade bill would transfer vast powers to individual ministers, bypassing Parliament and citizens.

I commend the role of Scotland's citizens' and civic movements for shining a light on trade deals in recent years. The work of the trade justice Scotland coalition demands our attention, and organisations from the Scottish Trades Union Congress to Friends of the Earth Scotland and Global Justice Now have worked together to establish the key principles for just trade deals. Those principles should provide the starting point for all trade deals and the Scottish Government's review of its trade and investment policy.

The principles state that deals must be democratic, open to scrutiny and amendable by Parliaments. They should work in the public interest, and although the free trade of goods is in the public interest, public services and Government regulations must be outside of deals. In addition, trade must ultimately do good—we must have a race to the top rather than a race to the bottom in standards that protect our health, our rights and our environment, alongside a trade system that is based on solidarity with the global south, not competition. I commend those principles to Parliament, and I hope that the Scottish Government can see how its ethical leadership must extend to trade.

I move amendment S5M-09887.1, to insert after "society and people":

"commends the Principles for Just Trade Deals paper, which has been published by the Trade Justice Scotland Coalition; believes that international trade agreements are a key opportunity for Scotland to provide ethical leadership; further believes that such trade deals should support rather than undermine human rights, labour and environmental standards and that these trade agreements should be based on solidarity and facilitating the two-way sharing of knowledge and technologies with the Global South; calls on the UK Government to ensure that the devolved administrations have a formal role in the negotiation and democratic scrutiny of future agreements;"

16:03

Alex Cole-Hamilton (Edinburgh Western) (LD): I am grateful for the opportunity to speak in the debate, and I am grateful to the Government for the conciliatory tone that it has attempted to foster.

The only other time I remember having occasion to speak about an ethical approach to foreign policy was at an Amnesty International conference in 1999, at which a new Labour member of Parliament was trying to extol the virtues of the ethical approach to international policy that had been adopted by the Blair Administration. However, that was just weeks after the then commissioner of the Metropolitan Police, Paul Condon, at the behest of the Home Office, had stifled peaceful demonstrations around a Chinese state visit to the UK.

My remarks in that debate followed a course that I shall attempt to chart again this afternoon, which is based on one basic precept—that it is our duty as a developed and progressive democracy to walk softly through the lives of other nations and to share in the benefits of derestricted and mutually beneficial commerce, but to do so without making ourselves either complicit in or silent witness to the abuse of human rights in those places.

I welcome the opportunity to debate the issue. I am particularly interested in the design and use of the Government's list of priority countries, because there have been such lists before, yet they have not always encumbered Scottish ministers in dealing with countries adrift of those lists and sometimes even countries adrift of the shared values and respect for human rights that are shared by all parties in this chamber.

Similarly, the lists have in themselves sometimes caused mild controversies. For example, in 2013, the Scottish Government included Kurdistan in a new list of countries where it was seeking to work but, on further questioning, the Government was reluctant to disclose whether it had discussed the statehood of Kurdistan with other potential trading partners such as Turkey or Albania. A list is welcome, but it needs to be transparent, we need to stick to it and it needs to be diplomatically coherent. That should in turn be underpinned by clear protocols for how our Government agencies should work in countries about which there are human rights concerns.

In accepting that approach, we must be absolutely clear about what standards we expect countries to meet before we consider working with them as partners. For instance, in respect of emerging economies, what political or human rights hurdles would we expect Indonesia—or, for that matter, any of the next wave of global

economic super powers in the tier below Brazil, Russia, India, China and South Africa—to clear before it could be added to the Scottish Government's list of countries for doing business with? I would be grateful if the cabinet secretary could address that in her closing remarks and set out the thresholds that she expects such countries to meet.

It is important that we hammer that out, because Scotland and the Scottish Government have at times fallen short of due diligence on human rights. Last year, the Liberal Democrats used our time in the chamber to debate the supposed £10 billion memorandum of understanding that the Government rushed to sign with SinoFortone and the China Railway No 3 Engineering Group, irrespective of the serious concerns of Norway and many others about the way in which human rights had been abused and sidelined by CR3 in earlier projects. That eagerness to further relations with China was also evident in Alex Salmond's refusal to meet the Dalai Lama during his most recent visit to Edinburgh, which was an embarrassing failure to recognise and support the efforts of those battling oppression by the Chinese state.

The Government also fell short in its dealings with Qatar, despite revelations about the human rights situation there, not least surrounding the world cup. In 2013, my Lib Dem colleagues raised concerns about the imprisonment of Qatari poet Mohammed al-Ajami, who wrote verses criticising the head of the Qatar Government and who was sentenced to 15 years in prison as a result. However, Scottish ministers did not press his case in their mission to Qatar. It may be that the right opportunity was not forthcoming on that visit, but the ministerial delegation to the neighbouring Abu Dhabi poetry festival on the same trip must surely have provided such a chance.

Fiona Hyslop: We press countries on human rights issues in meetings when we can, to ensure that we have the influence that Amnesty International, which the member referred to, advises that we should have. However, there can be a dilemma, because we are sometimes trying to help countries that have human rights issues to change their approach. Some of the issues can be close to home. For example, some of the countries that we work with on international development might not have the level of human rights adherence that the member wishes to see, but nevertheless we need to work with them to help them on that journey. Every country—even this one—is on a journey in that regard. How does the member square his point with some of the challenges in relation to human rights?

The Deputy Presiding Officer: We are pushed for time, Mr Cole-Hamilton.

Alex Cole-Hamilton: I absolutely accept that such a dilemma exists. The second clause of our amendment calls for ministers to undertake a level of diligence that perhaps has not existed previously in dealings with companies and state parties to ensure that we understand the human rights environment that we are going into. However, I do not for a minute suggest that we should send those countries into isolation; we should try to embrace them and bring them up to a standard of human rights observance that we see fit.

Further tests of our mettle lie ahead in relation to our long-standing relationship with the US and the way in which we respond to the ethical bankruptcy of the Trump Administration. I hope that, as our ministers prepare to go to tartan week, they will reflect on the discussions that we have had about expressing our concerns to our colleagues overseas.

Finally, Presiding Officer—

The Deputy Presiding Officer: Yes, please.

Alex Cole-Hamilton: —as I said at the top of my remarks, in all our international dealings, we must walk softly through the lives of other nations.

I move amendment S5M-09887.2, to insert at end:

“; believes that there should be a clear protocol on human rights for Scottish public agencies operating in countries where there is cause for concern, and calls for the Scottish Government’s working practices and cabinet secretary sign-off protocols to be revised to make sure that basic checks on the human rights record of potential partners and investors are made at an earlier stage.”

16:09

Jackson Carlaw (Eastwood) (Con): Presiding Officer, I begin by asking whether you can get the clocks in the chamber fixed, because they have gone a bit astray.

The Deputy Presiding Officer: We are trying very hard to do that. The problem has been caused by a power outage and I do not think that the clocks will be fixed today. However, the one behind you is working, so I do not mind if you turn away from me now and then.

Jackson Carlaw: Thank you, Presiding Officer. I will break the parliamentary rules occasionally and turn my back on you.

I commend the Government on its motion. Last week, I went off for the weekend thinking that the motion was excellent in setting out the task and challenge that now face Scotland, only to come back at the beginning of this week to find a flurry of amendments. My colleagues asked me whether I wanted to lodge an amendment to ensure that I preserved my speaking position and I said,

“Vanity, vanity, all is vanity,” and that I was happy to follow the amendment contributions in the debate and have the opportunity to respond to them.

I agree with nearly everything that Claire Baker had to say. We will abstain on her amendment—although we will support the motion if her amendment is carried by the chamber—only because we thought that it placed an undue emphasis on Europe in the context of the international discussion that we are having.

I am grateful to the Greens for reminding me that fruitcake does not just come with my afternoon tea.

I was going to say to Alex Cole-Hamilton that I listened with care to what he had to say but he talked me out of supporting him, not because I do not think that some of the issues that he raised are of interest but because he talked about the last time that he participated in a debate on foreign policy. This is not a debate about foreign policy, on which the Parliament does not have competence. It is a debate on Scotland’s international policy framework, and it is important not to overstate what the Scottish Government has responsibility for and what it has power to achieve.

Alex Cole-Hamilton: Will Jackson Carlaw give way?

Jackson Carlaw: You overran anyway, Mr Cole-Hamilton, so I shall not.

This is not a foreign policy debate; nor is it a Brexit debate so, although Ms Hyslop may have tempted me and the First Minister may have tried to provoke me yesterday, I will not rehearse all the arguments about Brexit. However, we can all agree that, on the other side of Brexit, we will have an enormous challenge as a country in respect of the international relations and the new trading relationships that we will develop, in which we will all need to be engaged and on which the Scottish Government deserves all the support that we are able to offer.

Mark Ruskell: Will Jackson Carlaw give way?

Jackson Carlaw: If you do not mind, I will not. I have less time than you did, Mr Ruskell, to try to say what I have to say. You said what you had to say, and said it badly.

I ask Ms Hyslop to answer a few specific points. The first is on the Government hubs that have been established. We have one in London and one in Dublin. The Culture, Tourism, Europe and External Relations Committee will be in Dublin next week and will meet John Webster, who is the head of the hub, and Robin Barnett, who is the UK ambassador. However, three other hubs—in Berlin, Brussels and Paris—are at various stages of development. In previous strategies, there was

an expectation or hope that one or two of those might have been up and running by now, and I am interested to know what the Government's current thinking is. I know that a new head has just been announced for one of those hubs, but when does the Government envisage the hubs being established and in place?

Claire Baker made an important point on international aid. As a nation, we contribute £13 billion to international aid—of course, that is the taxpayer contribution. In Scotland, taxpayers also contribute to international aid through the Scottish Government so, in fact, they contribute more than taxpayers in any other part of the United Kingdom to the international aid budget. I entirely agree with Claire Baker that some of the press headlines that go with that are quite lamentable. David Cameron was absolutely right when he insisted that, whatever the strains of austerity that followed 2008, we would maintain our commitment to international aid because many of the problems that we want to avoid or prevent can be avoided or prevented only if we are prepared to invest now in seeking to assist all those countries. That investment in international aid is extremely important.

I remember being invited in a previous session of the Parliament to criticise the former First Minister who went on a trip somewhere and stayed in an expensive hotel. I was slightly ambivalent about that. It is the responsibility of Scottish Government ministers to seek to develop links throughout the world that will be of enormous benefit to Scotland—through creating potential jobs or tourism opportunities here, for example. Although there might have been some unfortunate photo opportunities from time to time, I applaud the work that Fiona Hyslop and the present First Minister have done in seeking to get to countries in order to open up those relationships and develop new trading links. In the main, those links are developing potentially extremely useful international business contacts and relationships with those countries. Although President Trump has been mentioned twice, it is important that we remember that there is a distinction between the presidency and political leadership of the country at any point in time and the nation and people of the United States itself, who remain our most important trading partners.

Our representatives in Europe have increased from 20 to 40 but we have only one representative in Latin America and I am concerned to know whether, on developing opportunities for whisky and other products, the Scottish Government recognises that, as well as the particular challenge that is faced in Europe, we do not want to lose sight of the wider challenge across the rest of the world.

In general terms, the Scottish Conservatives support and applaud the work that the Scottish Government is doing to develop, improve and expand our international profile and the relationships and benefits that follow from it.

The Deputy Presiding Officer: Before we move on, I remind members always to speak through the chair, not directly to each other; and to always treat each other with a bit of courtesy and respect.

Jackson Carlaw: That never happens to us.

The Deputy Presiding Officer: Do you have something that you wish to say, Mr Carlaw?

Jackson Carlaw: I am very happy to say that, if your comment was a reference to the remark that I made earlier, I have endured far worse from the Scottish Greens in many a debate in here. I do not think that comparing people to an afternoon tea is the worst insult that has ever been levelled.

The Deputy Presiding Officer: I am the chair, Mr Carlaw, and it is my opinion that matters in this instance. I have said what I have said and I stick by it.

We now move to the open debate. We are already short of time, so I give due notice that I might have to cut the times of later speakers. In the meantime, we will have speeches of four minutes.

16:15

Ivan McKee (Glasgow Provan) (SNP): I am delighted to take part in this debate on Scotland's international policy and framework, and Scotland's role in the world.

I declare an interest: I am a trustee of Charity Education International, a small Scottish charity working to provide education and health support for rural communities in Bangladesh.

In an increasingly interconnected world, how Scotland interacts with our neighbours near and far is of critical importance for our future, our economic prospects, the depth of our cultural experience and the life opportunities of our citizens. How Scotland plays its role as a good global citizen is also of profound importance as, working with international partners, we seek to influence the world around us in a positive way. I am therefore pleased to see the focus and breadth of the Scottish Government's international framework and policy statement, with their emphasis on creating an environment in Scotland that supports a better understanding of international opportunities and a greater appetite and ability to seize those opportunities.

Internationalisation is one of the four core themes at the heart of Scotland's economic

strategy. Having done business in many countries around the world, I fully understand the importance to Scotland's businesses and economy of international trade links. A key purpose of the international policy is to support our businesses and institutions in order to make them more globally competitive, able to co-operate with international partners to exchange knowledge and best practice, and able to maximise and take advantage of export and trade opportunities.

The Scottish Government's commitment to the doubling of Scottish Development International's presence across Europe is welcome, as is the addition of hubs in Berlin and Paris to those in Dublin and London, and the upgrading of the Toronto and Brussels offices. The creation of a board of trade and the appointment of trade envoys is further evidence of the priority that is given to the internationalisation of Scotland's economy.

The Government's trade and investment strategy, global Scotland, sets out a comprehensive action plan to boost Scotland's international trade, including stimulating inward investment and building on Scotland's status as the most attractive place in the UK for foreign direct investment projects outside of London.

The impact of Brexit has to be mentioned, and it will be significant. The latest data published by the Scottish Government shows just how damaging it might be. Although we continue to work to secure Scotland's place in the single market, the potentially disastrous consequences that might unfold following a hard Brexit make it all the more important that the Scottish Government focuses on the steps and measures that we can take to mitigate that impact.

Making Scotland attractive through tourism and international cultural and sporting events is also a key part of our internationalisation strategy. It should be remembered that in the globally competitive higher education sector, attracting international students is a major contributor to Scotland's economy and to building our future skills and talent base, notwithstanding UK immigration policy, which is highly restrictive.

I made reference at the start of my speech to my support for a charity that is delivering projects in rural Bangladesh. Although Bangladesh is not one of the core countries that the Scottish Government has committed to prioritise, I understand the prioritisation approach, with its focus on Malawi, Rwanda, Zambia and Pakistan.

While we remain part of the UK, Scotland's budget for international development is limited. The decisions on where to spend the vast bulk of Scotland's 0.7 per cent of gross domestic product contribution are made by the UK Government

through the Department for International Development.

In that context, it is important to focus our limited spend on specific targets where we can make a difference. That applies not just to the focus of spend, but to the links between institutions, third sector organisations and businesses in Scotland and those target countries.

I am pleased to support the Scottish Government's international policy and framework. They give a clear focus and direction to our international work and serve as a foundation on which Scotland can further develop our international trade, cultural and development work.

16:19

Alexander Stewart (Mid Scotland and Fife) (Con): I am pleased to take part in today's debate on Scotland's international policy and framework and the priorities for the year ahead. The document from the Cabinet Secretary for Culture, Tourism and External Affairs, which was published towards the end of last year, is extremely comprehensive—I am sure that it is supported by many, if not all, of us in the chamber.

I will focus on Scotland's contribution to the world, as we strive to fulfil our important objective of being a good global citizen. At the UK level, the Conservative Government is one of the few Governments in the world that has committed to meeting the United Nation's recommendation that countries should spend 0.7 per cent of their gross domestic product on international development. That is much to be welcomed, and I am extremely encouraged that the Scottish Government also sees that as an important priority.

I very much support the Scottish Government's global citizenship strategy for international development and believe that the focus on delivering support through the international development fund to our four partner countries—Malawi, Rwanda, Zambia and Pakistan—is the right approach. The funding model that is used for the international development fund, which, rather than providing direct funding to foreign Governments, supports grass-roots development organisations, will give the people of Scotland greater confidence that their money, having been directed at organisations and individuals across the world, will be well spent.

I am a co-convenor of the cross-party group on Malawi and it is encouraging to see the establishment of an investment initiative for Malawi of £1 million, which has been match funded by the private sector. Such schemes are important in the development of sustainable economic growth because they help to ensure that our partner countries make the transition from

receiving international aid to becoming more self-reliant. It is important that we support countries to stand on their own two feet.

It is incredibly fitting that Malawi is one of our four partner countries, given the long tradition of links between Scotland and Malawi, which date back more than 150 years. The sheer number of partnerships between the two nations is staggering. According to the University of Edinburgh, 4 million Malawians and more than 300,000 Scots benefit annually from those partnerships. Rather than being about one country simply funding another, those civic links are about working together. It is important that we do that.

Last year, I welcomed the introduction of an annual £1 million humanitarian emergency fund, which started during the current financial year. It is encouraging that the fund has been welcomed by a wide range of organisations. The Scottish Catholic International Aid Fund has praised the model's inclusion of a panel of non-governmental organisations in an advisory capacity. Humanitarian crises are unanticipated and unpredictable, and that dedicated fund will help suffering people across the world.

I very much support Scotland's aim to continue to be a good global citizen. The international development work of the Scottish Government and many civic partnerships in assisting our partner countries is vital in ensuring that we achieve that objective. Working together makes a difference not just in the present but in the future. We must work for the future of our international colleagues and partners throughout the world.

The Deputy Presiding Officer: Stewart McMillan will be followed by Pauline McNeill. I ask for strict four-minute speeches, please.

16:23

Stuart McMillan (Greenock and Inverclyde) (SNP): I am delighted to take part in the debate and I welcome the international perspective that the Scottish Government and the Scottish Parliament have had for some time.

I will focus my comments on Inverclyde and Malawi. I joined the cross-party group on Malawi on winning the Greenock and Inverclyde constituency in 2016. In my local authority area, there are 13 partnerships between Inverclyde and Malawi, via the Inverclyde schools Malawi partnership, incorporating 15 local schools. The partnership assists 6,000 local pupils and 16,000 Malawian pupils to learn about each other's countries and cultures. In addition, that local partnership allows schools to support the aims of Education Scotland's international engagement strategy. The 13 partnerships also act as a vehicle to support delivery of a number of national

strategies, including curriculum for excellence, learning for sustainability, international engagement, the Scotland Malawi Partnership, global citizenship, language learning in Scotland and rights-respecting schools.

Clearly Scotland has long had an international outlook on life, and colleagues in Parliament have spoken on many occasions of their constituency links with Malawi in particular. I am happy to do the same today for my constituency.

Some colleagues have spoken about aspects of business and trade, which are crucial and are part of the third of the four strategic international objectives, but I will not touch on that today because others have done so. I want to highlight an aspect of the strategy that relates to Inverclyde, because strategies can sometimes come across as being esoteric, or as being things that people do not really engage with. However, a partnership in a local authority area, such as Inverclyde's partnership with Malawi, can highlight how important the international perspective is. It brings it down to ground level, where people can understand and engage with it, and can then learn and prosper as individuals.

The Inverclyde schools Malawi partnership has been in existence now for more than 10 years. I want to commend everyone who has been involved with it for their dedication to the work that they have undertaken during that time. In particular, I want to thank John and Anna McIndoe for their tremendous work. The partnership is an example of Scotland's wider international outlook. Between 2015 and 2018, the Scottish Government is funding 20 projects in Malawi—that funding is worth more than £9.2 million—and there is the new £3.2 million Malawi climate challenge programme, which was launched to coincide with the 23rd conference of the parties to the UN Framework on Climate Change, or COP23, in Bonn in November 2017, as part of the £3.6 million package to further support developing countries in accessing clean water and sanitation, and in boosting agricultural production and adaptation.

Having an international perspective remains vital to the continued prosperity of Scotland's economy, society and people. Inverclyde provides an example of how an international perspective works. I should also mention the local links that Scotland has with Rwanda, from which both countries are benefiting.

I am aware of the time constraints. I am confident that the Scottish Government will continue to do everything that it can to support the activities in the international framework and to promote Scotland's voice. I am happy to support the Scottish Government in all its endeavours, and I welcome the new international policy framework.

16:27

Pauline McNeill (Glasgow) (Lab): There has rarely been a more important time to share international perspectives on Scotland's relationship with the rest of the world. It has been an important year on the international stage. Our economic backdrop has been dominated by Brexit as we head out of the European Union, but a huge number of world events also impact on our relationships with the international community.

We have a US President who is one year into his presidency and who causes daily diplomatic upset. The most recent example is probably not repeatable in front of you in this chamber, Presiding Officer, but suffice it to say that the United Nations has called his remarks racist towards African countries.

More concerning for me is President Trump's obsession with undoing the Iran deal that was agreed under the Obama Administration. The joint comprehensive plan of action that was designed to limit use of enriched uranium until 2030, binding Iran to use it for peaceful purposes, is important. A former British ambassador, Peter Jenkins, said that President Trump's hatred of former President Obama drives his determination to destroy the deal. Why is that important? Apart from anything else, European partners have been involved in the deal, so its undoing is unhelpful for EU-US relations.

Our relationship with the United States is important, but not at just any cost, and not at the cost of all principles. Labour leader Jeremy Corbyn said this week that the British relationship with the US is not our most important one, but Chancellor Merkel went further and said that it is time for Europe to wean itself off that relationship. Those perspectives are important not only to our trade relationships, but to our contribution to stability and peace in the world.

Thankfully, there has been a dramatic reversal of fortune for so-called Islamic State—Daesh—which has been driven from about 98 per cent of the territory that it once controlled. That has had an impact around the world. We cannot forget the spread and intensification of fighting that led to a dire humanitarian crisis, with 6.1 million internally displaced people and 4.8 million seeking refuge abroad. I commend the Scottish Government for the work that it has done to date on refugees.

A subject that has been close to my heart this year is the humanitarian crisis in the Republic of Yemen, which looks like an apocalypse in the Arab world's poorest country, which has been enduring a three-year war that has caused a major outbreak of cholera—the worst the world has ever seen.

Andrew Mitchell, who I thought was an excellent Secretary of State for International Development, said that the international community is

“complicit in a coalition that is blockading a country of 27 million people, effectively delivering a punishment beating for the whole of Yemen ... and it needs to be condemned outright.”

The UK's sale of arms to Saudi Arabia has reached £6 billion in profit. That is quite shameful profiteering from the conflict in the Yemen in which so many lives have been lost.

I am sure that many people will agree that there will be no peace and stability in the world until there is justice for the Palestinian people. The State of Palestine is now recognised by 137 countries in the United Nations, but justice seems to be further away than ever, with the continuing building of illegal settlements in the occupied territories. If she is able to do so, I would like the cabinet secretary to comment on what I thought was an excellent provision in policy under the Procurement Reform (Scotland) Act 2014, where there was a commitment to discourage public sector purchasers strongly from dealing with companies that may be involved with illegal Israeli settlements. If she is able to say something on that, it will be important. Perhaps she could get back to me at a future date. That commitment makes an important contribution to peace, and how it is monitored is important to people who follow the subject closely.

The Deputy Presiding Officer: Christina McKelvie has three minutes, please.

16:31

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Kenneth White, on reviewing Billy Kay's book “The Scottish World” says:

“While others have questioned the self-confidence of the Scots, Kay has travelled the world from Bangkok to Brazil, Warsaw to Waikiki, and found ringing endorsements for the integrity and intellect, the poetry and passion of the Scottish people in every country he has visited.

He expands people's view of Scotland by relating remarkable stories of the wealthy Scottish merchant community in Gdansk; of national geniuses of Scots descent, such as Lermontov in Russia and Grieg in Norway; of an American Civil War blamed on Sir Walter Scott and initiated in the St Andrews Society of Charleston; of inspirational missionaries in Calabar and Budapest; of *Scotch Professors* establishing football in soccer strongholds like Barcelona and Sao Paulo; of pioneers like Sandeman and Cockburn and the Scottish roots of many of the great wines of Europe; and of our amazing involvement in liberation movements in Malawi, Chile, Peru, Greece, Corsica and India.”

What a ringing endorsement for a book that is. The book captures too, as does the endorsement, the pioneer spirit of inventors and adventurers—the Scots who made the world—whether it is the

contribution to building modern Japan of Scottish-born trader Thomas Blake Glover, or the fantastic contribution to mathematics and science of Mary Fairfax Somerville.

In how many countries will people be raising a glass, singing a song or giving a recitation to our bard Robert Burns in the next few weeks? There will be too many to count—but do we really

“see ourselves as others see us”?

We Scots have a great reputation around the world, but maybe it is time to accept that in many cases, especially in historical business or our adventures, we have a dark reputation, too. We should take some responsibility for that.

How do we use that? How do we build on those foundations? How do we make a positive and ethical relationship with our fellow human beings? We do that by being open, internationalist and innovative. We promote our land, our arts, our culture and our business, and we protect, promote and enhance Scotland the brand.

Whether it is taking Scotland to the world or welcoming new Scots to our land, we have a good story to tell—one that seeks fairness and a human-rights based approach to internal policy, and which seeks such policy in the lands with which we want to work.

I welcome “Scotland’s International Policy Statement” because it is a basis on which to build that positive and ethical relationship that many of us have spoken about in the chamber today, and to do so with our fellow nations and fellow human beings, instead of taking the sometimes hateful direction that we see in others’ policies, including some of those of the UK Government. I believe that that Government has lost its way. Perhaps it could work with the framework. We should send it to the UK Government.

We should stop the world, because Scotland is getting on.

The Deputy Presiding Officer: The last of the open-debate speeches is from Tom Mason. You have three minutes, please, Mr Mason.

16:35

Tom Mason (North East Scotland) (Con): Thank you, Presiding Officer. I will attempt to keep my speech to three minutes.

As we seek to broaden our horizons, we have a great chance to promote Scotland and all that we have to offer as a nation. I will take this opportunity to focus on one engagement strategy in which more work is required: the strategy for China, with which I am familiar. The fact that the strategy is due for renewal this year gives us a great chance

to develop a template for our international policy that can be used across the world.

The existing strategy, which was set out in December 2012, seeks long-term sustainable partnerships across many different sectors, centred on four key priority areas. There have been successes. The targets to double the number of Scottish businesses that have access to Chinese markets and to increase direct exports to China above the Scottish Government’s export target of 50 per cent by 2017 have been met during the life cycle of the current strategy.

We must recognise, however, that there are also challenges that need to be addressed. Official statistics show that, for the first two years of the strategy, the number of new China-registered businesses in Scotland was only five, and a pledge to double the number of Scottish students who gain a qualification in Chinese has been missed by some margin, with the number increasing from 309 in 2011-12 to just 365 in August last year. We cannot hope to engage with Chinese business culture without knowledge of the language and detailed communication with our partners.

It is also imperative that we understand the different cultures across China. There is a danger that we will concentrate only on the key cities of Beijing, Shanghai and Hong Kong, and forget the vast swathes of business enterprise across what is a gigantic country. We must identify clearly where our industries have particular strengths, and focus on them. It would also help to look deeper into maintaining postgraduate internships for foreign nationals in order to allow relevant companies to access their specific knowledge and language. We should also recognise that investment with China must be sustained for the long haul, because Chinese business culture is based on trust that is not achieved without long-term commitment.

My remarks might be quite narrow in subject matter, but there is a wider point to be made. The principles that underpin our engagement with China are pragmatic and sensible. I firmly believe that, if we use the opportunity that we have to refine our strategy towards China, we will have a template that can be used to enable successful co-operation with selected countries. That would be very encouraging. However, we need to be collaborative as we do that, because our international policy should complement and not contradict that of the wider United Kingdom in its trade activities.

The Deputy Presiding Officer: We move on to the closing speeches. We are really tight for time. I call Alex Cole-Hamilton. You have up to four minutes, please.

16:38

Alex Cole-Hamilton: Thank you, Presiding Officer. To my fingertips, I am an internationalist. That sense of internationalism is the central pillar around which my entire political party is forged and, as Pauline McNeill stated in an excellent speech, it is perhaps more necessary now than it has ever been.

In my first speech to this place, I stated my belief that our withdrawal from the European Union was from a doctrine of isolationism, pure and simple. I believe that still—so it is, and it breaks my heart. Brexit turns the face of our country against the shared efforts of our European neighbours to tackle the challenges that we all face and that will never recognise national borders. We adopt a doctrine of isolation that human traffickers, terrorists and climate change will never recognise. Such international problems demand international solutions. Anything that strengthens our country's efforts towards international policy should be welcomed, and I embrace the debate in that spirit today.

In that vein, I agree with and support the statement in Claire Baker's amendment about a new and lasting relationship with Europe. For my party, that new and lasting relationship lies in renewed full membership of the EU through either the scrapping of Brexit or re-entry at a later date. I hope that Labour will clarify its position on that in its closing remarks.

I understand that diplomacy and international trade can be difficult, and the cabinet secretary was absolutely right to make that point to me in her intervention. It is easy for Opposition members to take shots, as I have done this afternoon, but I acknowledge the dilemma. It is important to embrace countries within which we seek to foster change, but it is also possible to maintain alliances and trade partnerships and simultaneously push for change within those countries. As an example, I point to Vince Cable's decision in 2012 to prohibit the export to the United States of Propofol, which is a key ingredient of lethal injections.

My amendment sets out the need for protocols to define relationships and for agencies that operate in the Government's name in countries in which human rights abuses are commonplace to understand the rules of engagement—how they must conduct themselves, move forward and press those nations to change their behaviour.

Fiona Hyslop: Will the member give way?

Alex Cole-Hamilton: I am afraid that I have only a minute or so left.

There have been some excellent contributions. I always enjoy listening to Jackson Carlaw, but I do not for a minute believe that he ever intended to

support our amendment. I think that his grasping at semantics was a convenient excuse not to have to back it.

Alexander Stewart made some excellent points about Malawi. That theme was picked up by Stuart McMillan and Ivan McKee, who pointed out excellent local links to international aid projects around the world. That speaks to a philanthropy in these islands that can be measured in the second biggest international aid budget on the planet. Christina McKelvie eloquently picked up on that tradition in her speech.

We shall all be judged on how and with whom we conduct our business overseas. Such debates afford us a chance to lay out the standards to which those who are charged with representing Scotland must be held. We must walk softly through the lives of other nations but, as I said at the start of my speech, in so doing we should not bear silent witness to the subjugation of the people who live in those countries.

16:42

Ross Greer (West Scotland) (Green): The Greens welcome the opportunity to debate the motion and the excellent amendments from the Liberal Democrats and the Labour Party. All that I can say to Jackson Carlaw is that I would rather have a fruitcake than the Eton mess that has taken this country to the brink in recent years.

The policy statement that we are debating, which is an excellent series of documents, highlights trade in goods and services as being central to our wider internationalisation, and Mark Ruskell has covered that. The statement speaks about a "Global Scotland", our commitment to justice, and our potential for "Ethical Leadership". Our international health initiatives and the global presence and prestige of our university sector are rightfully lauded. They are aspects of our society and economy that we can be very proud of.

However, good things cannot happen in silos. Objectives cannot be met without policy coherence across everything that we do. There are notable sectors of our export economy that the statement does not mention, one of which is the arms industry in Scotland.

Firms that are based here manufacture weapons and equipment that bring carnage, death and destruction around the world. Raytheon in Fife makes missile systems that are sold to the Royal Saudi Air Force. Those missile systems have been repeatedly linked to alleged war crimes and the indiscriminate bombing of civilian areas in Yemen—Pauline McNeill covered this—including hospitals and funerals, by the Royal Saudi Air Force. Unfortunately, the banning of arms sales is, of course, a reserved power for now, but the

Scottish Government provides funding for the arms trade through its enterprise agencies, including for Raytheon, which last year received £91,000 of public money.

Other recipients of Scottish Government funding include Selex, which has supplied equipment to, among others, the Saudis and the Assad regime in Syria, and Chemring Group, which sold CS gas that was used against civilians in the 2011 Arab spring protests in Egypt and in the 2014 democracy protests in Hong Kong. Since 2007, £17 million has been given to companies that have been involved in the arms trade. It is hypocrisy to hold an international strategy that talks about being “a good global citizen”, showing “Ethical Leadership” and following a “do no harm” approach while simultaneously providing public funds for the leaders of an industry that is built on war, death and misery.

The Government’s international framework stresses the importance of policy coherence—the document says that that is at the heart of the approach. If that is to mean anything, the public funding of arms manufacturers must come to an end. One arm of the Government cannot operate in a manner that is utterly incompatible with the all-Government approach that has been committed to.

The statement highlights the dangers of climate change and highlights our commitment to climate justice. I welcome the climate justice innovation fund and the commitment to cut emissions across the board. However, that is, again, incompatible with the Government’s other policy priorities on oil and gas. Is it climate justice to expand North Sea oil production? On Monday, the energy minister, Paul Wheelhouse, welcomed Shell’s redevelopment of an oil field in the North Sea as “great news”. This Government remains committed to maximum extraction of North Sea fossil fuels, despite the irrefutable reality that burning more than 20 per cent of known reserves will result in a disastrous and irreversible climate crisis.

How many projects in Malawi, Zambia and Rwanda should the climate justice innovation fund contribute to in order to justify the exploitation of that new oil field? The reality is that every last one of those projects and every effort to expand renewables here at home are redundant if those North Sea reserves are extracted and burned. We cannot claim to support climate justice yet continue the oil and gas industry. That is not a matter of ideology; it is simply science. The Government knows that to be true.

This is Scotland’s year of young people. It is also one of the final four or five years in which we can stop climate change. If we do not, my generation and those who come after us will live

through an era defined by the greatest crisis in human history. Therefore, I ask the cabinet secretary: what side is the Government on? Is it on the side of climate justice—of those whose lives are being devastated and destroyed, from Puerto Rico in West Africa to here in Europe and Scotland—or on the side of Shell, Statoil and Exxon?

16:46

Claire Baker: The debate has been interesting if brief, with many issues that are too broad and complex to address in the short time that I have.

In my opening speech, I highlighted the importance of the project work of our charities that work at the front line. Stuart McMillan and Alexander Stewart both raised the local partnerships and important civic links in their areas. The identification of priority countries is important, and that deep connection provides the opportunity for long-term change. The Scottish Catholic International Aid Fund has raised the importance of a thorough, impartial needs analysis to ensure that our interventions are effective. I ask the cabinet secretary whether there is scope for the development of thematic priorities in international development.

I recognise the crucial importance of attracting trade and investment and ensuring that conditions are in place to ensure that we can create the jobs and economic growth that we need. We believe that such deals must be transparent, with full parliamentary scrutiny; the problems of not doing so were highlighted by Mark Ruskell, who showed the real risks of not enabling that level of scrutiny. That is why Labour launched a just trading initiative in 2016, which will work with global trade partners to develop best-in-class free trade and investment agreements that will aim to remove trade barriers and promote skilled jobs and high standards. For too long, we have seen one-way trade deals concluded behind closed doors, which have promoted profit—often for foreign investors—before public interest. That is why we opposed the transatlantic trade and investment partnership; we must ensure that we do not undermine our democracy or sign up to a deal that could potentially drive privatisation in our public services rather than a deal that puts jobs and workers first.

I welcome the amendment from the Greens, which I will support, just as I supported Mark Ruskell’s motion for a members’ business debate. Further trade deals must safeguard the right to regulate in the public interest to protect public services and to ensure that public bodies are able to make procurement decisions in keeping with public policy objectives. They must adhere to human rights, be built on social justice and not undermine or infringe our labour standards.

Although “Scotland’s International Policy Statement” commits to putting

“Policy Coherence for Development”

at the heart of its approach, arguably that has not been pushed as strongly as it could have been. Perhaps the cabinet secretary will say more about how the Scottish Government plans to take that agenda forward in her closing words.

The Liberal Democrat amendment highlights concerns that have been raised by public agencies that operate in countries where there is cause for concern. We need to ensure that robust procedures are in place for working relationships with partners and investors and that decisions are transparent and justifiable. As a Parliament, we have always striven to ensure a high standard of human rights and we have passed significant legislation to illustrate that. We must do all that we can to demonstrate the same standards in our international relationships. The cabinet secretary outlined some of the dilemmas and compromises that can be involved, but greater transparency of decision making can increase understanding.

Pauline McNeill has long been an advocate for refugees and people who live through conflict. She made important points this afternoon about the crises in the Yemen and for the Palestinian people. She raised questions about public sector procurement policy—perhaps the cabinet secretary can respond to those points.

Scotland’s future must be underpinned by a dynamic economy that is equipped to compete in the globalised world. We need to ensure that our schools, colleges and universities are equipped to provide education and training that compete with the best in the world. As part of that, Scotland and the UK must maintain their leading role in research and play a part in Erasmus, horizon 2020 and successor programmes. The market is increasingly competitive and we must work hard in Scotland to ensure that we maintain our reputation and keep up with countries around the world. The cabinet secretary might say a wee bit more about the hubs, which Jackson Carlaw mentioned, and about the degree of importance that will be placed on education.

Along with the rest of the UK, Scotland must be open to business, enterprise and growth, but business must be fair and just and it must work for the many, not the few.

16:50

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Scotland is an established world leader in certain sectors. I am pleased that Mark Ruskell mentioned the Scotch whisky industry, which is the most prominent sector and is

likely to grow at an incredible rate. Post-Brexit, Scotch whisky will be able to infiltrate and reap the rewards of international markets such as India.

Members seem excited about Scotland’s future. Post-Brexit, we will have incredible opportunities with the wider world that we have never had before. The future is about opening up Scotland to the rest of the world, and today’s debate has set out some of the opportunities that are out there.

Ivan McKee talked about internationalisation and his experience of establishing trade links. The programme for government highlights exciting projects, which seek to build on relationships with China, Japan, the United States of America and the Nordics.

Gillian Martin (Aberdeenshire East) (SNP): I would be really interested to know what we have not been able to do in international relations that we will be able to do as a result of Brexit.

Rachael Hamilton: It is typical of Gillian Martin to talk down the Scotch whisky industry, when we have huge benefits—[*Interruption.*] This is a consensual debate—almost—and we are talking about Scotland’s international policy and work to engage in relationships with other countries.

A few of the relationships that I mentioned have fallen by the wayside, and it is encouraging to see the renewed effort to establish and grow them. Japan, for example, is an incredible country that shares our love of whisky. Such bonds can be encouraged and explored. The cabinet secretary reminded us that the Deputy First Minister visited India and hosted key international investors in order to promote Scottish-Indian collaboration, and we look forward to further engagement.

On that point, I had sympathy for Alex Cole-Hamilton when he talked about the standards that we expect from countries with which we might consider doing deals. He expressed concern about previous conversations with Sino Fortune and asked that the Scottish Government practise due diligence, as we trust it will.

Claire Baker said that we should maintain our commitment to international aid. She also talked about globalisation and climate change. Issues such as flooding, drought and the reduction of emissions are important to us and must be at the heart of our conversations. Claire Baker added that international development work is vital to the countries that receive it, and aid and development charities play an important part in delivering objectives in that regard.

Stuart McMillan and Alexander Stewart talked about Scotland’s global citizenship strategy and the good work that is being carried out in Malawi, Rwanda, Zambia and Pakistan. Funding from the Scottish Government, alongside private funding,

can help countries to become more sustainable and, as Alexander Stewart put it, stand on their own two feet.

Pauline McNeill spoke passionately about how the impact of humanitarian crises cannot be overestimated. Nor can we overestimate the importance of world peace. Where would we be without world peace? We would not be able to develop and negotiate trade deals.

Scottish National Party members made end-of-the-world Brexit predictions—

Christina McKelvie: No, we did not!

Rachael Hamilton: Opening our doors to others does not mean that we have to close doors. It is key that we continue to explore and harness ways of working with the rest of the UK to grow and develop relationships. For example, Michael Gove's agriculture reform plans will enhance the environment and support innovation. The climate in which we can learn from each other has never been stronger.

Europe will remain a close and key ally. Despite leaving the European Union, we will remain in Europe. Not just our geographical position but our shared values and close friendships with our overseas friends will ensure that. It would be silly and foolish to throw away years of friendship. Luckily, we have no plans to do so. We will remain friends, with crucial economic and trade relationships.

Jackson Carlaw asked the cabinet secretary to provide further detail on the hubs. In addition, will she advise us why the opening of the Brussels trade hub has been delayed for six months from autumn 2017 until spring 2018? Will she confirm that the opening will not be delayed any further? Will she also confirm the number of Scottish international development staff who are working in Europe? Only one worker has been hired. Will the cabinet secretary confirm that the Scottish Government's promise will be kept?

Scotland's future is filled with opportunities, notwithstanding Gillian Martin's doom-and-gloom predictions. We have the prospect of new trade relationships and innovation in some of Scotland's key sectors. I reiterate that opening some doors does not mean closing others. I hope that the Government takes forward that sentiment when going out into the world and that it carries out due diligence in doing so.

The Deputy Presiding Officer: I call Fiona Hyslop to wind up the debate. Please take us up to decision time, cabinet secretary.

16:55

Fiona Hyslop: How do I answer for all the world and its issues in such a short time?

We have had a good debate, and I thank all members for contributing on our Government's new international framework and policy statement. We will accept Labour's amendment while noting that Europe is one of four strands—albeit a crucial one—of the framework. Although we would not expect to micromanage the international activity of public agencies, we can accept the Liberal Democrats' amendment, as we appreciate the importance of human rights protocols.

The framework and policy statement will ensure that the four strategic objectives that I set out in my opening remarks, together with internationalisation, as part of our enterprise and skills review, our programme for government—*[Interruption.]*

The Deputy Presiding Officer: Excuse me, cabinet secretary. Can we have a bit of courtesy from members in the chamber, please?

Fiona Hyslop: All those aspects ensure that Scotland can operate on an international basis across a range of Government and, indeed, wider Scottish interests.

The framework that we have debated today sets the direction for our global citizenship, and a number of members, including Alexander Stewart, Stuart McMillan and Ivan McKee, referred to our international development strategy.

Importantly, our ambition is for Scotland to co-operate globally in the achievement, both domestically and internationally, of the UN sustainable development goals. The First Minister said at the launch of the international development strategy that, as one of the first countries to sign up to those goals, Scotland cannot act with credibility overseas if we are blind to inequality here at home. We are, therefore, using the experiences and expertise gained from tackling challenges at home in areas such as human rights, health, education, renewable energy and climate change—all areas that Claire Baker set out in her opening remarks—to make sure that Scotland plays a unique role in working with partners to find solutions to the challenges that we all face internationally.

Our international strategy sets out a vision of Scotland contributing to the fight against global poverty, inequality and injustice and promoting sustainable development through the SDGs. We will do that by encouraging new and historic partnerships with countries that are affected. We will also encourage individuals within and without Scotland to use their professional expertise in doing so.

This is the year of young people, so we will look to inspire—and be inspired by—the youth of Scotland to realise their good global citizenship role and to prepare them to pass down that role to future generations.

Today, the trade justice Scotland coalition will launch its “Principles for Just Trade deals” paper in the Scottish Parliament. The discussion of those issues is timely. The Scottish Government recognises the principles of just trade and that trade should be democratic, work in the public interest and do good. The coalition’s paper is referred to in the Greens’ amendment.

Members made a number of different points. To Ross Greer, I say that we are not in a situation in which there can be no defence of oil companies that are based in Scotland. There must be appropriate engagement with the Scottish Government in that regard.

Claire Baker and Pauline McNeill raised a number of issues. I cannot go through all of them now, so I will ask Alasdair Allan to address some of the issues about public procurement and the themed aspects of international development.

Several members sought an update on the development of our new innovation investment hubs. We are looking forward to opening our Berlin hub. We have appointed a head to the hub and we are looking to open the hub formally in the spring so that we can maximise the impact of the Berlin and Glasgow European championships, which are the inaugural European championships. That will be a great opportunity to seal connections and links with that particular city.

We are scoping localities in which to base our hub in Paris. In addition, the transformation of Scotland house in Brussels into an innovation and investment hub is progressing well. I spoke to the head of our Brussels hub only today.

We will continue to promote the best possible outcome for Scotland in representing our extensive interests internationally. In this country, we have expertise across a range of areas such as climate change, renewables, our excellent food and drink industry and others. As we seek to work not just with businesses—as Claire Baker raised in relation to our trade unions—but with civic Scotland, we have a great opportunity to make sure that Scotland plays its role on the world stage.

As a Government, we will ensure that the framework and policy statement remain relevant and ambitious as the international environment changes and evolves. Every part of Government will contribute to that. Part of my role is to make sure that, across Government and for all cabinet secretaries, the international aspects of health, our economy and other areas are considered. The

Cabinet Secretary for Communities, Social Security and Equalities will host a global social enterprise forum as part of our contribution to world thinking in an important area, so that every part of Government can contribute to the international framework. It is my responsibility to facilitate that and to make sure that it happens.

We want to work with partners from all walks of life—in Scotland and beyond—to make Scotland internationalist and progressive in its internationalism. As a good global citizen, we have much to offer—but also much to gain—on the world stage. I urge all members to embrace the content of the dialogue in the amendments that have been lodged but especially to support the motion in my name, to ensure that we, in Scotland, take forward our international framework and our vital policy statements.

Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill: Financial Resolution

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-08437, in the name of Derek Mackay, on a financial resolution for the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Standing Orders arising in consequence of the Act.—
[Annabelle Ewing.]

Decision Time

17:02

The Presiding Officer (Ken Macintosh): There are six questions to be put today.

The first question is, that motion S5M-09894, in the name of Annabelle Ewing, on the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Motion agreed to,

That the Parliament agrees to the general principles of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill.

The Presiding Officer: The next question is, that amendment S5M-09887.3, in the name of Claire Baker, which seeks to amend motion S5M-09887, in the name of Fiona Hyslop, on Scotland's international policy framework and priorities for 2018, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

The Presiding Officer: The result of the division is: For 80, Against 0, Abstentions 30.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-09887.1, in the name of Mark Ruskell, which seeks to amend the motion in the name of Fiona Hyslop, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

The Presiding Officer: The result of the division is: For 80, Against 30, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-09887.2, in the name of Alex Cole-Hamilton, which seeks to amend motion S5M-09887, in the name of Fiona Hyslop, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

The Presiding Officer: The result of the division is: For 79, Against 31, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S5M-09887, in the name of Fiona Hyslop, on Scotland's international policy framework and priorities, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)

Scott, Tavish (Shetland Islands) (LD)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)

The Presiding Officer: The result of the division is: For 79, Against 30, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes the new International Framework and International Policy Statement published on 8 December 2017 and the four overarching objectives that it contains; supports the Scottish Government working with business, higher education, civic Scotland, trade unions and the UK Government in achieving the best outcomes for the people of Scotland; recognises that Scotland must now work toward a new lasting progressive partnership with the EU based on shared values and history; agrees that maintaining an international perspective remains vital to the continued prosperity of Scotland's economy, society and people; commends the Principles for Just Trade Deals paper, which has been published by the Trade Justice Scotland Coalition; believes that international trade agreements are a key opportunity for Scotland to provide ethical leadership; further believes that such trade deals should support rather than undermine human rights, labour and environmental standards and that these trade agreements should be based on solidarity and facilitating the two-way sharing of knowledge and technologies with

the Global South; calls on the UK Government to ensure that the devolved administrations have a formal role in the negotiation and democratic scrutiny of future agreements; commends the efforts of those building partnerships to advance Scotland's role as a good global citizen; shares the importance of a human rights-based approach in doing so; believes that there should be a clear protocol on human rights for Scottish public agencies operating in countries where there is cause for concern, and calls for the Scottish Government's working practices and cabinet secretary sign-off protocols to be revised to make sure that basic checks on the human rights record of potential partners and investors are made at an earlier stage.

The Presiding Officer: The final question is, that motion S5M-08437, in the name of Derek Mackay, on a financial resolution for the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Standing Orders arising in consequence of the Act.

Scottish Sports Association

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-09652, in the name of James Kelly, on the Scottish Sports Association. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises what it sees as the contribution of the Scottish Sports Association (SSA) in raising the profile and promoting the benefits of sport, and to over 13 policy areas in the Scottish Government; considers that the role of the SSA as the independent and collective voice for sport in Glasgow and across the country is vital; is concerned that, after 18 years of core funding, there are reports of a proposed withdrawal of funding for the SSA from both the government and sportscotland; believes that this is an unacceptable situation; understands that the government funds other membership organisations across the voluntary sector to enable their voices to be heard, and notes the view that, to ensure a sustainable future for the organisation, the SSA's funding should be restored in 2018-19.

17:08

James Kelly (Glasgow) (Lab): It gives me great pleasure to open tonight's members' business debate in support of the Scottish Sports Association and retaining the crucial funding for the important role that the association plays. I thank all the members who signed up to support the motion; they include party leaders Richard Leonard, Patrick Harvie, Ruth Davidson and Willie Rennie, all Labour MSPs, all Green MSPs, all Liberal Democrat MSPs and the vast majority of Conservative MSPs. I think that that shows the gravity with which people view this very important issue.

It is a matter of real regret for me that I have had to bring this debate to the chamber. The Scottish Sports Association is well respected for the work that it does, not just in the Scottish Parliament but out in the community in the networks that the association has built up through the bodies that it represents. That regret is reinforced because of the consensual debate that we had last week to celebrate the European championships being held in Glasgow and supporting venues throughout the country this year. Members will recall that there was a lot of agreement in that debate about the importance of building a legacy from the 2018 games by increasing participation in sport and giving a profile to participants in sport and the different sports that are involved in the games.

When there are so many aspects to support in the 2018 European championships, it seems bizarre to cut off a major strand of support for that work. I do not understand the Government's decision.

There are three important strands to the work of the Scottish Sports Association. The first is the fact that it is an independent representative body that represents 900,000 members of sports clubs throughout Scotland, in a total of 13,000 clubs, which encompass 195,000 volunteers. The association plays an important role in representing those groups and individuals, and it is a key link between them and the Scottish Government through its work with 13 different Government departments. There have also been two recent requests for new work.

The association is an independent body and that representation demonstrates itself in the policy aspect of the association's work. At the 2016 Scottish Parliament elections, as it did in 2011, the association produced a manifesto that was broadly supported by all the parties—there was a 92 per cent uptake of the ideas in that manifesto, which shows the real breadth of policy commitment of the Scottish Sports Association and in the political parties.

Secondly, the association has strong links with the Government and Parliament and it has been successful in influencing some of their agendas. It regularly makes representations to the various committees of the Parliament and in a number of budgets, it has made the point that it is important to retain the sports budgets for the successful enjoyment and participation of individuals in sports and sports clubs, and for the knock-on effect across other portfolios for which the Scottish Government is responsible. As was said a lot in last week's debate, healthy people participating in sport will improve the overall health of the nation, and that will help to ensure that we do not have to divert as many resources to the health budget, for example. The association has recently been involved in the increased use of access to sport in schools.

The third strand of the association's work is about encouraging volunteers in sport. There are 195,000 volunteers throughout Scottish sport. If we are going to achieve the sort of things that we spoke about when we discussed the games in Glasgow this year, we need to have a strong support network. The Scottish Sports Association has been key in building that up.

As I said earlier, I simply do not understand the decision. Aileen Campbell is a reasonable member of the Scottish Parliament and minister, but this decision is completely unreasonable, especially when we look at the amount of money that is involved—£70,000 is to be moved to sportscotland. That is a small amount of money. I cannot understand the logic, even if we are looking for efficiencies. The Scottish Sports Association has done some work on pensions for some of its members' groups and saved £105,000

in set-up costs and £13,000 across 33 different groups. The minister is well aware of that; she spoke at the annual general meeting of the cross-party group in the Scottish Parliament on sport and endorsed the importance of the Scottish Sports Association and the work that it is doing.

There really needs to be a rethink on the decision, because otherwise we will lose that independent voice; we will lose the representation; and we will lose the quality work that the Scottish Sports Association does and the links into the Scottish Government and to the committees of this Parliament.

I say very seriously to the minister that there needs to be a rethink on this decision. It is completely the wrong decision in terms of this organisation's support for sport and it takes away a key leg of the representative sports body. The minister needs to think again; she needs to talk to those who have lobbied her in support of the Scottish Sports Association, look at the case, and take this decision off the table, because it is completely the wrong decision.

17:15

Liz Smith (Mid Scotland and Fife) (Con): I am very grateful indeed to James Kelly for bringing this debate to the chamber and for what he has just said. I concur that this is a very pressing issue.

I want to make my contribution this evening as one of the co-conveners of the cross-party group on sport. Alison Johnstone, who will speak shortly, is the other co-convener. We have both had first-hand knowledge of the role of the Scottish Sports Association, not just in terms of its significant assistance with the secretarial work of the cross-party group but in the promotion of Scottish sport. I know that our predecessor, Margo MacDonald, would have said exactly the same thing. It was with very considerable dismay that we learnt about the proposed withdrawal of investment funding for the SSA by both the Scottish Government and sportscotland—a matter which, as co-conveners of the CPG, we will discuss in detail with the minister next week.

Following the royal charter of 1982 that established sportscotland, the SSA came into being; it has been a strong and effective voice, which has helped to shape and enhance policy and practice across Scottish sport and champion the views and contributions of its members. I believe that the SSA fills a unique and vital niche and, as such, it provides exceptional value for money—both for its governing body membership organisations and for the public purse—through its small but highly dedicated team, led so ably by Kim Atkinson.

As members are well aware, there is cross-party support across the chamber for getting the nation to be more active, not only for people's own sake but to achieve the policy objectives of improving the nation's physical and mental health. That is very much the right focus.

The largest delivery mechanism for sport and physical activity is through community sports clubs, coaches and volunteers, whose voices and views are uniquely and independently conveyed through the SSA. Sport should be a powerful tool in the fight against deep-rooted health inequalities and in supporting community networks. In 2014, the Scottish Government published its active Scotland outcomes framework, which includes, among other policy outcomes, improving

“our active infrastructure”,

supporting

“wellbeing and resilience in communities through physical activity and sport”,

and improving

“opportunities to participate, progress and achieve in sport”.

It is difficult to see how such outcomes will be achieved by withdrawing funding to the SSA. That would also run contrary to previous statements made by the First Minister about the vital importance of the voluntary sector in helping to develop and better implement policy by working together with the Government.

It seems inconceivable, therefore—just as James Kelly has said—that the Scottish Government would not wish to have an independent representative body to help to aid that collaboration and prioritisation and to help to develop and implement policy, while also providing support to and representation for members' interests to Government and national agencies.

The Scottish Government has rightly outlined the importance of sport in relation to the physical and mental health and wellbeing of the nation. However, the threats posed to sport, including through the recommendations of the Barclay review of business rates, ensure an even greater need for the SSA. Without the SSA, the voice of voluntary sector sport in Scotland would, in my view, be severely diminished—perhaps even lost. There would be no independent and collective voice for the 50 Scottish governing bodies—which very regularly and in great numbers attend meetings of the cross-party group on sport—and their 13,000 sports clubs and 900,000 sports club members.

As one of the co-conveners of the cross-party group on sport, I know at first hand the significant contribution that the SSA has made to the work of both the Scottish Parliament and the Scottish Government. As I mentioned, I know that that view

was deeply shared by our predecessor as convener, Margo MacDonald.

There is always a strong attendance at SSA receptions and exhibitions by MSPs and their staff and by sports professionals. I join James Kelly in calling for a rethink. After all, sport is about our volunteers and our grass roots, and we cannot have elite sport without those foundations, which is why we need a rethink.

17:20

Anas Sarwar (Glasgow) (Lab): I am pleased to speak in support of my colleague James Kelly's motion.

Last week in the chamber, members, including the minister, spoke at length about the positive impact of sport and physical activity on people's lives and the potential positive impact that the European championships could have on sports participation in Scotland. However, this week, James Kelly's motion and debate go to the very heart of the Government's behaviour—we have warm words one week and cuts the next. The Government likes to talk up all that it is doing to support and promote active and healthy lifestyles but, when it comes to putting its money where its mouth is, I fear that it may fall short. I hope that, when the minister responds, she will pay more than lip service to the concerns that have been raised.

The Scottish Sports Association is a unique organisation, as it is the only umbrella body that covers sport and speaks up for the role that sport and physical activity can play in addressing some of the serious challenges that we face. The SSA is an independent voice for 50 Scottish sports governing bodies, 13,000 sports clubs, 195,000 volunteers and 900,000 sports club members. It speaks up not just for the bigger sports but for the smaller ones, whose voice might be lost without the SSA's support.

The association's aims are clear: it seeks more opportunities for sport and physical activity to grow, increased opportunities for people to participate and a greater emphasis on sports development. I hope that everyone in the chamber can agree with those aims. The association carries out its work with the support of those that it represents. It has almost 100 per cent—the figure is 98 per cent—membership retention, which shows how effective an organisation it is, and it has high levels of satisfaction, efficiency and effectiveness. Quite simply, there is no other independent voice for sport that does the work of the SSA, which is why the Scottish Government should provide funding, either directly or through its agency sportscotland.

Frankly, I do not know why the Scottish Government has decided to withdraw funding. It feels able to fund the Scottish Council for Voluntary Organisations directly, which is the right thing to do, but it does not wish to do so for the SSA, despite the fact that sport is the largest single part of Scotland's voluntary sector. The debate comes just a week after we discussed the European championships in Glasgow, the aim of which is to deliver increased participation in sport.

James Kelly, who is himself a reasonable MSP and finance spokesperson, made a plea to the minister, whom he called a reasonable MSP and minister. I hope that, when the minister responds, she will tell us positively how she can find what is, in the grand scheme of things, a very small fund to help to deliver a sustainable future for the SSA. The minister promised the SSA and its members at its annual general meeting in 2016 that the Government would deliver that. I hope that that does not become another broken promise.

In November, the minister said that the Scottish Government directs support for Scottish governing bodies through sportscotland, and the Scottish Government website is clear that it will use its third sector core budget—a budget of £24.5 million—to support local and national third sector infrastructure. I am sure that we can find the £70,000 that is needed from within that £24.5 million to support the SSA. That is the right thing for the minister and the Government to do.

If we are serious about tackling inequality in our country and about the link between health, wellbeing, health outcomes and the pressures on our national health service—especially at a time of winter pressures on the NHS—we must see the direct link between sports participation, youth clubs, the voluntary sector and the wider NHS budget. I hope that the Government can see that today and that the minister will make the right decision.

17:24

Alison Johnstone (Lothian) (Green): I draw members' attention to my entry in the register of members' interests.

I thank James Kelly—a long-time member of the cross-party group on sport—for bringing the motion for debate. I, too, wish that we were not having the debate but, as we are, let us regard it as an opportunity to highlight the excellent work of the Scottish Sports Association and ensure that no one who hears the debate is in any doubt that the SSA is well worth funding.

I sincerely hope that our contributions lead to on-going support from the Government and/or its agencies for the SSA. We need the independent and passionate voice of the Scottish Sports

Association. In a country where physical inactivity is as great a health risk as smoking, and where adults who are not considered overweight or obese are in the minority, we need to ensure that that independent voice can continue to be heard.

In the run-up to the Holyrood elections of 2011, I was invited to meet the Scottish Sports Association outside Parliament for a photo call, where I was given a “Vote for Sport” T-shirt and where I pledged, if elected, to be a Scottish sporting champion. That role is a great honour and privilege and the role that the SSA plays is different from the one that sportscotland undertakes. Those two organisations can work together and complement each other; they are not in competition and we need them both.

Meeting Kim Atkinson, the chief executive officer of the SSA, in the car park at dawn—it felt like dawn—was only a taste of things to come. The organisation gets things done. If members would like guidance on how to truly champion sport, they should follow that small but mighty organisation in action. How many organisations with four staff would achieve 100 per cent support from prospective parliamentary candidates across the five parties represented in the Parliament?

As we have heard, the SSA’s manifesto for Scottish sport remains the only manifesto across Scottish sport and it received 92 per cent uptake of its key messages across all five party manifestos. That is an important point. Members might consider that it would be inappropriate for sportscotland, as an agency of Government, to have a manifesto, so that is another area where the SSA’s work is essential.

That liaison with parties and parliamentarians is hugely important. The SSA is very effective in bringing sport, politics and Parliament together. It is hugely important to learn from expert voices from outwith the Government and the parliamentary bubble. I appreciate that the Minister for Public Health and Sport will spend a great deal of time with sportscotland officials in her work. However, I am regularly updated and contacted by the SSA on how the Barclay review and the water and sewerage rates review, for example, will impact on grass-roots clubs in Lothian and Scotland.

As members have heard, I, with my colleague Liz Smith, have the privilege of co-convening the cross-party group on sport. Members can only imagine the strength of the contribution that our predecessor, Margo MacDonald, made to the debate. On more than one occasion, the cross-party group has had to seek a bigger venue or turn people away because 100 or so people have registered to come along to hear from the relevant, inspirational, sometimes expert and sometimes

grass-roots, speakers who are a regular feature of the group.

The Standards, Procedures and Public Appointments Committee monitors groups where external attendance or membership is low. The interest in the CPG on sport is consistently immense. That is due in no small part to the SSA’s contribution and its first-class secretariat skills. It is testimony, too, to its contacts in the wider sporting world.

The Scottish Government drafts proposals regarding how public money should be spent in Scotland to deliver a wide range of outcomes. That is a huge responsibility and one that we debate passionately in the chamber. I ask the Scottish Government to continue to invest in the Scottish Sports Association and in the health of the Scottish people. The SSA adds real value to sport in Scotland. Unlike sportscotland, it is member led and independent. It is not a weakness to have two organisations that advocate for sport. They are not in competition with each other; they complement each other. Every pound spent on the work of the SSA is a pound well spent.

17:27

Tavish Scott (Shetland Islands) (LD): James Kelly’s most reasonable point, among many reasonable points that he made, was about money. If we had been debating £70 million, would the chamber have been so full? If we had been debating £7 million, would so many members from across the parties have supported his motion? We are debating £70,000. It is inconceivable to me that the Government cannot find some way to resolve the issue given the fact that it has found £2 million of extra money for the sportscotland budget, given the strength of parliamentary support and given the extremely sensible and learned—nay, reasonable—arguments that members of all parties have made.

If the Scottish Sports Association did not exist, we would have to invent it, for the reasons that members have already suggested. It is independent. It cannot do and does not do the same job as sportscotland, which is, after all, the agency of the minister and the Government. That is why it produces a sports manifesto, which Alison Johnstone mentioned, and is why it does the things across political parties on behalf of the governing bodies that make it independent and make it different.

I, too, donned the T-shirt that said “Vote for Sport”—I think that that was when I was a party leader during the 2011 election, and I have to say that that message was a darn sight easier to sell than “Vote Lib Dem”.

The important side of that issue concerns the work that the SSA does with every political party and with the Government. The most striking side of the submission that Kim Atkinson and her colleagues made to members of all parties in advance of today's debate involved the work that she does for the Government with regard to helping it to devise better policies on volunteering, better approaches to the kind of initiatives that the Government rightly wants to take forward on obesity and widening out sport into lifestyle choices and better ways of ensuring that its consultations are much more meaningful, for the reasons that Alison Johnstone, Liz Smith and James Kelly have outlined.

The minister will want to respond to a number of questions at the end of today's debate. The first is, what is the rationale for cutting the funding? I have every sympathy with the minister if the argument is simply that the Government wants to cut the budget for financial reasons, and I am sure that she would want to tell the Parliament if that is the case. However, if there is a genuinely sport-related rationale, or some other rationale, let us hear it and debate it. I am sure that Liz Smith and Alison Johnstone, as the co-conveners of the cross-party group, will want to have that issue out when they meet the minister in due course.

If there is a non-budgetary reason for the withdrawal of that funding, that is quite serious, for the simple reason that all the governing bodies and organisations that are members of the Scottish Sports Association make the argument that their independence enables them to lobby Government in different ways, particularly when the pressures are considerable, which they are at this time, following the downturn in spending that has inevitably taken place after the Commonwealth games. It seems to me that that is an essential argument and an essential part of the response that the minister will want to make as to why the current position is not to fund the Scottish Sports Association in the way in which it has been funded in the past.

What has it done wrong or what has changed in the organisation that we and, rightly, the Government have supported over many years? If we were to lose this organisation, there would be no independent and collective voice for sports, no independent networking groups and no collective responses to consultations. Those all seem pretty strong arguments for retaining the organisation. There would be no connection between sport and the rest of the voluntary sector; that is an essential argument for retaining the organisation. Having no manifesto for Scottish sport would certainly be a severe loss to politics and the good governance of Scotland.

A Government rethink would be very welcome. If the minister could find a way to announce that this afternoon, she would have my full support.

17:33

Kezia Dugdale (Lothian) (Lab): I, like others, congratulate James Kelly on securing the debate. Although, in fairness, thus far it has not really been a debate but more of a rally. It is quite striking that we have yet to hear from any Scottish National Party back benchers, but there is time yet.

As a matter of full disclosure, I say from the outset that I have known Kim Atkinson, the chief executive officer of the Scottish Sports Association, for a ridiculous 15 or more years. She was the president of the sports union at the University of Aberdeen when Alex Cole-Hamilton, Mark McDonald and me were all students there in the late 1990s and early noughties. She has had a lifelong passion for advocating participation in sport and she brings that passion into her professional capacity. I speak tonight not as her friend, but as someone who has been consistently impressed by the professional job that she does, advocating for Scottish sport. I also speak on behalf of the successes that the Scottish Sports Association has had over a number of years.

The pledge, which has been mentioned already, that party leaders signed ahead of the 2016 elections was signed by me in a T-shirt—I am sure that Alison Johnstone remembers her occasion too—at the Astley Ainslie centre in Edinburgh. I will never forget that day because my right hook at a football nearly took out a press photographer—you can watch that video online if you want a good laugh.

I took that pledge very seriously. I think that all of us who are present in the chamber have taken seriously the decision to sign the pledge to champion Scottish sport and, on that basis, we have to do everything that we can to protect the future of the Scottish Sports Association.

I also speak as an MSP for Lothian, where 25 of the 50 Scottish governing bodies for sport are based. This issue matters to my constituents.

Last week, I listened to the Cabinet Secretary for Culture, Tourism and External Affairs and the Minister for Public Health and Sport speak in the European championships debate, in which we consistently heard the words “legacy”, “grass roots”, “participation” and “active kids”. Those are the bread-and-butter issues and work of the Scottish Sports Association. If we need proof of that pudding, so to speak, we need only look at the success that the SSA has had in opening up access to the school estate to see what it gets in response to its calls for action. The SSA is member-led and an independent voice for sport.

That has to be understood—its work cannot be replicated by sportscotland, because sportscotland is a Government agency. The independence of the Scottish Sports Association is so important.

We have heard from Tavish Scott some of what we will miss if the funding disappears and the Scottish Sports Association no longer exists. There will be no independent and collective voice for sport, which means that we will see less participation and less engagement in sport issues in this place. There will be no independent networking groups or forums for sports governing bodies. There will be no collective responses to consultations, which means one of two things: either our committees will receive 50 almost identical responses from the 50 governing bodies or we will receive none, and we will not hear the voice of sport in this place. The representative voice of sports governing bodies will be lost to key Scottish Government groups and Scottish parliamentary committees. We have heard from Tavish Scott that in the last year alone, the Scottish Sports Association and the Scottish Government have conducted 13 pieces of work together. In fact, since the proposal to remove funding from the Scottish Sports Association, the Government has made a further two requests for work from the SSA. The evidence that the SSA makes a difference is there for everyone to see.

It is clear from James Kelly's opening remarks that if there was a vote in this Parliament to remove funding from the Scottish Sports Association, the Government would lose it, so it should listen very carefully to what is being said tonight. We are talking about a relatively small amount of money that makes a tremendous difference. I ask the minister to please revisit and rethink these plans.

17:37

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank James Kelly for bringing the motion to the chamber for debate. I should state that I am the parliamentary liaison officer for the health portfolio. I also thank the Scottish Sports Association for its work, for which it is respected; other members have mentioned that. I agree with many aspects of the motion. I agree, too, with what James Kelly said about people getting involved in health and sport, and about making opportunities in sport as available as possible. That is important, and many of us have spoken about that in many other debates. I, too, was present for the debate on the European championships. That is an issue that, as a Parliament, we all agree on.

Although there is lot in the motion to commend, I understand that there is no Scottish Government core funding to the Scottish Sports Association to

withdraw. Having said that, it is important to note, as others have done, that MSPs from all four of the other parties have signed the motion and that, in the grand scale of things, the money involved does not appear to be an insurmountable amount. I am sure that the minister will take that on board.

I want to talk about the positive investment that has been made. In 2017, the Scottish Government provided sports governing bodies with an additional £2 million to target work specifically on inequalities. In addition, a £300,000 sports equality fund has been established, and I am sure that the women and girls in sport advisory board, which is aimed at increasing female participation in sport, was welcomed by everybody. There is much to be proud of there.

I agree that there are issues around funding for sportscotland. The national lottery is a crucial source of funding for sport and other good causes.

Johann Lamont (Glasgow) (Lab): This is all very interesting, but it is not relevant. If there was a vote tomorrow on a motion to withdraw funding from the Scottish Sports Association, would the member support or oppose that motion?

The Deputy Presiding Officer: I am very lenient in members' business debates, but I was beginning to wonder whether the member was straying too far from the motion, which focuses in its entirety on the Scottish Sports Association.

Fulton MacGregor: I respect that, Presiding Officer. I will not get into a debate with Johann Lamont about how I would vote on such a motion. There is no such vote tomorrow. We are discussing the issue in a members' business debate and I am setting out my position.

Sportscotland is mentioned in the motion, and I was simply reflecting the fact that the income for sportscotland has been cut through the national lottery as well. We need to take that on board, because it affects sportscotland's ability to provide full services. For example, North Lanarkshire disability sport received national lottery awards for its work with Impaired Skating—known as ISKATE—in my community of Coatbridge. Recently I was at Chryston high school, which is working with sportscotland and others.

All members have said that we need to get more people, particularly kids, involved in sport. As members know, I convene the cross-party group in the Scottish Parliament on the future of football in Scotland, and a lot of the organisations that are involved in that have committed to breaking down inequalities and barriers and have been able to do presentations on how they have got more women, girls and others involved in sport.

We have talked a lot about getting people involved in sport and making opportunities

available. I have been contacted by quite a few constituents who are concerned about the possible closure of the athletics facilities at Ravenscraig. I wonder whether the minister will get involved in that and put pressure on NL Leisure to reverse any possible changes, because the communities around Lanarkshire are deprived enough and we do not need to lose those facilities as well.

17:41

Graham Simpson (Central Scotland) (Con): I was not going to take up too much of your time, Presiding Officer, but I must respond to Fulton MacGregor's somewhat bizarre contribution. The motion from the highly respected James Kelly is all about a cut in funding to the Scottish Sports Association, and unfortunately Fulton MacGregor did not address that. Instead, he went off on a bizarre ramble, talking about other funding pots.

Fulton MacGregor: Does the member acknowledge that the motion refers to

"withdrawal of funding for the SSA from both the government and sportscotland"?

The motion mentions sportscotland, and I was talking about sportscotland funding.

Graham Simpson: Fulton MacGregor did not say whether or not he supports the withdrawal of funding from the Scottish Sports Association. I cannot quite see the point of his contribution.

I first came across the Scottish Sports Association some years ago, when I was a councillor in South Lanarkshire. I was also chairman of our party's councillors association, and representatives from the Scottish Sports Association came along to inform councillors about the value of sport; I am sure that they have done that with all parties. In particular, we got talking about the value of sport in schools and about opening up school estates so that people could use facilities in schools for nothing. I managed to get that set as a policy in South Lanarkshire on the back of that presentation. It was the SSA's inspiration that got me fired up about opening up school pitches across South Lanarkshire, and it is thanks to the SSA that we got that done.

That is what the Scottish Sports Association does. It is there to advocate for its members. We have already heard a lot from James Kelly, Liz Smith, Alison Johnstone, Tavish Scott and Kezia Dugdale about the 50 sports governing bodies that it represents, as well as 13,000 sports clubs, 195,000 volunteers—we should not forget the volunteering that goes on to deliver sport—and 900,000 sports club members. They have an independent voice through the Scottish Sports

Association. If that is taken away, they will not have that.

What is it all about? Tavish Scott asked that question, and he was absolutely right to do so. What has the association done wrong? What is behind the decision? It cannot simply be money. We are talking about only £70,000, which is a drop in the ocean, so what is it about? Is it about power and control? Is it about the Scottish Government saying, "We control sportscotland, we fund sportscotland, and we do not want an independent voice for sport"? Maybe that is what this is about. Perhaps the minister, however reasonable she may be, can address that point.

The decision to remove £70,000 of funding is inexplicable. We will lose that independent voice for Scottish sport.

When we want to get people into sport and we want to get people active, as we all say we do, we need a body like the SSA. The minister should stand up this afternoon and tell us that she is going to reverse this decision.

17:45

The Minister for Public Health and Sport (Aileen Campbell): I thank James Kelly for bringing the debate to the chamber.

The Scottish Government has a strong relationship with the SSA and we appreciate the support that it provides to Scottish sports' governing bodies. We recognise and respect the right of Scottish governing bodies to come together under a representative body, and we acknowledge the value that some SGBs and members of the SSA attach to the role of collective voice that is played by the SSA.

As I have stated in the chamber in answer to parliamentary questions regarding the funding of the SSA, it is a membership organisation, so it is for its membership ultimately to determine how best to fund and support it to promote effectively the views of the sector.

My commitment to sport is complete, and is backed by our financial intentions, as set out last month in the draft budget, in which the Government committed to increasing funding for sportscotland by £2 million.

We will continue also to invest in our communities, clubs and schools. That will include a specific focus on equalities, which will ensure that our world-class system is truly for everyone.

We have also pledged to underwrite any potential shortfall in funding from the National Lottery for sportscotland up to £3.4 million. That has an impact on grass-roots sport and the voluntary sector—two things that are cited in the

motion. That will help to provide certainty for the sports sector in the absence of action from the UK Government. This is a serious issue on which I would welcome cross-Parliament support in addressing, even if opinions that are expressed on the issue tonight differ.

Liz Smith: Alison Johnstone talked about the importance of our having both sportscotland and the Scottish Sports Association. Does the minister agree that there is a role for both and that the most important role of the SSA is as an independent advocate of the governing bodies?

Aileen Campbell: I agree absolutely with that: it is what I said at the start of my remarks. We recognise and respect the right of governing bodies to come together under a representative body that provides the independent voice for which many members have tonight articulated the need.

I recognise the distinct role that sportscotland plays as an agency of the Government. There has never been any lack of recognition of the role that the SSA plays and the independent voice that it provides. Equally, we should not shy away from the fact that sportscotland provides a good service in promoting sport across the country.

Kezia Dugdale: It is a debate, so I welcome the minister's response to Liz Smith and would like to continue along those lines. Having just announced that she is going to spend an additional £2 million on sport, will she explain in very simple terms why the SSA will have a reduction of £70,000? That does not add up.

Aileen Campbell: I will go on to talk about the funding that we have provided for and our relationship with the SSA.

I have also heard a lot from members who are keen for us to drive participation. Some—indeed all—of that is done through sportscotland, whether through active schools co-ordination or community sports hubs. Many members mentioned legacy: community sports hubs are a direct legacy, and are driven forward by our agency, sportscotland.

I will continue with my speech. The Scottish Government's draft budget makes clear our commitment to the sport and physical activity sector, and to helping to improve the health of our nation. As part of the package, the Scottish Government provides significant funding for supporting governing bodies, through the national agency for sport—sportscotland.

The Scottish Government does not provide core funding to the SSA. In tonight's debate, that is an important point to note. In the financial year 2017-18, we provided funding for the SSA to carry out short-term projects: an audit that focused on assessing equalities within sports' governing

bodies, which was important in our endeavour to create opportunities for all to enjoy sport, and work to highlight and celebrate the work of grass-roots volunteers and coaches, who provide so much opportunity for so many people. We intend to continue working with the SSA on bespoke project work in recognition of the role that it has and the work that it does.

This evening's debate has rightly highlighted the various roles that the SSA carries out, including the administrative support that it provides to governing bodies. I truly value the correspondence that I have received from those governing bodies, which have described to me the support that they get.

James Kelly: Will the minister take an intervention?

Aileen Campbell: I have taken two interventions, Presiding Officer—

The Deputy Presiding Officer: Taking interventions is a matter for you, minister. You can have the time, if you wish.

Aileen Campbell: Okay—I will take an intervention from Mr Kelly, as that would seem to be appropriate.

James Kelly: I thank the minister for taking the intervention. We have heard five minutes of her speech, but we have still not heard an explanation of why the decision has been made to take £70,000 out of the funding stream and, in effect, to cut the legs from the Scottish Sports Association. Can the minister at least give us an explanation of the Government's thinking?

Aileen Campbell: As I have said, we do not deny that there is a role for the SSA and a right for our governing bodies to the independent collective voice that it provides, but we do not give it core funding. That is why we will continue to work with it on bespoke projects that we know can add value. That is the situation. We have given it project funding in the past and will continue to work with it.

Sportscotland is also committed and it provides a significant amount of time, expertise and investment to help our governing bodies to deliver on their objectives. Through its partnership managers, it works in close and effective partnership with governing bodies and provides advice on governance and finance. That relationship with governing bodies is at a senior level, including with chief executives and boards of directors.

In addition, sportscotland has, according to the sport's nature, named members of its school and community coaching and volunteering, facilities development and high-performance teams that have been assigned to each sport. That will

provide access to expertise and services. Many people have discussed and described the necessity of driving forward participation and legacy. That is absolutely the priority of this Government, and it is what our agency is charged with doing. It is sportscotland that co-ordinates the active schools programme and is fundamental to the community sport hubs that are a direct legacy of the Commonwealth games.

I repeat that we absolutely respect the right of our sports' governing bodies to come together under a representative body, and we recognise that although the SSA does not represent everyone in the sector, some members of the SSA value the role that it plays as a collective voice of sporting bodies.

Mr Kelly's motion mentions that the Government provides funds to other membership organisations in the voluntary sector. A number of membership organisations across the third sector in Scotland have a funding relationship with the Government, either for specific project funding or for support for core activity. There are also a significant number that do not.

It is also important to recognise that a number of other representative bodies in the sporting world that work on behalf of other elements of the system, including Sporta, VOCAL—the association for culture and leisure managers in Scotland—and the Scottish Association of Local Sports Councils, are not funded by the Scottish Government. As I mentioned earlier, the representation work by the SSA has never been funded by the Government. We believe that it is for its membership to identify appropriate financial resources for the role that they wish the SSA to play on their behalf.

As Minister for Public Health and Sport, I have met numerous governing bodies—groups and individuals—and I will continue to do so. I intend to meet those who have written to me, as I always do, and to listen, engage and have a frank dialogue. I will meet Liz Smith and Alison Johnstone in their roles as co-conveners of the cross-party group on sport to discuss the situation. I pay tribute to them for their continued interest in the matter.

Work has been on-going between sportscotland and the Government to encourage the SSA to move to a more sustainable funding model. We will continue to work with the SSA on project work, as we have done in the past. However, I reiterate that I will continue to recognise the importance of the independent voice to our governing bodies. I again thank James Kelly for bringing the debate to Parliament.

Meeting closed at 17:54.

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