



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 1 March 2018**

**Session 5**



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Pàrlamaid na h-Alba

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Thursday 1 March 2018

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## Scottish Parliament

Thursday 1 March 2018

[The Presiding Officer opened the meeting at 11:41]

### Business Motion

**The Presiding Officer (Ken Macintosh):** Good morning. The first item of business this morning is consideration of business motion S5M-10770, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme. I am sure that members will understand why there is a revised business programme today.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business on Thursday 1 March—

delete

1:15 pm Parliamentary Bureau Motions

1:15 pm Ministerial Statement: Scotland's plan to tackle climate change and reduce emissions

*followed by* Stage 3 Amendments: Forestry and Land Management (Scotland) Bill

*followed by* Scottish Government Debate: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill – Emergency Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

insert

*followed by* Scottish Government Debate: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill – Emergency Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

1:45 pm Decision Time—[Joe FitzPatrick.]

*Motion agreed to.*

## General Question Time

11:42

### Early Learning and Childcare (Staff Recruitment)

1. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what measures it is taking to recruit additional staff into early learning and childcare. (S5O-01814)

**The Minister for Childcare and Early Years (Maree Todd):** We are taking forward a programme of actions to assist and support delivery partners in the recruitment and training of a high-quality, diverse workforce to meet the needs of the early learning and childcare expansion. To support the first phase of the workforce expansion in 2017-18, we provided local authorities with £21 million additional revenue funding, boosted ELC capacity in colleges and universities, and increased ELC modern apprenticeship starts by 10 per cent. We will build on all of that in 2018-19 with an additional £52 million for local authorities for workforce expansion, providing 1,700 additional higher national certificate places and more than 400 additional graduate places, and a further 10 per cent increase in ELC modern apprenticeship starts.

In order to raise awareness, we launched the first phase of our national recruitment marketing campaign, which is aimed at school leavers, in October. The next phase will follow soon, focusing on an audience of career changers and parents. Fair pay is absolutely at the heart of our plans, and we will provide additional funding to enable payment of the living wage to all childcare staff delivering the funded entitlement by 2020.

**Liam Kerr:** The Scottish Government maintains that it can deliver expanded free childcare by 2020. Audit Scotland's report last week said that councils need 12,000 more staff. The Scottish Government has plans to recruit 8,000. Will the minister give a personal guarantee that, by 2020, local authorities will not find themselves 4,000 short?

**Maree Todd:** I will absolutely give a guarantee that we will find ourselves with enough staff by 2020. As I said, we have already increased capacity to support the first phase of the workforce expansion, and we are working with the Scottish Further and Higher Education Funding Council to offer more than 1,500 additional places on a one-year HNC course next year and more than 400 additional graduate places. Skills Development Scotland has also committed to increasing the

number of modern apprenticeships by 10 per cent, year on year.

Local authorities engage directly with training providers in the private and third sectors, and many have already begun to expand their in-house training routes. The Scottish Government provides additional resource funding to cover the cost of that on-the-job training. The private training sector has also been engaged during the development of the skills investment plan and, via SDS colleagues, we are communicating directly with the sector to ensure that it is aware of the scale of the required increase in training. The private training sector has indicated that it has the capacity to respond to an increase in demand for provision.

We are also working with colleges and independent providers, including the Open University, to ensure that flexible and accessible options are available for childminders to become qualified to practitioner level. That will include recognition of prior learning for those who have been working in the sector for many years.

**Clare Haughey (Rutherglen) (SNP):** How many modern apprenticeships in early learning and childcare has the Scottish Government supported?

**Maree Todd:** The number of modern apprenticeship starts in ELC-related frameworks has increased in recent years. In 2016-17, there were 1,400 starts, which was up by 10 per cent from 1,273 starts in 2014-15. That represents 5 per cent of the 26,262 starts across all MA frameworks in 2016-17. We are increasing the number of modern apprenticeships that are available in the sector by 10 per cent, year on year, until 2020. Further, the financial contribution rates across all ELC frameworks have risen by £1,000, making modern apprenticeships even more attractive to employers.

### **Nurseries (Flexible Hours)**

2. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what action it is taking to improve the availability of more flexible hours in local authority nurseries. (S5O-01815)

**The Minister for Childcare and Early Years (Maree Todd):** As part of the expansion to 600 hours from 2014, we provided local authorities with additional funding to support an increase in flexibility. As a result, flexibility has increased, with more providers offering a choice of provision, increased opening hours and more settings that are open all year round. We are committed to further improving flexibility as part of the expansion in the funded early learning and childcare entitlement to 1,140 hours by 2020. However, that must be done in a way that ensures

very high-quality provision because, although the benefits to parents are important, the expansion is fundamentally about improving the early years experience of our youngest children.

We will shortly launch a consultation to ensure that the existing provisions on flexibility, including the requirements for local authorities to consult parents at least every two years, are appropriate for the introduction of the expanded entitlement.

**Annie Wells:** It is not just about staffing. A report that was published last week by the fair funding for our kids campaign found that, right now, just one in 10 local authority nurseries cover full-time hours and that 19 councils do not have a single nursery that is open full time. Will the minister give a personal guarantee that, by 2020, every local authority nursery will offer the full flexibility that parents need?

**Maree Todd:** High-quality learning is at the heart of our plans, but we know that flexibility is really important for many families. The expansion to 1,140 funded hours will allow for greater flexibility for parents and that is why we are doing it. From 2020, we will introduce a funding-follows-the-child approach, which will ensure that parents have a far greater choice of providers from which they can access their funded entitlement, while safeguarding high-quality provision.

As I said, there is a duty on local authorities to consult parents and carers at least every two years to ensure that provision reflects local needs, including on flexibility. Although authorities are consulting families and increasing flexibility and choice, we know that some places that are offered to parents are not where and when they need them.

Local authorities deliver early learning and childcare, and they can do that through their own provision or through their respective partnership arrangements with private and third sector providers. We want to encourage that and to look at a more holistic approach that puts maximum flexibility for parents' childcare needs front and centre of the expansion programme. That means that parents can and do access funded places in a range of settings that open between 8 am and 6 pm. Some families, for example, are benefiting from participation in our expansion trials, while others are benefiting from councils' early phasing of the expanded entitlement. We have asked authorities to prioritise phasing for deprived areas, so that the children and the families who will benefit most from the expansion will also benefit first.

**Angus MacDonald (Falkirk East) (SNP):** Can the minister confirm that local authorities should consult families on flexibility and that local authorities are able to provide access to funded

places in a range of settings that are open between 8 am and 6 pm? Can she also confirm that the Care Inspectorate recently found that there has been a significant improvement in flexibility?

**Maree Todd:** I can absolutely confirm that. We will shortly launch a consultation with parents and stakeholders to ensure that the existing provisions on flexibility, including the requirement for local authorities to consult parents every two years, are appropriate for the expanded entitlement.

I have mentioned the increased provision between 8 am and 6 pm. We will work closely with parents and providers across all sectors to develop best-practice guidance on implementing flexibility in ELC settings.

The Care Inspectorate report that was published on 19 September 2017 shows that flexibility is improving, and more than half the providers—51.4 per cent—offer a choice of provision. The trend has been of increased flexibility in opening hours' provision during the day, and the proportion of council settings providing funded ELC before, during and after school has increased from 19 per cent in 2013 to 30 per cent in 2016. That trend also extends to the proportion of council settings operating during school holidays, which has increased from 18 per cent in 2013 to 23 per cent in 2016.

### Early Learning and Childcare

**3. Peter Chapman (North East Scotland) (Con):** To ask the Scottish Government how it ensures that early learning and childcare providers deliver a high-quality service. (S5O-01816)

**The Minister for Childcare and Early Years (Maree Todd):** The quality of early learning and childcare provision is already high. Care Inspectorate data shows that in 2016 91.5 per cent of settings providing funded ELC achieved Care Inspectorate grades of “good” or “better” on all four themes.

However, we want to see quality enhanced further still. Our “A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland—Quality Action Plan”, which contains 15 actions that will further embed and strengthen quality in early learning and childcare, builds on that. The plan was developed in close consultation with a quality reference group that was made up of key stakeholders who best understand what drives high-quality provision.

Our new funding follows the child approach, which is due for introduction in August 2020, will further prioritise and safeguard high-quality provision across all sectors. That will be underpinned by a national standard, which will include quality criteria that all providers will be

required to meet in order to deliver the funded entitlement.

**Peter Chapman:** I thank the minister for that reply, but I disagree with her response, because Care Inspectorate data shows that the quality of early years provision has steadily fallen, and that the percentage of preferred providers that are rated “good” or “better” is at its lowest point for half a decade. Expansion will increase the pressure. Will the minister give a personal guarantee that the quality of childcare will not decrease by 2020?

**Maree Todd:** Absolutely. The quality of ELC provision is already high, and the quality action plan that was published in October 2017 sets out 15 actions that we will take before August 2020 to enhance quality further, so that we offer our children the best possible start in life. The action plan recognises that, and in order to protect that high quality as we build towards delivering 1,140 hours of funded provision, support to the sector will have to increase.

The quality action plan makes it clear that the most important driver of the quality of a child's ELC experience is a high-quality workforce. The actions that are set out in the plan demonstrate our strong commitment to investing in the professional development of that workforce. The actions include preparing

“a national induction resource for all staff who are new to delivering early learning and childcare”,

creating and delivering

“an online national programme of continuous professional learning”

for the sector, and refreshing national practice guidance.

We are working in partnership with local authorities and the Convention of Scottish Local Authorities to develop the details of the new model of funding following the child, to produce and support a national standard, as I have said. All settings that deliver the funded entitlement from 2020 will have to meet the national standard, at the heart of which will be a range of quality criteria.

To help to close the poverty-related gap in children's outcomes, we are also ensuring that children who need it the most will benefit from an enhanced ELC offer. Our commitment is to ensure that by August this year, nurseries across Scotland's 20 per cent most-deprived areas will benefit from an additional graduate, who will enhance access to our most qualified ELC staff. Earlier entitlement to ELC for eligible two-year-olds will also help to give the children who stand to benefit the most a bigger head start.

## Productivity

**4. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what its response is to reports that Scotland's productivity has dropped to its lowest level in more than eight years. (S5O-01817)

**The Cabinet Secretary for Economy, Jobs and Fair Work (Keith Brown):** The recent dip in Scotland's productivity is disappointing. However, over the longer term, productivity has improved. In the latest 12 months, productivity in Scotland was 5.4 per cent higher than it was in 2007, compared with productivity being only 1.4 per cent higher in the United Kingdom as a whole. It is also encouraging that the productivity statistics show a strong increase in the number of hours worked in recent quarters, which underlines the strength of the labour market.

We are taking a range of measures to drive productivity growth, including our investment of almost £2.4 billion in enterprise and skills, and the most attractive package of non-domestic rates reliefs available anywhere in the UK.

**Dean Lockhart:** As the cabinet secretary will be aware, the Scottish National Party's target for productivity to reach the first quartile of Organisation for Economic Co-operation and Development countries has been missed by some 25 per cent. In fact, figures that were released this morning show that Scotland has dropped from the second quartile to the third quartile for productivity.

The cabinet secretary cannot blame Brexit for the on-going decline in Scotland's productivity because productivity in the rest of the UK is increasing at the fastest rate in a decade. As the cabinet secretary said, the SNP has control over the policy levers that drive productivity, and his Government spends £2.4 billion a year on skills and economic development.

My question to the cabinet secretary is this: does he accept responsibility for the on-going decline in Scotland's productivity, and what plans does he have to reverse this decline?

**Keith Brown:** I laid out some of our plans in response to Dean Lockhart's first question. I add the announcement this week by the First Minister of the implementation plan for a Scottish national investment bank.

Dean Lockhart asked about responsibility. The Scottish Government has a clear responsibility in relation to the situation. I readily acknowledge that. However, let us look at some of the causes. One of the causes, of course, is the level of business investment. *The Sunday Times* has said:

"Businesses spent as much as £7.7bn less on new factories and equipment in the year after the EU

referendum because of Brexit uncertainty, according to analysis by the Bank of England."

It added that

"lack of investment has often been identified as central to the UK's low productivity growth."

I stress that it was speaking about the UK as a whole. We are seeing companies taking export windfalls from the currency fluctuations and banking the profits rather than making investments. That is a direct consequence of Brexit.

Dean Lockhart tried to say that this is nothing to do with Brexit or the UK Government. I ask him to look at today's *Daily Record* leader column. Here is a quotation from the *Daily Record*, although I would never say something like this:

"Britain is governed by a bunch of deluded clowns who couldn't negotiate a good deal on their home broadband."

Perhaps if the Tory party and its spokesperson were not in the cleft stick of trying to talk about economics at the same time as they deny the UK Government's involvement in the Scottish economy and the impact of Brexit, they might be taken a bit more seriously.

**Jackie Baillie (Dumbarton) (Lab):** Does the cabinet secretary accept that comparisons that show improvement in Scotland's position actually have more to do with the decline in UK productivity, and that he needs to be more ambitious for Scotland's economy?

**Keith Brown:** I certainly agree with Jackie Baillie that we cannot use the performance of the UK as the limit of our ambitions. Of course we want to improve things even further. Business involvement is essential, but it is also true to say that population growth is absolutely essential to productivity. While we have Brexit—while people are deciding to leave this country, including people in important sectors—there will be an impact. That is why this Government will continue to assert Scotland's need to have a place in both the customs union and the single market.

**The Presiding Officer (Ken Macintosh):** That concludes general question time. Before we move on to the next item of business, I am sure that members will join me in welcoming to the gallery His Excellency Alexandre Fasel, ambassador for Switzerland to the United Kingdom. [*Applause.*]



## Weather Update

### **The Presiding Officer (Ken Macintosh):**

Before we turn to questions to the First Minister, I invite the First Minister to update the chamber on the Government's response to the weather situation.

11:59

**The First Minister (Nicola Sturgeon):** Thank you, Presiding Officer. I am grateful for the opportunity to provide Parliament with a brief update on the weather impacts that are being experienced across the country.

First, I want to take the opportunity to thank all the people who are working in our emergency and essential services and on our transport network, and volunteers and the general public for their commitment and forbearance over the past couple of days in the face of extreme weather conditions. Many people, including many members of the public, continue to go the extra mile to help those who are in need. I am very grateful to them for that.

Of course, very difficult situations have been encountered by many people—not least those who were stranded in their vehicles yesterday evening, and in some cases overnight and into this morning, on the M80. I advise members that the situation on the M80 is improving, but work continues, in particular on the southbound carriageway, to clear the backlog of traffic and get the road open again—but only, of course, when it is safe to do so. Overnight, there have been extensive efforts involving local authorities, the police, the Scottish Fire and Rescue Service, mountain rescue and volunteers to ensure the welfare of people who have been stuck in their vehicles.

The Scottish Government's resilience committee has met regularly: we will continue to do so. A particular focus of our attention today is support for health boards as many members of their staff are, understandably, facing real challenges in getting to work.

Although the red weather warning came to an end at 10 am today, a high-impact amber weather warning remains in place for most of the country. That means that the advice today for the general public remains that they should not travel unless it is unavoidable. In the past couple of hours, the Met Office has extended that amber warning until 10 am tomorrow morning. I want to be very clear about what that means. Although everything possible will be done to keep roads clear and open, anyone who travels during the period faces a significant risk of encountering blocked roads and, possibly, becoming stranded.

Given that the amber warning, with the associated "Do not travel" advice, has now been extended through tomorrow morning's rush hour, I advise Parliament that the Scottish Government will continue its engagement with business organisations. I again take the opportunity to urge employers to be flexible and to put the safety of their staff first at all times.

While temperatures remain low and conditions remain difficult, I encourage everyone who can do so to check on elderly neighbours and to keep an eye out for anyone who might be vulnerable or need help. Details of organisations that stand ready to provide help and shelter to anyone who is homeless have been widely circulated.

I will end where I started, by thanking sincerely all those who are working hard to keep people safe. Conditions such as those that we are experiencing now make disruption and inconvenience inevitable. I think that everybody understands that—although many people across the country are working hard to minimise the disruption and inconvenience. The priority is, and will continue to be at all times, public safety, so my message to the public is please to heed the weather and travel warnings that are issued for their safety, and to follow advice from the police, Transport Scotland and their local councils.

I will, of course, be happy to answer any questions during First Minister's question time.

## First Minister's Question Time

12:03

### Transport (Weather Conditions)

**Ruth Davidson (Edinburgh Central) (Con):** I will use one of my questions to ask about the weather that we are facing today.

Once again, bus drivers, Red Cross workers and the emergency services have risen to the challenge, and everyone across Scotland thanks them for their fortitude and, in many cases, bravery. The advice remains not to travel, and I join the First Minister in urging everybody to heed that advice, including, I am sad to say, Scottish Conservative activists who are preparing for our party conference—it is now off.

I ask the First Minister to reassure the country that every possible resource that is available to agencies will be put to effective use in an effort to return our transport system to normal as soon as possible over the coming few days.

**The First Minister (Nicola Sturgeon):** I thank Ruth Davidson for that question and put on record my thanks to the Conservative Party for the responsibility that it has shown around the arrangements for its party conference.

I can give an assurance that every possible resource will be brought to bear to ensure that we keep the country moving as far as we can, given the travel warnings that are in place, and that there will be recovery as quickly as possible once those warnings are lifted.

I will give some context by saying that, around the country, right now, more than 200 trunk road winter vehicles are available for spreading salt and ploughing snow. That is typically one spreader for every 16km of trunk road. Currently, more than 360,000 tonnes of salt are available to treat trunk roads. Last night and into this morning, all possible resources on the M8 were made available. Those consisted of five spreaders and a multipurpose vehicle. Therefore all available resources are being brought to bear and we continue to co-ordinate the response through the Scottish Government's resilience unit.

As I indicated in my remarks a few moments ago, today, we are paying particular attention to the difficulties that are being experienced by health boards, including, for example, those experienced at Edinburgh royal infirmary in this city. It is understandable that some members of our healthcare staff will struggle to get to work, which is why particular focus is being given to that today. Weather such as this has a whole range of impacts, and it is not just Government and

agencies working with Government that respond: members of the public have been responding extremely well and, again, I put on the record my thanks to everybody who has done so.

**Ruth Davidson:** Yesterday, the First Minister unveiled her plan to boost the Scottish economy with a new Scottish national investment bank. Of course, that is a different thing from the existing Scottish Investment Bank, which is also different from the proposed business development bank and, of course, should not be confused with the small and medium-sized enterprise holding fund or the capital acceleration programme—or, indeed, the £0.5 billion Scottish growth scheme, which has barely released a penny. I ask the First Minister whether that sounds like joined-up investment to her.

**The First Minister:** I agree with Ruth Davidson on the fact that the investment bank—the implementation plan for which was published yesterday—is very different from any of the schemes that she has spoken about. That is because we believe that we need to provide something—and an ability to intervene—on a scale and of a nature that is different from what has gone before. Of course, if Ruth Davidson has read Benny Higgins's implementation report closely—as I assume that she will have done—she will have seen that, once it is up and running, the intention will be for things such as the SME holding fund and the current Scottish Investment Bank, which is under the aegis of Scottish Enterprise, to come under the umbrella of the investment bank.

Once we have had the opportunity of considering Benny Higgins's report in detail and responding—as I indicated yesterday, we will respond formally in May, although we have given early indications of our support for some of the recommendations—Keith Brown will, of course, come to the chamber, and I hope that there will be a full debate on the detail of the recommendations.

I hope that everybody across the chamber will welcome the initiative. We frequently have debates in the chamber about the economy—and rightly so. As I frequently say, the fundamentals of the Scottish economy are strong, but we know the challenges that we face. People from right across the spectrum—from those who work in the financial services sector to those who come from a whole range of different interests, such as Friends of the Earth—have recognised the potential for an investment bank of this nature to be truly transformational. I hope that that will excite, enthuse and get the support of everybody in the chamber.

**Ruth Davidson:** The First Minister says that this is a model of clarity, but nobody seems to have told her office because, when we made a

freedom of information request, asking for details of the new investment bank, it wrote back, asking which one we were talking about. We replied that it was the one that the Scottish Government announced in 2009, the one that it reannounced in 2013, the one that it announced again in 2015 and the one that John Swinney said should not go ahead after all in 2016. Even the First Minister's office did not seem to know the difference between the Scottish Investment Bank and the Scottish national investment bank, so how can the public do so?

**The First Minister:** I would have thought that even Ruth Davidson would have risen to the challenge of seeing the opportunity that is now being presented. Let me make two points. Of course, as I said in my earlier answer, there is an organisation that sits within Scottish Enterprise, which is called the Scottish Investment Bank. We now want to do something on a different scale and of a different nature. Yes, we have considered that in the past, and, for various reasons, have decided that it was not the appropriate time to move forward. We have decided that now is the time. We have done—or, rather more accurately, Benny Higgins has done—an amazing amount of work in a very short period to get to the point that we reached yesterday, with the publication of the implementation plan.

I commend that implementation plan to everybody across the chamber and urge those who have not read it yet, who might or might not include Ruth Davidson, to do so, as they will see the detail of the work that has been done. What I thought was impressive about Benny Higgins's work that was published yesterday was that it set out the vision for what an investment bank can achieve and a lot of the detailed work that is now required to make that a reality. I set out the Government's intention to move at pace on that. Formally establishing a national investment bank will require legislation in the Scottish Parliament. However, pending that legislation, we want to get the bank operating in shadow form during 2019. There will be a lot of debate around the detail of the bank, but in terms of the aim, the objective and the principle, I hope that even Ruth Davidson will get to a point where she can be excited and enthused by the potential that the bank offers.

**Ruth Davidson:** Despite the farcical response from the First Minister's office, there is a serious point here. After 10 years in power and nine years after the Scottish Government first proposed an investment bank, all those reannouncements have led us nowhere. Although I do not want to bury the First Minister under an avalanche of statistics, here goes: the Scottish National Party told us in 2010 that it would increase exports by 50 per cent, but it failed to do so; its own figures show that it is running short by the small matter of £27 billion.

That is the price of an SNP that is keen to get the headlines for launches and relaunches but forgets to even start to build the actual bank until nine years later. After such a litany of failure, why should we believe that yesterday's announcement should be any different?

**The First Minister:** I am sorry, too, to bury Ruth Davidson in an avalanche of statistics, but here goes: Scotland's international exports, excluding oil and gas, increased by £460 million to just short of £30 billion in 2016; overall, Scotland's international exports are up between 2007 and 2016 by 45 per cent; and Scottish whisky exports were valued at £4.36 billion, which is up 9 per cent compared to the figure for 2016. That paints rather a different picture to the one that Ruth Davidson was trying to paint.

However, as I think that Ruth Davidson has shown in her questioning, we have had a range of interventions to provide financing for businesses to help them innovate and export more. They have had some successes, but we are looking at the challenges facing our economy now, the need to catch up with the productivity levels of other European countries, the way in which we have closed the gap with the rest of the United Kingdom, the need to grow the economy faster and, of course, the need to prepare for the impact on the Scottish economy of Brexit, which is being imposed by Ruth Davidson's party. We think that the time is right now to do that partly through the establishment of a Scottish national investment bank. We have got to the stage of publishing an implementation plan, which we did yesterday, and now we are going to get on with the work of turning that into a reality. As I said, I hope that everybody across the chamber will make a contribution to ensuring that that happens.

### **Homelessness and Rough Sleeping Action Group**

#### **2. Richard Leonard (Central Scotland) (Lab):**

I thank the First Minister for her statement and associate those on the Labour benches with her message of support to those people working both night and day to get the country moving again.

The extreme weather has brought about a grinding halt to Scotland's transport system. However, it is not just our road and rail networks that are affected by bad weather. Just last Thursday, 1 mile away from here, a man who had been sleeping rough died in the freezing cold. He died sleeping on a discarded mattress. It is therefore clear that urgent action is needed to end rough sleeping. I welcome the setting up by the Government of the homelessness and rough sleeping action group, which has been set the task of reducing rough sleeping this winter. Can the First Minister update us on the group's work and

tell Parliament how the Government will be measuring its impact?

**The First Minister (Nicola Sturgeon):** Yes, I can. First, I take the opportunity to say that for as long as one single person is homeless or rough sleeping in our country, we still have work to do. I hope that that unites all of us across the chamber.

The homelessness and rough sleeping action group moved very quickly, as Richard Leonard is aware, to make recommendations on action to tackle rough sleeping during this winter. All those recommendations were accepted by the Scottish Government and are already being implemented. The action group is now examining longer-term actions to end rough sleeping, but also to transform the use of temporary accommodation, and the next set of recommendations from the action group is due in the spring.

As Richard Leonard is also aware, we have created an ending homelessness fund of £50 million over the next five years to help to support prevention and drive sustainable change.

As we all know, Scotland has some of the strongest rights for homeless people in the world, but we must make sure that those rights can be exercised and that everybody who is found to be homeless and entitled to housing gets that housing. That is of huge importance.

The importance of that, while we know about it and feel it at every time, is underlined during the extreme weather conditions that we are facing right now. As I indicated in my remarks earlier, details of a range of organisations such as Streetwork and the Bethany Christian Trust have been circulated so that anybody who is aware of anybody who is homeless or sleeping rough can contact those organisations to get help and shelter for the individuals concerned.

**Richard Leonard:** I welcome that answer from the First Minister, because anybody who walks the streets of any city across Scotland knows that it feels as if there has been a marked increase in rough sleeping.

We know that, last year, rough sleeping increased in Wales by 10 per cent and in England by 15 per cent, but we simply do not know precisely how much it is increasing in Scotland, because the Scottish Government does not comprehensively measure that. Not only does London comprehensively count the number of rough sleepers, but the information is systematically shared across all relevant public agencies and homelessness organisations in the city. Will the First Minister follow the lead of the Greater London Authority and consider establishing a combined homelessness and information network approach here in Scotland?

**The First Minister:** I think the short answer to that question is yes. We want to be in a position to learn from best practice wherever we find it, but, as I have already indicated, we have established the action group, which is looking at exactly such issues. The action group will make a suite of recommendations about how we can better tackle homelessness and rough sleeping, but also how we can better gather, report and share the statistics on that, because it is extremely important, as I think we all recognise, that we have an accurate picture of that.

I recognise the anecdotal evidence and some of the statistical evidence that we have suggesting an increase in rough sleeping. We all know, I think, that the welfare cuts that are being introduced by the United Kingdom Government are one of the driving factors for that, but we all have a responsibility to work together to address it.

Whatever other issues may divide us in this chamber, I hope that this is an issue on which those of us on the SNP benches and those on the Labour benches will be able to find common ground and work together. We are certainly open to suggestions such as the one that Richard Leonard has just made.

**Richard Leonard:** I thank the First Minister again for the tone of her response.

I ask members to imagine facing a night on the streets in this weather, or being evicted last night or tonight and facing the extreme cold. The campaign group Living Rent has proposed a change in the law to ban winter evictions. In France, a version of that law runs from 1 November to 31 March each year and covers all tenants. It stops people being thrown on to the streets when temperatures drop. Such a measure would simply save lives in Scotland. My party will consider banning winter evictions as part of our housing reform policy. Will the First Minister commit her Government today to doing the same?

**The First Minister:** I will commit my Government to doing exactly as Richard Leonard said and considering that as a step that we can take to help us tackle what we all accept is a very serious issue.

However, I say again, because it is important, that we established—I think with the support of Richard Leonard and his colleagues—the homelessness action group, which is composed of a range of experts, and asked it specifically to look at recommendations that it wants to make. Those will be the kinds of things that the action group is looking at and they may well form part of the recommendations that it puts forward. I give a commitment today that we will take forward the action group's recommendations when they come

forward in the spring, as we did with its interim recommendations towards the end of last year.

Richard Leonard rightly talks about the experiences of anybody who is living rough or without a home in weather conditions like this. I note that the Scottish Government social media channels have circulated details of a range of organisations that are there to help now, and I encourage all members to use their own methods to get that information out there as widely as possible.

**The Presiding Officer:** There are a couple of constituency supplementary questions.

### **Skye (Infrastructure)**

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** The First Minister will be aware of last summer's challenges at various sites on Skye when tourists came to see why the constituency that I represent is the most beautiful in Scotland. What is the Scottish Government doing to invest in improved infrastructure at key sites such as the Fairy Pools, the Quiraing and Neist Point?

**The First Minister (Nicola Sturgeon):** We should be very proud that so many people choose to come to Scotland to enjoy our beautiful scenery and attractions, if not always our weather. Tourism is a vital industry for Scotland and we should continue to support its growth. However, we recognise that an increase in visitor numbers can lead to pressure on local infrastructure, which is why last year we announced the rural tourism infrastructure funding. I am delighted that Fiona Hyslop, the Cabinet Secretary for Culture, Tourism and External Affairs, has today announced three pilot projects for the fund, including two on Skye: the Fairy Pools will receive up to £300,000 to develop visitor facilities and Neist Point lighthouse will receive £100,000 for work to improve road access and parking. Those grants are in addition to £300,000 that was announced by Highland Council on Monday for road and parking improvements at the Fairy Pools and the Quiraing hiking destination.

### **Aviation Industry (Support)**

**Jamie Greene (West Scotland) (Con):** The First Minister will be aware that Ryanair announced this week that it will close its fixed-base operations at Glasgow airport. Some estimates have put the figure for job losses in the hundreds. That will come as a huge blow to Glasgow and the west of Scotland and will have a negative effect on Scotland's connectivity with regard to trade and tourism. What action is the Scottish Government taking to assist the people who are directly or indirectly affected by the decision? Although Ryanair's decision is a commercial one, what levers does the SNP

Government have at its disposal to better support the aviation industry in Scotland, including commitments that were made in its manifesto?

**The First Minister (Nicola Sturgeon):** I regret Ryanair's announcement earlier this week. As it would in any circumstance, the Scottish Government will work with any employee who is affected by the announcement, although many of the services will transfer from Glasgow to Edinburgh and there will be employment opportunities through that, as members are aware. The Government works hard with a range of airlines to improve connectivity from all our airports, and we will continue to do so.

We want to move forward with our manifesto commitment on airport departure tax; the reasons why it has been delayed, and the issues around the Highlands and Islands exemption, have been well rehearsed in the Parliament. It is slightly rich to be asked that question by a member of the party that does not support our proposal on ADT. The Conservatives have said that they would support reduction of ADT on long-haul flights, which is not the proposal that Ryanair would want. I hope that we can see progress on ADT, but if parties want to see progress they will have to support it in the chamber.

### **Worker Safety (Weather Conditions)**

3. **Patrick Harvie (Glasgow) (Green):** On behalf of the Scottish Green Party, I add our thanks to those people who are keeping Scotland safe and working to make sure that our transport infrastructure, emergency services and services throughout our communities respond to the current weather situation.

The First Minister said that employers have serious responsibilities not to put pressure on people to travel unsafely. Does she agree that such pressure comes not only from employers asking people to go to work? No employee should have to choose whether to travel unsafely or lose pay by staying at home and staying safe. Given the prevalence of casualised work, zero-hours contracts and the gig economy, does the First Minister agree that no employer should put an employee in the position of losing pay in order to stay safe?

**The First Minister (Nicola Sturgeon):** I strongly agree with that point. I take this opportunity, as I did earlier, to urge and call on employers to be flexible and, above all else, to make sure that they put the safety of their workers first, above anything else.

It is really important to point out, for the benefit of not just employers but the wider general public, that red or amber weather warnings such as those that have been issued in recent days are issued

not for the sake of convenience but for the safety of the public—particularly the travelling public. We all have a responsibility to do what we can to ensure that the warnings are heeded—and that very definitely includes employers.

Of course there are parts of the workforce—I mention the health workforce in particular—whom we want to support to get to work, and those workers experience the same challenges that anyone else experiences. There are lots of health board staff and volunteers across the country right now who are deploying 4x4 vehicles, for example, to get nurses, doctors and other healthcare workers into hospitals and health centres.

Employers must make sure that they act in a way that prioritises the safety of their staff at all times. I hope that that is a message that goes out loudly and clearly today.

**Patrick Harvie:** I am grateful for the First Minister's comments. As with previous similar situations, I hope very much that public sector employers will be exemplary in their treatment not only of directly employed staff but agency and contractor staff.

My second question is on the issues that we will discuss today in relation to the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill. We believe that the introduction of the bill—the alternative Brexit bill, which the Scottish Government has introduced in this Parliament—is a necessary response to the Brexit crisis.

One of the criticisms that the Scottish National Party has rightly levelled at the United Kingdom Government is about the UK Government's inflexibility and unwillingness to amend the European Union (Withdrawal) Bill. Will the First Minister give the Parliament an assurance that when Opposition members propose changes to the Scottish bill, to improve it and to strengthen scrutiny and accountability, the Government will work with members who propose amendments, rather than against them?

**The First Minister:** I am happy to give that assurance. As Patrick Harvie knows, following First Minister's question time, the Parliament will debate the timetable for the continuity bill. I do not want to pre-empt the debate that we will have, but, clearly, we are not in control of the overall timetable for Brexit and we have to act in a way that protects the interests of the Parliament—hence the proposed emergency timetable for the bill.

Even within the emergency timetable, we want to work with other members across Parliament and to listen to concerns and suggestions for how the bill can be improved, if it needs to be improved. I am happy to give that open assurance.

I repeat that we introduced the continuity bill this week because that was something that we required to do to protect the interests of the Parliament; it does not mean that we have given up on seeking an agreement with the UK Government. We will continue to do that.

However, at the heart of the discussions with the UK Government is an important principle: do we allow a situation in which a UK Government can impose situations on this Parliament in devolved matters, or do we insist that, in devolved matters, that cannot be done without the consent of this Parliament? That is a really important issue of principle, and this Government will not recommend that the Parliament consent to any legislation that undermines the fundamental basis of devolution in that way.

### University Pensions

**4. Willie Rennie (North East Fife) (LD):** I thank the workers who are operating in these extreme weather conditions. I am sure that all members present are grateful for their efforts.

University lecturers are on strike. Lecturers are not well paid and it is surely not fair that their pensions should be cut by £10,000 a year under the proposed changes. It has been suggested that the United Kingdom and Scottish Governments should step in to underwrite the pension scheme and protect the pensions. Scottish universities are the responsibility of the Scottish Government, so will the First Minister agree to the proposal to underwrite the scheme, to stop the strike and protect the pensions of university staff?

**The First Minister (Nicola Sturgeon):** As I am sure that Willie Rennie is aware, universities are autonomous institutions. It is not possible for the Scottish Government to dictate to them on issues such as this one, although we can—and very often do—encourage them to act in particular ways. Also, the pension scheme to which Willie Rennie refers is not a Scottish Government-funded pension scheme. It is important to put those two points on the record.

Having said all that, I absolutely understand and sympathise with the position that university lecturers and staff are taking. I understand that Shirley-Anne Somerville has written to university principals. We will continue to encourage dialogue about and settlement of the issues, so that the people who do such a good job in our universities are treated fairly, as they have a right to expect.

**Willie Rennie:** I understand the points that the First Minister makes, but I point out that the Scottish Government already backs the pensions of post-1992 universities, so it would not be an unusual step.

We have world-class universities in Scotland. They are worth £7 billion to our economy and drive innovation and research, but they are already under pressure from Brexit, which threatens our ability to attract world-class staff from overseas. By underwriting their pensions, the Scottish Government, working together with the UK Government, can retain and attract the best Scottish and overseas staff. That is why we need to take action on pensions now. I encourage the First Minister to start work on the issue. There are 14 days of strike action over a hit of £10,000 to pensions each year. I think that the issue is important and I am sure that the First Minister does, too. Will she take up the idea and start the negotiations?

**The First Minister:** In the interests of consensus, I say that I will of course consider the points that Willie Rennie has made. We will discuss, where relevant and appropriate, any such issue with the United Kingdom Government.

However, I want to make this really important point: it is the responsibility of universities to resolve the matter, and I would expect to see universities resolve it. We have just passed a budget that gives universities a real-terms increase in their budgets. As Willie Rennie said, universities are responsible for setting the salaries of their principals, for example, so we should expect our universities to resolve the issue in the interests of the staff who work for them.

The Scottish Government will continue to take a close interest in the issue and it will encourage dialogue that will lead to resolution. I will of course consider any points that are raised with me in the chamber, including the ones that Willie Rennie has just made. However, none of us should miss the central point that we should be looking to universities to resolve the issue.

**The Presiding Officer:** We have some further supplementaries.

### **Adverse Weather Conditions**

**Monica Lennon (Central Scotland) (Lab):** The First Minister has already given a helpful statement on the adverse weather, and she spoke further on the matter in response to Patrick Harvie's question.

Yesterday, on the M80 in my region, there were tailbacks of up to 8 miles—at one point, there were around 1,000 vehicles in below-freezing conditions. On television last night, Humza Yousaf, the Minister for Transport and the Islands, highlighted the particular responsibility of hauliers, because hundreds of lorries were causing a lot of the problems. Today, we have heard about the responsibility that employers have. However, apart from sending out a message to be flexible, what

particular conversations is the transport minister having with the industry to ensure that people are being kept safe and that they are not taking unnecessary risks?

**The First Minister (Nicola Sturgeon):** Monica Lennon raises an important issue. I will be quite blunt here. As members would expect, over the course of yesterday afternoon and into the evening, I was paying close attention to the live cameras on the M80. To be absolutely frank, there were far more heavy goods vehicles on that road than there should have been when a red warning was in place. I think that we have to be extremely clear in the message that we are sending to companies that deliver goods using HGVs. This is not a criticism of drivers, because driver safety is one of the important issues, but during a red weather warning, an HGV should not be on a trunk road unless it is absolutely unavoidable. Given the branding on some of the HGVs that I saw pictures of yesterday, I would struggle to say that their journeys were unavoidable. That message should go out strongly from the chamber to companies that use HGVs during weather conditions such as those that we are currently experiencing.

### **Time for Inclusive Education**

**Ross Greer (West Scotland) (Green):** This week marks the first anniversary of the majority of MSPs from across all parties pledging their support for the time for inclusive education campaign. The longer that we wait to address the issue, the longer that lesbian, gay, bi, trans and intersex young people who do not attend trailblazing schools such as Dumbarton academy and the Vale of Leven academy in my region will have to experience education and school environments that are not inclusive, do not recognise their identity and give way to bullying, harassment and worse.

Will the Government commit to implementing the recommendations that are being worked up by the LGBTI inclusive education working group at the earliest possible opportunity?

**The First Minister (Nicola Sturgeon):** Previously in the chamber, I have expressed my support for the TIE campaign and its objectives, and I do so again today. In a sense, the answer was included in the latter part of Ross Greer's question. There is a working group that includes representatives of the TIE campaign and, in due course, it will come forward with conclusions and recommendations. The Scottish Government certainly looks forward to receiving those and taking them forward.

### **European Union (Withdrawal) Bill Negotiations**

**Ash Denham (Edinburgh Eastern) (SNP):** What are the next steps for negotiations on the

European Union (Withdrawal) Bill? At this stage, is the First Minister hopeful for a resolution that respects devolution around the United Kingdom?

**The First Minister (Nicola Sturgeon):** As I indicated to Patrick Harvie, we continue to seek agreement with the UK Government. There will be further discussions next week and a meeting of the joint ministerial committee in plenary session in mid-March—on 14 March, to be precise—and I hope that we can reach agreement.

It is very important that people understand the issue that is at stake. The distance between the two Governments has been described as being very short and, from one way of looking at it, that might be true. However, there is an important issue of principle, and it is not a situation in which we each have our positions and can meet in the middle in some vague way. It is a fundamental issue of principle. The latest proposals from the UK Government would involve consultation with the Scottish Parliament and the other devolved Administrations on issues that are part of our responsibility. Consultation is not enough; the consent of the Scottish Parliament should be required.

I hope that the UK Government will finally agree to abide by that principle. If it does, we will have agreement, the continuity bill can be withdrawn and we can, hopefully, get to a position in which we recommend consent to the withdrawal bill. I hope that members across all parties in the chamber recognise that no Government or First Minister worth their salt could recommend to a Scottish Parliament that it approve legislation that undermines the basic principles on which our Parliament is founded.

### Scottish National Investment Bank

**5. Ivan McKee (Glasgow Provan) (SNP):** To ask the First Minister what progress has been made on the creation of a Scottish national investment bank. (S5F-02097)

**The First Minister (Nicola Sturgeon):** I was delighted to attend the launch yesterday of the Scottish national investment bank implementation plan, a copy of which is winging its way to Ruth Davidson as we speak. Developed by the chief executive officer of Tesco Bank, Benny Higgins, with the support of an advisory group, the plan contains recommendations for the Scottish ministers that cover the remit, the governance, the operating model and the financing of the new bank. That significant milestone takes us one step closer to establishing a publicly owned Scottish national investment bank, and I very much look forward to doing so.

**Ivan McKee:** It is clear to those of us who understand the investment landscape and the

need for patient finance that the scope and scale of the Scottish national investment bank means that it will fulfil a very different need from that which is met by Scottish Enterprise's current investment support activities. What types of businesses will be supported by the national investment bank? In particular, how might small innovative businesses, such as those in my Glasgow Provan constituency, benefit?

**The First Minister:** As the implementation plan recommends, the bank will be mission driven. It will not be sector specific but will be designed to be transformational in the Scottish economy to help us address some of the big societal challenges that we face, such as, for example, the transition to a low-carbon economy. I know that there are many small and medium-sized companies—including, no doubt, in Ivan McKee's constituency—that will benefit from that.

The recommendations are that the bank will be publicly owned, although it will operate independently in a strategic framework that is set by Government, and mission driven; that it will operate ethically; and that it will have a capitalisation over the first 10 years of at least £2 billion. Yesterday, I gave our acceptance to some of the key recommendations; there are other points of detail that require closer scrutiny, which we will now do. We will formally respond to Benny Higgins's report in May, at which point I hope that the Parliament will have a full debate on the issue.

### Nurses (Training and Recruitment)

**6. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the First Minister what action the Scottish Government is taking to train and recruit more nurses. (S5F-02086)

**The First Minister (Nicola Sturgeon):** We have committed to training an additional 2,600 nurses by the end of this parliamentary session. On 31 January, we announced a 10.8 per cent increase in intakes to pre-registration nursing and midwifery programmes for 2018-19, which is an extra 364 places. That is the sixth successive rise in the number of places and equates to 3,724 entry places in total for the year. In contrast to the Westminster Government, we have retained bursaries and free tuition for nursing and midwifery students. Both were scrapped in England and, as a result, the number of English applicants to nursing courses has plummeted by 23 per cent.

We are also extending and increasing successful initiatives that bring former nurses and midwives back into practice. To date, almost 450 former registrants have taken up the opportunity to retrain, which exceeds our initial target.

**Rachael Hamilton:** First, I pay tribute to the front-line workers battling through the adverse



weather conditions today to keep our services open across Scotland.

National health service recruitment issues began long before Brexit, despite what the First Minister would like to believe. Between 2009 and 2012, the number of training places for nurses and midwives was slashed by more than 20 per cent. The knock-on effect is that vacancies have increased by 600 in 2011 to nearly 3,000 at the end of last year. When will the Scottish National Party Government accept that it is responsible for the crisis and implement adequate workforce planning?

**The First Minister:** Of course staffing challenges existed before Brexit, but there is no doubt that they have been hugely exacerbated by Brexit. It is because we have been aware of the need to support staffing in our NHS that we have taken action to get us to the stage where NHS staffing is at a record high. There has been a 9.8 per cent increase from September 2006, and qualified nurses and midwives staffing levels are up by more than 5 per cent.

As I said in my initial answer, we are training more nurses and we have set a target to reach by the end of this session of Parliament. We have just announced an almost 11 per cent increase in intakes and we are doing a range of other things to make sure that we get nurses and midwives into our health service.

It beggars belief for a member of the Tory party to stand up in this chamber and lecture anybody else when, in England, that same party has abolished bursaries and is presiding over a reduction of 23 per cent in applicants to nursing courses.

**Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of members' interests. What steps can the Scottish Government take to ensure that, after Brexit, we retain the European Union national nurses who staff our hospitals and community services and to assure them that they are very welcome in Scotland's national health service?

**The First Minister:** We greatly value the contribution that EU migrants make to our NHS and to our economy and society more generally. Last year, we announced that the Scottish Government will pay a settled status fee for any EU citizen working in the public sector in Scotland, which will help us to keep vital workers in the NHS and public services. I hope that that sends a clear to EU nationals that we welcome them, that we value them and that we want them to stay here. In the longer term, the case for this Parliament to have flexibility over migration policy is overwhelming and compelling. I hope that we will

see that case made right across the chamber and broader society, too.

**Anas Sarwar (Glasgow) (Lab):** I, too, thank all our NHS, social care and emergency service personnel for their service to our citizens at this challenging time.

When Nicola Sturgeon was health secretary, she took the decision to cut the number of training places for nurses. At the time, the Royal College of Nursing said that that would put at risk the ability to meet the demand in our national health service. This week, we have learned that nursing vacancies are at record levels, with almost 3,000 nursing vacancies now compared with only 600 in 2011.

Our NHS workforce is overworked, undervalued and underresourced. That is now impacting on patient care, with one in five patients not getting their diagnosis in time and one in five patients not getting their treatment in time. That includes cancer patients. Will the First Minister take this opportunity to apologise to Scotland for her decision to cut nurse training positions and the impact that that has had on our NHS and its patients?

**The First Minister:** Again, I point out that, under this Government, from the time we took office, we have seen an increase in the NHS workforce of almost 10 per cent. The NHS workforce is now at a record high. As I have said, we will always take decisions that are right for that workforce. For six successive years, we have increased nurses going into training, and will continue to support the nursing workforce and the wider health workforce in that way. I think that that is something that everybody in the chamber should seek to support.

### Substance Misuse (Ayrshire)

**7. Kenneth Gibson (Cunninghame North) (SNP):** To ask the First Minister what the Scottish Government's position is on the dangers of teenagers in Ayrshire ingesting substances purporting to be the drug MDMA. (S5F-02098)

**The First Minister (Nicola Sturgeon):** The Scottish Government strongly advises against the use of any illegal or unknown substances. I urge anyone who feels unwell after taking any substance to seek immediate medical attention. I understand that the children who Kenny Gibson referred to were released from hospital the next day and I am sure that we all wish them a speedy recovery. Police Scotland is awaiting the results of toxicology tests to determine the exact nature of the substance that was ingested. Although the incident is clearly a cause for concern, it is also important to point out that the 2015 Scottish schools adolescent lifestyle and substance use

survey—SALSUS—of drug-taking behaviour among young people shows that the vast majority of young people have never used drugs.

**Kenneth Gibson:** The First Minister will recall that, in October 2016, nine people died in Saltcoats due to the ingestion of fake Valium pills. The MDMA pills that affected the six Ayrshire teenagers last weekend are believed to be red, green or brown and bear an owl logo. I know that the First Minister will join me in urging parents and everyone else to be vigilant and report any sightings of such pills to Police Scotland, which is working hard to seize such drugs, prevent their use and save lives. Can the First Minister provide details of what further steps are being taken to combat the specific MDMA threat?

**The First Minister:** Police Scotland is providing a public safety message via local and social media advising parents and guardians to talk to their children about the dangers of taking drugs. Educating young people about those threats is vital. For example, the Ayrshire police division works with local young people in recovery to produce a film for use in schools that highlights the dangers of drugs, alcohol and weapon carrying. Nationally, the know the score website and helpline ensure that all young people in Scotland have credible and accessible information and advice on drugs.

It is important that we continue to take those kinds of steps to ensure that young people have the education and information that they need. As I said earlier, although incidents such as the one that Kenny Gibson raised are hugely concerning, we must also point to the fact that the vast majority of young people do not ever take drugs. The focus of all the work that we do should be to ensure that that continues to be the case.

## UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

**The Presiding Officer (Ken Macintosh):** Following this morning's motion to change business, we now move on to consideration of motion S5M-10735, in the name of Michael Russell, on treating the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as an emergency bill.

12:47

**The Minister for UK Negotiations on Scotland's Place in Europe (Michael Russell):** On Tuesday, I came to the chamber to make a statement about why the Scottish ministers consider it necessary now to introduce the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill, despite the continuing passage at Westminster of a bill with similar intent. Yesterday, the Lord Advocate came to the chamber to make, for the first time, a statement on the senior law officer's reasons for respectfully considering the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill to be within the legislative competence of the Scottish Parliament, despite the Presiding Officer deciding not to grant it a positive certificate. Today, despite the weather, I am here to set out the Government's reasons for seeking to have the bill considered under the emergency procedure. I will, in a moment, move the motion seeking Parliament's approval for that approach.

The timetable proposed for dealing with the bill is not, as has been the case with previous emergency bills, to deal with all stages in one day. Some of us are old enough to remember that procedure being used to restore tolls on the Erskine bridge, for example. The emergency procedure has been used only very sparingly since then, and Parliament is rightly sparing in its approval of its use. However, I am proposing to Parliament today that we should consider the bill as an emergency measure over the next three weeks, starting with the stage 1 debate next Wednesday, then stage 2 the week after that and stage 3 the following week.

**Tavish Scott (Shetland Islands) (LD):** I am grateful to the minister for setting out the process that he plans to follow. Does he accept that one of the main arguments is about adequate scrutiny of the measures that we are considering? Particularly in relation to stage 2, would it not be better that those deliberations were heard in committee rather than in a plenary session of the whole Parliament?

**Michael Russell:** I make it clear that I am laying out the timetable as we wish to see it and as it is contained in the motion. However, I am committed to working with those who are willing to support the bill and take it through, and to find ways to meet their concerns—for example, for increased scrutiny at stage 2—to see whether there can be an enhanced role for committees in that scrutiny. I am very keen, as I will say in a moment, to see maximum scrutiny of the bill and I will work with all the political parties to achieve that. I would be happy to meet the Liberal Democrats and others to do that.

**Adam Tomkins (Glasgow) (Con):** If the minister really is keen to ensure maximum scrutiny of the bill, as he has just said, why make it an emergency bill at all?

**Michael Russell:** I am about to deal with that point, as the member knows.

First and foremost, it is entirely fitting that a bill that is about defending the interests and powers of the Scottish Parliament—perhaps to a greater extent than any bill that we have ever considered—should be scrutinised, and if we are so minded, approved at all stages by the whole Parliament. However, scrutiny of the bill will extend, as it must, beyond the chamber.

I have committed to making myself and my officials available to the Parliament in committee and in plenary, and to parties and relevant groups throughout the period. I will work tirelessly to make sure, in so far as I am able to do so, that the maximum possible scrutiny of the Government's proposals takes place, and that the Parliament and its committees are informed and engaged throughout. If changes and developments in the timetable emerge as a result, I will welcome them and will work on them.

On Tuesday, echoing the Presiding Officer's words and his published views on the bill, I observed that this is a "novel" situation. In normal times, such a bill would follow a normal timetable, but these are not normal times. Consequently, after much serious consideration, the Welsh and Scottish Governments have concluded that if the continuity bills are to defend the principles of devolution during the Brexit process, an emergency timetable is necessary if they are to achieve their purpose.

The Welsh and Scottish Governments sought to avoid introducing such bills. We continue to negotiate seriously and in good faith with the UK Government in an effort to secure an agreement regarding the European Union (Withdrawal) Bill that would allow our bills to be withdrawn or, if they have been enacted, to be set aside, but the timetable for the process is being driven not by us, but by the timetable at Westminster for the

withdrawal bill. It is likely that the third reading in the Lords will take place in early May, and that the bill will be submitted for royal assent shortly thereafter.

It is essential that the continuity bills in Wales and Scotland become law before the withdrawal bill does. In the absence of an agreement about a common UK approach, and in defence of devolution, this Parliament must prepare itself to assert—if it has to—the right to legislate on the consequences for devolution of withdrawal from the EU. To do so, we must put in place the necessary safeguards and stopgaps, and our continuity bill is at the heart of that process. Without it, we will be defenceless and our negotiating position as a Government will be severely weakened. We must not only have options and choices; we must be seen to have options and choices. I hope that all parties in the Parliament will back the position that I am laying out, so that there is a united Scottish voice. *[Interruption.]* I said "a united Scottish voice", not "a noisy Scottish voice".

In addition, the timetable that we propose is necessary, because if no agreement can be reached on the withdrawal bill—I hope that that does not come to pass—and our Parliament chooses not to consent to it, the UK Government and Parliament must be given the time to do what they have to do in response to that decision. They must amend the withdrawal bill to remove the provisions that are not consented to; they must also amend it so that it can work with two continuity bills. If we get to that stage, that would be a constructive alternative way forward. It would not be the best way forward, but it would be a possible and workable way forward.

The rational and thought-through approach that has been proposed by the Welsh and Scottish Governments is rooted in the devolved settlements that are supported by our fellow citizens and which are the established constitutional order of these islands. It is unfortunate that, to date, the UK Government has not shown a willingness to be as constructive and collaborative as the Welsh and Scottish Governments—

**Neil Findlay (Lothian) (Lab):** If the European Union (Withdrawal) Bill is amended to deliver some or all of the elements of the continuity bill, what will happen then? Will there be another bill?

**Michael Russell:** I have made it clear—on Tuesday, in discussion and in response to a question from Mr Harvie—that, in those circumstances, the chamber could decide what to do, but my view would be that the continuity bill would no longer be necessary and should therefore not be enacted or, if it has already been enacted, should be taken away. I do not anticipate

any circumstances in which there is a partial bill on either side. Because of the timetable that exists for challenging the bills, which I outlined to Mr Findlay earlier today and which I am happy to outline to all members, I think that that is a very unlikely eventuality; indeed, I think that it will not happen. However, it is quite obvious that we must use the emergency procedure if the bills are to fit together.

It is unfortunate that, to date, the UK Government has not shown a willingness to be as constructive and collaborative as Wales and Scotland, but we will go on trying to change that situation. We will never tire of sensible negotiation.

I am confident that this Parliament can give the bill the scrutiny that it deserves in the next three weeks. I am happy to continue the discussion across the chamber and with parties in order to achieve that—the approach is by no means inflexible. The Parliament and its committees have already held a large number of evidence sessions and debates on the European Union (Withdrawal) Bill, on which the continuity bill is modelled. The Delegated Powers and Law Reform Committee and the Finance and Constitution Committee have produced interim reports on that bill that are of the highest quality. The Parliament is, therefore, already familiar with the approach and structure of the continuity bill. It knows about the issues raised in the bill, and I will ensure that the briefing material on the bill and on the process of negotiation is made available as required—I have made that commitment to the Labour Party today.

We all understand the scale and gravity of the task on which we are now engaged. Brexit has thrown us all sorts of responsibilities that we did not vote for, did not seek and did not want, but we must not allow ourselves to be overwhelmed by them or succumb to the temptation, by doing nothing, to allow them to prevail.

I and the Government stand ready to help Parliament with the scrutiny of the bill in any and every way that we can. Even more important, I am sure that the Parliament stands ready to defend the interests of the people of Scotland by ensuring the good governance that cannot come from diminishing devolution and which can come only from respecting and building on the work that we all do in the chamber on behalf of our fellow citizens. Sometimes—especially now—that requires us to do new things in new ways. So be it.

I move,

That the Parliament agrees that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill be treated as an Emergency Bill.

**The Presiding Officer:** Thank you. I call Adam Tomkins.

12:56

**Adam Tomkins (Glasgow) (Con):** The core problem with the motion that the minister has just moved is that there is no emergency. Members do not need to take my word for it, as that is exactly what the Lord Advocate told Parliament yesterday. He came to the chamber and said that the reason why, in his view, the bill is within the Parliament's legislative competence is that none of its material provisions can come into force until after the United Kingdom has left the European Union. We know that that cannot happen for another 13 months.

Yesterday, the Lord Advocate said that we have a year and a month to legislate. Today, Mr Russell said that we have three weeks to legislate. It strikes me that one does not need to be a professor of constitutional law to spot the glaring and manifest inconsistency in what the Scottish National Party is saying.

Our starting position is that emergency legislation should be avoided wherever possible, because emergency legislation denies effective parliamentary scrutiny. Since the withdrawal bill was published, there have been cries from across the chamber that the devolution settlement must be respected—indeed, those are cries that we have participated in and joined. However, today it is the SNP that is treating the Parliament with disdain in seeking to rush through controversial legislation, significant elements of which may well be beyond our competence altogether. That is not respecting the devolution settlement and it is not respecting this Parliament.

The Government policy memorandum that accompanies the bill says that the bill will

“add to the complexity of the post-exit position”

and

“present serious logistical challenges.”

On that we agree: the bill will add complexity and it will pose significant challenges, which are two further reasons why it should not be fast-tracked. On Tuesday, we said that the continuity bill was unwelcome and unnecessary. We stand by that statement and today we add to it: the bill is unwelcome, unnecessary and dangerous. It is when we legislate in haste that we legislate in error. This is an invitation from the SNP to make bad law and an invitation from the SNP to make law badly. To those invitations, we on these benches say: no thank you.

**Patrick Harvie (Glasgow) (Green):** Has Adam Tomkins used the same indignant voice with David Mundell, the minister in the Government that has repeatedly failed to make the UK bill remotely acceptable or compatible with devolution?

**Adam Tomkins:** It is not David Mundell who is trying to railroad unconstitutional constitutional legislation through this Parliament. It is the SNP—supported by the Scottish Green Party, as usual.

As we heard earlier this week, it is unprecedented for any Scottish Government, of any political colour, to press ahead with a bill over the advice of the Presiding Officer that the bill is beyond competence. That fact alone should make us pause. By ploughing on regardless, we risk bringing our Parliament into disrepute and—it seems to me—we are going out of our way to invite all-but-inevitable challenge in the courts.

Let us look briefly at the bill that we are being asked to fast-track. Even to a lawyer, the bill is far from clear-cut. First, there is the vexed issue of competence. The Lord Advocate and the Presiding Officer focused on the compatibility of the bill with EU law in their respective statements about competence, but that is not the only legal limit on our law-making powers. It is also the case—and again this goes to the core of respecting the devolution settlement—that we may not make law relating to matters that are properly reserved to the United Kingdom Parliament.

Section 6 of the bill provides for the legal status of the principle of the supremacy of EU law, yet among the matters that the Scotland Act 1998 reserves to the UK Parliament are international relations and relations with the European Union and its institutions. How is a provision on the principle of the supremacy of EU law not one that relates to the reserved matter of the European Union and its institutions? That is precisely the sort of matter that requires detailed, careful parliamentary scrutiny, with the help and assistance of the testimony of independent expert witnesses, all of which is a feature of our ordinary legislative process, which will be cut by a decision today to fast-track the bill.

It is not just scrutiny of the bill's competence that will be curtailed. Scrutiny of the bill's content will also be curtailed, and that content is not exactly straightforward. Let us take an example. Section 5 provides:

“to the extent that there is a right of action in Scots law immediately before exit day based on a failure to comply with any of the general principles of EU law ... there is, on and after exit day, an equivalent right”.

Fine. Among the general principles of EU law is the doctrine of state liability—that is to say, the right of all of us to sue for damages for a sufficiently serious breach by a public authority of its legal obligations. Yet section 8 provides:

“There is no right in Scots law on or after exit day to damages in accordance with the rule in Francovich.”

Francovich is the name of the case in which the European Court of Justice invented the doctrine of

state liability. Therefore, section 5 preserves the right to sue public authorities for damages, and section 8 takes it away. There is a manifest and straightforward incompatibility between two provisions in the bill—which, by the way, is not mirrored in the European Union (Withdrawal) Bill, because section 5 is one of the provisions in the continuity bill that go out of their way to distinguish themselves from the withdrawal bill.

We are asked to consider, in haste, legislation that the Scottish Government does not understand, that has been badly drafted and that is manifestly incoherent. We are being invited to make bad law, and we are being invited to make it badly. No, thank you.

13:03

**Neil Findlay (Lothian) (Lab):** The actions of this Parliament impact on the lives of our citizens from John o' Groats to the Mull of Galloway, and the implications of our decisions in passing bills can be huge for people and communities.

We must all therefore take our individual and collective responsibility very seriously indeed. This Parliament has established practices, conventions and standing orders, which are designed to protect our democracy and to ensure that the laws that we pass are subject to proper and in-depth scrutiny and, where necessary, amendment, to make them as effective and workable as possible.

Although members who sit in this chamber are in a privileged position, we do not sit inside a political bubble that is disconnected from the outside world. The public have rights in our system. They have the right to be consulted on decisions that will affect them. They have the right to submit their views and lobby their MSPs for change. They have the right to petition and to submit evidence, and their evidence can significantly change a bill.

However, in the case of the bill that we are talking about, that process will either not happen or be severely curtailed by a truncated parliamentary timescale of just a few weeks.

We should not ignore our history. Rushed legislation, as we know, is often bad legislation, and there have been many examples of that over the years. The Scottish Government and the minister tell us that the legislation has to be passed within a short timescale, but they failed to explain why there is such a rush. The Government tells us that the crucial stage 2 of the process will be taken in the chamber, not in committee. We have serious reservations and concerns about that. Having such a vital stage of a bill taken in a full and, at times, rowdy chamber, with all its distractions, is a poor replacement for the in-

depth, focused scrutiny and the ebb and flow of detailed committee work.

**Patrick Harvie:** I do not think that any of us would imagine that the situation is perfect or can be made perfect, but does Mr Findlay accept that, if we fail to take responsibility for examining, debating and passing Scottish legislation in this chamber, we will leave the UK Government with a perfect excuse to impose something upon us that all of us across this chamber have decided is unacceptable?

**Neil Findlay:** I certainly have some sympathy with that view, but I want to ensure that we do things as best we possibly can when we have that opportunity. We would want stage 2 to take place as normal in the more effective committee room setting. No MSP would be excluded from that process.

The situation should, of course, be entirely avoidable. David Mundell and Ruth Davidson ratted on a commitment given to this Parliament and to the Welsh Assembly that all powers that would ordinarily be devolved will be devolved following Brexit. I understand that there are 25 areas of disagreement. It is my view that, in the interests of openness, transparency and accountability, those 25 areas of disagreement should be published so that we know what the dispute is all about. That is not an unreasonable request.

What I find most depressing is that, even at this stage, the two Governments cannot bring themselves to find their way to an agreeable solution or process, with independent adjudication if necessary, where no one has a veto and the decision of that adjudication is accepted. Surely, rather than have to go through these constitutional contortions, ministers from both sides should be able to step up to the plate and get it sorted.

I want to ask a few questions of the minister. If the European Union (Withdrawal) Bill lacks clarity and is ambiguous, as he has said, and if the continuity bill seeks to replicate it, does that leave us with an ambiguous, opaque bill too? The continuity bill states that the Government can determine exit day. Is the Government suggesting that exit day in Scotland would be different? If not, why is it in the bill? If the bill is passed, does the minister expect clause 11 of the withdrawal bill to be removed? If the aim is to legislate before the EU withdrawal bill is on the statute book, has the Government factored in provisions to deal with any legal challenge by anyone that might scupper that timescale and that objective? Finally, given the Parliament's workload, does the cabinet secretary believe that the Scottish Government and the Parliament have the capacity to deliver the huge volume of work required to enact the legislation?

That is just a small selection of the very serious questions that need very serious answers.

13:08

**Patrick Harvie (Glasgow) (Green):** I certainly agree with Mr Findlay's final comment that there are very serious questions about the process and that they need very serious answers, but we will be able to begin that process only if we pass a resolution today to designate the bill as an emergency bill.

The bill is absolutely necessary as a response to the Brexit crisis, which is not of this Parliament's choosing and not of the choosing of the people in Scotland whom we represent. It is a crisis that has been brought about entirely by the Conservative Party. Whatever our attitude to Scotland's constitutional debate, a fact that should be relevant across that divide is that the UK Government now appears to be at war with itself, incompetent and in the grip of delusional, hard-right ideologues—people who are willing to put their own interests ahead of the national interest, and who are willing to inflict serious damage on the economy, and even put the peace process in Northern Ireland at risk for their pet political project.

Their European Union (Withdrawal) Bill at Westminster is a direct assault on the devolution settlement. The UK Government has already missed far too many opportunities to repair that bill to achieve something that deserves to gain the consent of either this Parliament or the Welsh Assembly. Members of this Parliament from across the political spectrum must now take responsibility for introducing legislation that safeguards our law, including social and environmental protections that have been built up in the European Union; that protects the devolution settlement; and that ensures that Parliament—not the Government—is in control of the process.

I make that point in relation to both minority Governments. Neither the Government at UK level nor that in this Parliament represents a majority, and so parliamentary control must mean the majority in Parliament and not the minority in Government.

**Johann Lamont (Glasgow) (Lab):** Given that Mr Harvie's party sits on the Parliamentary Bureau, will he make a commitment to consider all ways in which we might scrutinise the bill fully—not just in the chamber, but in committee?

**Patrick Harvie:** I absolutely give that commitment. Many such discussions have already taken place. As I said in the chamber the other day, the first time that it was suggested that emergency legislation might be necessary, I made

the points very clearly that the maximum speed that our standing orders allow would be entirely unacceptable and that, whether or not a lead committee is formally designated, committees should take evidence from external witnesses and the Government. I am pleased that that will happen in at least two committees. I know that others are considering their work programmes over the coming weeks and are trying to fit in opportunities.

None of us is capable of achieving perfection from the chaotic constitutional crisis that the Conservative UK Government has created. However, we are capable of improving the situation. If we do not have this Scottish alternative to the withdrawal bill, we will leave the UK Government in a position in which it will be able to force an unacceptable bill on us and fatally undermine the devolution settlement. There can be no doubt that this is an emergency situation and that the continuity bill must be treated under the emergency procedures. However, it is far more significant than any previous emergency bill, so I agree with Johann Lamont and others that we must maximise the scrutiny that is possible within the time available.

We will also take action to improve the continuity bill. My colleague Caroline Lucas has worked with Opposition members of Parliament from across the political spectrum at Westminster to improve the legislation there. We will seek to do the same here, putting forward positive ideas, and I urge the Scottish Government to work constructively with Opposition proposals to change and improve its bill.

However, we will certainly support the resolution to designate the bill an emergency response to an emergency situation.

13:13

**Tavish Scott (Shetland Islands) (LD):** Next week's stage 1 debate will be on Brexit, the Tory Government at Westminster and the powers of this Parliament. Today is about the process, the legislation and the scrutiny of that legislation.

However, I will make just one point on Brexit. I say to Mr Tomkins that, for many of us, leaving the EU is an emergency. For many of us, the issue is also about pressure on the UK Government. We should not be here. It is not this Parliament that should be dealing with this legislation, but we are having to do something to make sure that the powers of this Parliament are protected, which is the purpose of the continuity bill.

I am grateful to the minister for what he has said on stage 2. We can overdo the point about the process and we can overdo parliamentary arguments about why legislation should be

properly scrutinised. However, arguably, those arguments have never applied more than in this case. That is why there have been—I suspect from all parties—requests of the Government and the Parliamentary Bureau to make sure that the legislation is scrutinised properly and fully at stage 2.

This is a profoundly important bill, which was especially apparent when the Lord Advocate made his case yesterday. These are fairly different times, in which we have one legal view from our Presiding Officer and a different one from our Lord Advocate. Just to compound the complexity of the issue, the Welsh Government and the Welsh Assembly have taken a view on a continuity bill that is consistent with the view of our Government here in Scotland, and a Welsh Presiding Officer who has had to make a ruling on the legislative competence of that legislation.

There are a number of aspects that are profoundly important. I agree with Adam Tomkins that external advice from external experts—people who would wish to give a view both on the legality of the bill's measures and on the different legal interpretations—is profoundly important. We do not all live for the next submission from the Faculty of Advocates but on this kind of issue—given the importance of what we are considering—it and many other organisations will have important things to say. Although the Lord Advocate answered a few hypothetical questions yesterday, he certainly was not keen to answer others. Nevertheless, I sense that plenty of our legal friends across Scotland will be pretty keen to give voice to their thoughts on the bill.

How much that matters will be for Parliament to consider, and that is why Patrick Harvie, Johann Lamont and many other members—certainly those on my side of the chamber—feel very strongly that the bill should be considered at stage 2 in committee. That is particularly important.

The bill is about putting pressure on the United Kingdom Government. The timetable is incredibly tight—that is certainly true. The other side to considering the bill in committee is that it allows for a full examination of that timetable. That is a profoundly important point in terms of Parliament's ability to actively and properly scrutinise legislation.

We on the Liberal Democrat benches want to make sure that stage 2 is taken in committee. We understand the importance of the measures that are being put in front of us. We want to make sure that the timetable is set out in a way that ensures that Parliament takes a full and appropriate role.

13:16

**Joan McAlpine (South Scotland) (SNP):** I am pleased to speak today in support of this continuity bill being treated as an emergency bill. It is vital that the bill is passed ahead of the European Union (Withdrawal) Bill, which contains measures that amount to the greatest attack on this Parliament's powers since it was established.

When Scotland's first First Minister, Donald Dewar, addressed the opening of this reconvened Parliament, he said:

"we reach back through the long haul to win this Parliament, through the struggles of those who brought democracy to Scotland".

Donald Dewar is seen by many as the architect of devolution, but in that tribute he explained that it had many architects. He may have been thinking in particular of the late John P Mackintosh, whose life is commemorated in a display outside the chamber today. Donald Dewar was also paying tribute to the many people whose names are now unknown who laid the foundation stones of this place—not physically, but through their ideas, their actions and, perhaps more important, their ambitions for their country.

The UK Government's determination to diminish the powers of this Parliament using the withdrawal bill is more than a constitutional assault. This Parliament is the voice of the Scottish people and any attack on it seeks to silence the Scottish people. We cannot allow that to happen.

Devolution has seen the people of Scotland embarking on a democratic journey and, since 1999, we have made considerable progress along that road. The proposals in the UK Government's withdrawal bill do not just stop Scotland's people moving forward in their journey; they put us into reverse.

The Culture, Tourism, Europe and External Relations Committee is the secondary committee on the bill and, despite the tight timetable, committee members are keen to conduct some scrutiny of the bill and have already discussed ways in which we can do that. The timetable is tight, but it is a timetable that has been forced on this Parliament by the UK Government and the tin ear that it has shown on devolution.

The Conservative Party originally opposed the establishment of this Parliament and paid the price at the ballot box, but in recent years there has been consensus across this Parliament, including from the Conservatives, on the importance of maintaining the settlement that Dewar achieved.

The Culture, Tourism, Europe and External Relations Committee's report on "Determining Scotland's future relationship with the European

Union" was published in March last year after extensive evidence gathering. It concluded:

"We believe that any power currently a competence of the EU that is to be repatriated after Brexit and which is not currently listed in schedule 5 of the Scotland Act 1998 should be fully devolved, alongside a funding mechanism, resulting in no detriment to Scotland."

That conclusion was supported by all members of the committee, including Conservative colleagues. Perhaps they were reassured by evidence given to the committee by David Mundell, the Secretary of State for Scotland, who told us:

"I am not looking to take away any powers that are currently exercised by the Scottish Parliament or the Scottish Government."—[*Official Report, Culture, Tourism, Europe and External Relations Committee*, 22 February 2017; c 32.]

However, taking powers away from the Scottish Parliament is exactly what the UK's withdrawal bill does.

Mr Mundell failed to lodge the Commons amendments to stop that power grab, although he had promised to do so. He should have known the consequences of his inaction and his false promises.

The UK Government is taking a sledgehammer not just to Donald Dewar's devolution settlement, but to the hopes, aspirations and efforts of the many generations whose struggles brought democracy to Scotland and brought this Parliament into being. That, in my view, is an emergency and it demands an emergency response.

13:20

**Maurice Golden (West Scotland) (Con):** The continuity bill is not an emergency bill. Indeed, as it stands, the Lord Advocate was unable yesterday to make a convincing argument that the bill is even within the competence of the Scottish Parliament. I say that on three counts.

First, the continuity bill cannot be brought into effect now because it trespasses on EU law. The eventual effect of the bill, if it is enacted, may not impinge on EU law following the UK's withdrawal but, as of today, that means that the legal competence of the bill is outwith the auspices of the Scottish Parliament. The question of competence, when it comes to compatibility with EU law, is a matter of current legal validity, not future effect. That is the key point of legal analysis on which the Presiding Officer has relied in coming to his decision, and I think that he is correct.

Secondly, we contend that EU law continues to be relevant to the competence of this Parliament irrespective of whether the UK is a member of the EU. The continuity bill implies that the Parliament, as a public body, can be constrained by EU law



only for as long as the United Kingdom is a member state of the European Union. However, the Westminster Parliament, when creating this Parliament, legislated to confirm that the applicability and associated constraints remain irrespective of the status of the United Kingdom.

**Patrick Harvie:** Honestly! Is the member genuinely suggesting that it was the intention of the UK Parliament to bind this Parliament to treaties from which the UK had withdrawn? Is that really his suggestion?

**Maurice Golden:** That is what the law says. Mr Harvie should get up to speed with that. [*Interruption.*]

**The Presiding Officer:** Order, please.

**Maurice Golden:** The third reason why the bill is outwith this Parliament's competence is that this Parliament cannot legislate on reserved matters. The bill sets out provisions on the principle of supremacy of EU law, and we contend that that relates to reserved matters, thus confirming that the bill is outwith this Parliament's competence.

Therefore, we have established that the continuity bill is outwith this Parliament's competence, and I am confident that the Supreme Court would agree with that analysis if required in due course.

I turn briefly to whether the bill should be considered as an emergency bill. The Scottish Parliament's guidance on bills defines an emergency bill as

"a Government Bill that needs to be enacted more rapidly than the normal timetable allows".

The continuity bill cannot have effect until March 2019, so that criterion cannot be met. It is worth remembering that half of the previous uses of emergency legislation procedure responded to court cases, another two responded to situations in which obvious legislative loopholes would have been created had the bills not been passed, and one ensured passage of the budget. The present case does not respond to a court case and no major loopholes would be created in existing legislation if the bill was passed in due time by the correct procedure.

That is why pushing through the continuity bill is a concern in terms of the full parliamentary scrutiny that is required in order that we pass full, efficient and proper law. Creating an emergency aspect for the bill will not allow that and Parliament will not be served.

13:24

**Johann Lamont (Glasgow) (Lab):** I am very concerned about this debate, not least because 1 million people who voted to leave the European

Union do not seem to be factored into any of our debates about Europe just now. That is something that we need to think about. I say that as someone who voted to remain.

In this debate I am not speaking particularly from my party position; I am trying to think through the issues as a parliamentarian, because it is important that we come to this highly unusual set of circumstances with our minds open to the arguments that are being presented on all sides and a willingness to test the arguments rather than close them down.

I am troubled by a number of things. I seek reassurance that we are not setting an unwise precedent. I accept that the issues around Brexit are unprecedented and that it would have been difficult to predict that our country would find itself in this position. On balance, I accept the need for Government to explore options to protect the devolution settlement.

However, we cannot protect this Parliament by being tempted into being cavalier with the procedures that underpin it and have embedded it as an institution. I am concerned that the Presiding Officer has ruled that the bill is not competent. That must matter, and if it does not matter, what is the purpose of the Presiding Officer having the authority to rule in that regard? We should not take the proposed step lightly.

Further, I am concerned by the compressed consideration of the bill. We are told that the emergency procedure is required, but if we can step away from our usual processes in the interests of the Parliament, we should not be constrained by a definition of "emergency procedure" that could not have imagined the circumstances in which we find ourselves.

Frankly, I do not think that it is for a Government minister to indicate that all stages of the bill should be taken in the chamber so that all members can be involved. That is not a Government job. Also, I do not accept that such an approach constitutes proper scrutiny. I do not pretend to have a full grasp of all the issues that are explored and tested in the Parliament as part of its daily work. I am happy to delegate to committees responsibility to explore and test ideas for me. I can then reflect on a committee's conclusions at stage 1. We cannot cross-examine in the chamber. We cannot generate a dialogue. However, that is what we need.

**Patrick Harvie:** Is the member at all reassured by the fact that the Finance and Constitution Committee is planning to take evidence not only from external witnesses but from the Government and is holding open the option of doing so at every stage of the bill?

**Johann Lamont:** I am reassured. I contend—let me go slightly further than Tavish Scott went in this regard—that stage 1 is the critical stage, at which the opportunity is afforded to voices outside the Parliament to draw conclusions on the general principles of the bill.

I was struck yesterday by the Lord Advocate's tone and thoughtfulness, and—to be fair—none of us would argue that Professor Tomkins has no awareness of the relevant issues. However, I was struck by how distant I felt from the arguments, altogether. I want the Government argument and the arguments of those who do not support the bill to be tested. There was unanimity on the problem that the bill seeks to address. Why do we not have unanimity on the need for the bill itself?

That is the job of the parliamentary process. Only by serious scrutiny can we draw conclusions about which matters are substantial and which are simply to do with party considerations. We need to know the difference between the two.

On balance, I accept the argument that the bill should be introduced. However, I seek a commitment that the Parliament will explore the role of the Presiding Officer in the certification of bills—if not now, then at some point in the near future.

I also make a plea that the introduction of the bill and its designation as urgent does not mean that the timetable is collapsed in a way that overly restricts scrutiny and precludes witnesses who are external to this Parliament from being heard. If the bill is controversial and is to end up in court, it will be in the interests of the Parliament to be shown to have taken its scrutiny role seriously at every stage.

I say in all seriousness to the Government minister who has already provided some helpful words and to parliamentarians around the chamber that, if our mission is to protect the Parliament, we must not act to undermine it.

13:30

**Ivan McKee (Glasgow Provan) (SNP):** Sometimes, life deals us a bad hand. We have to struggle on bravely through trials and tribulations and put a brave face on it. We have to admire the tenacity of those who face up to adversity and all that life can throw at them, turning up for work each day and trying to make the most of it.

Members on the Scottish Tory front bench find themselves in such a position at the moment, faced as they are with the shambles of Brexit. Remainers to a man and woman, they are faced with a situation that is not of their making. They are marching in a direction that they know is mistaken, to the beat of a drum that is irregular at

best and often incoherent, in the knowledge that those directing traffic have no idea what is around the next corner and far less idea about how to deal with it. If that is not bad enough, they have a leadership that sometimes looks as though it is deliberately sabotaging their efforts. It is as though they are being sent to the crease only to find that their bat has been broken by the team captain.

A Tory party in disarray over Europe is nothing new. Tory members were promised by no less an authority figure than the Secretary of State for Scotland that all would be well, that clause 11 of the European Union (Withdrawal) Bill—

**Jamie Greene (West Scotland) (Con):** On a point of order, Presiding Officer. I thought that the debate was about the competence of whether the bill should be treated as an emergency bill, but I have not heard a single word about that from Ivan McKee. Will he come to his point on that matter?

**The Presiding Officer:** I thank Mr Greene for his point of order. I have to say, Mr McKee, that I was thinking along the same lines as Mr Greene. Please address the central point of the motion on the emergency procedure.

**Ivan McKee:** I was of course addressing the remarks that were made earlier by Maurice Golden.

Tory members were promised that clause 11 of the European Union (Withdrawal) Bill would be safely amended in time for leaving the House of Commons at the end of last year, but it was not to be. We now find ourselves in March and the clock is ticking. Commitments made by members of the UK Government are seen to be of little value, so members of the Tory front bench troop into the TV studios to defend the indefensible, trying to spin their way out of the mess that someone else created and continues to create each day.

I move to the specifics of the bill that we are debating today and to its intent and timing. Why is such a bill necessary, and why is it necessary now?

In politics, as in life, trust is an essential commodity. In an environment in which trust has been built up over time, actors can behave accordingly by cutting some slack and understanding where there is give and take, secure in the knowledge that working together to find a common solution is in everyone's interest. However, that trust has been destroyed—possibly deliberately—so it is no surprise that we find ourselves in this position. Little communication has taken place on the fundamental issues to do with Brexit and how they will affect Scotland, so it is no surprise that considerable doubt exists as to the good will and intent to find a solution that protects the Scottish devolution settlement.

**Neil Findlay:** I do not know whether another SNP member will speak in this debate, but surely one member of the SNP back benches has something to say about the concerns about scrutiny in this building, or is it the case that SNP members are whipped so hard that none of them can ever express any concern?

**Ivan McKee:** I am coming on to address the issue of timing, but we are where we are because of the actions of the UK Government. The bill has to go through in time to protect the devolution settlement—that is the reality of it.

The Scottish Tories, and Mr Findlay, know fine well that the Scottish Government has waited until the last possible date before introducing the continuity bill. Leaving it any longer would mean that it could not be enacted prior to the passing of the European Union (Withdrawal) Bill, which is an essential prerequisite for the continuity bill to take effect as intended. The way in which the Scottish Tories are arguing against the emergency procedure suggests that they know that all too well but have no desire for the protections that are offered by the continuity bill to be put in place.

The bill is necessary to protect the powers of this Parliament. It is the backstop that provides us with some protection from the Brexit chaos that is consuming the UK Government. The timing of the bill being introduced now is necessary to ensure that those safeguards are in place in sufficient time.

We should also not lose sight of the bigger picture. By intent, or by omission, the actions of the UK Government represent a significant threat to the devolution settlement. It is our duty and our responsibility as members of the Scottish Parliament to protect that settlement, and that is what we will have the opportunity to do over the coming weeks by passing this emergency bill.

**The Presiding Officer:** I am conscious that we are tight for time, but there is also a great deal of interest. I ask Mike Rumbles to make his remarks very short and to stick to one minute or so.

13:35

**Mike Rumbles (North East Scotland) (LD):** Standing orders state:

“Unless the Parliament decides ... on a motion of the Parliamentary Bureau, Stages 1 to 3 of an Emergency Bill shall be taken on the same day.”

That is because, by convention, an emergency bill, which is intended to fix an immediate problem in Scottish law that cannot wait, has all-party support. Evidently, there is not all-party support for the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill and there is not an immediate issue that cannot wait.

By seeking to introduce this as an emergency bill, the Government ensures that all the stages must be taken by a committee of the whole Parliament. That is a problem, as we do not have the ability to call witnesses and examine evidence. We could have handled the matter differently and suspended standing orders to allow stage 2 to be taken by a committee. That would have been the better route to have chosen.

I will reluctantly vote for this motion today, but only on the basis that the Finance and Constitution Committee takes formal evidence from witnesses on the bill before we get to vote in the chamber at stage 2.

**The Presiding Officer:** Thank you for keeping your remarks brief, Mr Rumbles.

13:36

**Claire Baker (Mid Scotland and Fife) (Lab):** We wish that this bill was not before us and that an emergency process was not necessary. The preferred outcome would be a European Union (Withdrawal) Bill from the UK Government that the devolved Governments and Parliaments could support, so why are we in this regrettable situation?

There are shared serious concerns about the UK Government's approach. So far, the assurances that the issues would be fixed have been hollow. Make no mistake: the Conservative Government is the reason why we are facing the situation today, and its failure to respond sufficiently to the concerns of the Scottish Parliament and the Welsh Assembly is deeply disappointing and brings us to the response that has been brought forward today in order to work to safeguard our laws.

However, how can MSPs be confident in the legislation? When we look at the positions of the Presiding Officer and the Lord Advocate, we see legal uncertainty. It seems inevitable that the legislation will end up in the Supreme Court.

We will work constructively on the bill, but we cannot ignore the challenges that we face in dealing with such significant legislation as an emergency. As members will know, it is rare for us to deal with emergency legislation, and I do not think that it has happened in a situation similar to the one that we face now.

The bill has been rushed. It is important that MSPs can fully engage with the process and have confidence in our considerations. Our business manager has made a request to the Parliamentary Bureau for MSPs to be properly supported and informed, because the bill is complex and we face a number of different outcomes.

This afternoon, MSPs have made clear the importance of scrutiny and have asked what opportunities there will be for members to exercise that. We have concerns about stage 2 in particular. In ordinary circumstances, stage 2 provides an opportunity for debate, compromise and consensus building all taking place in the setting of a committee room. Members will recognise that that is a much different atmosphere from the one that we often experience in the chamber. Scrutinising legislation in a committee often gives us time for more considered reflection than does the sometimes heightened atmosphere that we experience in the chamber.

Is it possible for members to have greater clarity over the division between the two Governments, which Neil Findlay mentioned? It would be helpful to have greater understanding of where the points of disagreement are between them. There seems to be a level of agreement that frameworks are necessary, but it is important to have greater transparency, which would help us to make a judgment on the legislation that we are about to examine.

The situation is far from ideal. We face an extremely truncated legislative process, which is, frankly, unacceptable, but we accept that we are left with little choice. The UK Government's failure to resolve the situation is the latest test that we have seen to the devolution settlement. This time, the risk to the devolution settlement comes from the Conservative Party—the so-called defenders of the union. Devolution is the settled will of the Scottish people and Labour has been consistent in supporting devolution, defending devolution and making the case for devolution. We have had to lead the charge at Westminster with amendments to attempt to fix the UK bill as a result of the lack of resolve, initiative and political will that has been shown by the Conservative Government.

I urge the UK Government and the Scottish Government, along with the Welsh Government, to strain every sinew to find a solution in the short time that we have, so that we can avoid having to proceed with the bill that is before us. I accept that the Scottish Government's bill is necessary, but it is a challenging and problematic piece of legislation that we are having to deal with.

13:40

**Donald Cameron (Highlands and Islands) (Con):** We are confronted today by a narrow but fundamentally important issue, which is whether the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill should be treated as an emergency bill. The short answer is no, for several reasons.

First, there is a convention that emergency legislation is required to deal with emerging events that require an instant reaction from Parliament. The very first act of this Parliament was, in fact, emergency legislation—I am sure that there are members who will recall passing the Mental Health (Public Safety and Appeals) (Scotland) Act 1999, which was introduced to close a gap in legislation that was identified by a court decision. Five other acts that originated as emergency bills followed the same pattern. With one exception, which was a budget bill, all were specific bills that responded to unique, ad hoc events—often court decisions—that required urgent legislation. With respect, the situation in which we find ourselves in relation to the bill before us in no way fits with that tradition. Further, as Mike Rumbles said, there is also a tradition that emergency bills achieve consensus. Given the diversity of opinion that has been expressed today, that cannot be said to exist in this case.

Secondly, there is a question over timing. The bill is not remotely an emergency. The legislation cannot have effect until after the United Kingdom leaves the European Union. That point was central to the Lord Advocate's argument yesterday on the bill's competence. He said that the bill was within competence precisely because it would not take effect until after Brexit happens.

**Patrick Harvie:** Will the member take an intervention?

**Donald Cameron:** I am sorry; I do not have time.

What the Lord Advocate said about the legislation being an urgent practical necessity was in relation to the operation of the law after withdrawal, namely 29 March 2019, which is a year away. The urgency in this situation is not in the coming weeks but in the aftermath of Brexit day next year.

The third reason to reject the motion, which is the most important one, concerns the role of this Parliament and all of us within it. The issue of emergency legislation is not an arcane debate about rules of procedure—it is not about navigating the dry, technical pages of the standing orders, dusted off so that lawyers and pedants can have some fun—it goes to the very purpose of what we do as a legislature. The continuity bill represents fundamental constitutional legislation. It is about the powers of the Parliament, as the minister just said. It is perhaps the most sweeping legislation that has been presented to this Parliament in terms of what it seeks to achieve, by ensuring that EU law is carried over into Scots law.

**Patrick Harvie:** I assure the member that the only people who are having fun in this situation are

expensively educated idiots like Rees Mogg and Boris Johnson.

**The Presiding Officer:** Mr Harvie, the members you named are not members of this Parliament, but I still urge you to be respectful to everybody you describe in this chamber. [*Interruption.*] Order. Mr Cameron, I will allow you an extra minute, but I will first let Mr Harvie finish his question.

**Patrick Harvie:** Thank you, Presiding Officer. I certainly offer those gentlemen the respect that they deserve.

**The Presiding Officer:** Mr Harvie, that is quite enough. Mr Cameron, please continue.

**Adam Tomkins:** Hear, hear. Shameful.

**Donald Cameron:** I certainly regret taking that intervention, Presiding Officer.

If there is one area in which we should not legislate in a hurry, it is the constitution. The Scottish Government's policy memorandum says that relying on the bill alone following the withholding of legislative consent will add complexity and present serious logistical challenges. We also have the unprecedented scenario that you, Presiding Officer, have taken the view that this bill is outwith legislative competence and is thus unlawful and beyond our powers. If any bill requires proper, detailed and measured scrutiny, it is this one.

**Bruce Crawford (Stirling) (SNP):** Will the member give way?

**Donald Cameron:** I do not have the time.

How long does the proposed timetable give us? It gives us a day a week over three weeks—in other words, three days. That is three days for the bill to be assessed by this Parliament's many committees; for the bill to receive due scrutiny from MSPs; and for the bill to be debated, amended and critiqued. Such a timetable is patently insufficient.

My appeal is to MSPs of all political stripes, but especially to the conveners and deputy conveners of every committee of this Parliament, the Deputy Presiding Officers and those MSPs who prize their role as parliamentarians just as highly as their role as party politicians: whatever their view of the conduct of the UK Government or the Scottish Government in the current negotiations, whatever their view on common frameworks and internal markets and whatever their view on the rights and wrongs of Brexit—and however passionately those views might be held—the fact is that today's motion is about how we as a Parliament legislate. It goes to the core of what we do, how we do it, the precedents that we set and the people whom we represent.

The devolution settlement is a precious and finely balanced thing, and we all share the belief that it needs to be protected. However, as parliamentarians, how can we possibly protect it by curtailing our well-worn procedures and rushing through legislation on the constitution of dubious legality by treating this issue as some kind of national emergency?

I urge the chamber to vote against the motion.

13:46

**Michael Russell:** I have to say that I regret the Conservative view, because we as a Government have been endeavouring to work with the Conservatives to find a way through a very difficult—[*Interruption.*] I am going to treat this very seriously, and I hope that Conservative front-bench members will do the same.

We have been trying very hard to work with the Conservatives in this Parliament and in the UK Parliament to find a way of defending the Scottish Parliament and its powers. We have done that across the parties; I will not go into any detail, but we have met regularly with all the parties and hope to continue to do so. I therefore regret not only the tone but the attempt to create a false division. There is no doubt that there is an emergency. In my summing up, therefore, I will deal with two issues: first, the question whether this is an emergency; and, secondly, the very serious questions that a number of members have raised about this Parliament's procedures.

This is an emergency under almost any definition that we might wish to apply. It is an emergency as far as the timing is concerned. The UK Government's withdrawal bill was published on 13 July last year, and on 19 September last year, the Welsh and Scottish Governments brought forward their amendments. However, we had nothing in writing from the UK Government with regard to an amendment to the bill until the second half of February this year. We have shown extraordinary restraint in the process of negotiation to try to get the change that in November and early December the UK Government accepted it wanted to bring forward. That amendment has still not been tabled. I agree with Tavish Scott that Brexit itself is an emergency, but this is also an emergency with regard to the way in which the UK Government has treated the two other Governments that are engaged in the process—regrettably, there is no Government in Northern Ireland—by refusing to accept that it has a responsibility to bring matters forward timeously.

This is also an emergency under the definition set out by Donald Cameron. He used the terms "unique" and "ad hoc", but Brexit is a unique set of

circumstances, and the ad hoc circumstance that has brought us here is the impending failure of those negotiations, despite the good efforts of the Welsh and Scottish Governments to try and get change.

The third point about the emergency is the most ridiculous of all. On the argument that the bill could be introduced now but should be introduced sometime after March 2019, we could not, under the definition that we have heard, bring emergency legislation on the matter to this chamber even on 28 March 2019, because that would still be in anticipation of our leaving the EU. In other words, we could only bring it after we had left. What a ridiculous point of view. [*Interruption.*] I am sorry—I have hardly any time to get through this. I will just say that we have been endeavouring to get a solution, and we will continue to work to do so.

Before I turn to some points of detail, I want to address the very serious points that have been raised about the procedures of the Parliament. Neil Findlay asked, quite legitimately, whether anyone on the SNP benches was concerned about scrutiny. I am concerned about it, which is why I wish to have as wide a debate as possible and to move as firmly as possible with the Labour Party and the Liberal Democrats—

**Mike Rumbles:** Does the minister agree that Parliament could suspend standing orders to allow a committee—whichever is appropriate—to look at the bill at stage 2, so that we would have a proper process?

**Michael Russell:** I accept that that is possible and I am happy to discuss that proposal with the Liberal Democrats and Labour in order to get even better scrutiny. I accept that the scrutiny is not perfect—I said so in my introductory remarks and on Tuesday. Nothing is set in stone. If we accept that this is emergency legislation, we can have those conversations. I want to ensure that scrutiny is as thorough as possible.

Johann Lamont also made a telling point about the stage 1 process, which needs to be considered in relation to external input.

We are in this situation through no fault of our own or of the Welsh Government—we have both taken exactly the same position. I do not speak for my Labour colleague there, Mark Drakeford, but I am sure that he is also concerned about issues of scrutiny. We will do everything possible to accommodate the concerns and to be part of changes. However, this is an emergency, which will require a process that is not as intense as we have in other circumstances.

I will deal with some of the areas for consideration in relation to the bill. Neil Findlay asked about the 25 areas of disagreement; I am happy to discuss with Mr Drakeford and the UK

Government how we could present those, but as much information as possible should be given on the process of negotiation. I hope that, during the bill process, we will be able to address some of the specific issues that Mr Findlay has raised. For example, exit day is in the bill because the UK Government could change the date of exit day, so unless our bill also included that where it deals with devolved powers, we might be left with an inflexible date. Therefore, our date will go in lockstep, but we need the ability to react to the UK Government.

Neil Findlay asked about clause 11; the answer is that it would go—it would be redundant, so it would not be required. With regard to the number of statutory instruments, both Governments have estimated that there would be about 800 to 1,000. If the bill was to come into operation as intended, to work alongside the UK bill, there would be a division of labour. It is perfectly possible that we would be able to divide up that workload equitably and fairly and would find ourselves doing no more than we already anticipate.

**Neil Findlay:** On that very important point, does the minister expect the recess to be cancelled?

**Michael Russell:** Even with the withdrawal bill, we would be in the same situation. I hope that it will not be necessary to cancel Mr Findlay's trips to exotic parts, but you never know. To be fair, I have to point out that Brexit is a Tory manufacture, and therefore the workload that we are talking about has not been brought about by me or by anybody else. However, we will have to deal with that workload, and we do not anticipate that it will be substantially more weighty than the workload that we already face.

I could address a range of other issues, but we will address them during the bill process—we will find every possible way to do that. Nobody wishes to be in these circumstances; I wish that we could wind the clock back so that we were not involved in this complete nonsense of a process that is being incredibly badly mishandled by Conservative ministers and the Conservative Government. However, regrettably, we are where we are—as Ivan McKee indicated—and we have to move forward.

I hope that the chamber can support the motion. I give a solemn and firm undertaking that I have not only heard but listened to the concerns about scrutiny. We will work with the other parties to make sure that we address as many of those concerns as we possibly can.

**The Presiding Officer:** That concludes the debate. I will move straight to the question.

The question is, that motion S5M-10735, in the name of Michael Russell, on treating the UK Withdrawal from the European Union (Legal

Continuity) (Scotland) Bill as an emergency bill, 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)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (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)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (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)  
 Mackay, Derek (Renfrewshire North and West) (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)

McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

**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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (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)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 86, Against 27, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill be treated as an Emergency Bill.

## Business Motions

13:55

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of two business motions, the first of which is motion S5M-10745, on a timetable for an emergency bill.

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. Before we consider the business motion on timetabling, I seek your guidance on its implication. I am under the impression, and some of my colleagues have told me that committee clerks may be under the impression, that deadlines for amendments may precede the debates, so the stage 2 deadline might precede the stage 1 debate. I know that privately, in meetings of the Parliamentary Bureau, you have told us that that will not be the case, and that you have given general guidance to the bureau to that effect, but I think that it would be helpful, even if we cannot be specific about the amendment deadlines today, if you could give general public advice, including to all our subject committees and their members, to the effect that amendment deadlines will be after the debate for each preceding stage, so that members are in a position to prepare any proposals for amendments.

**The Presiding Officer:** I thank Mr Harvie for his point of order, which does indeed give me an opportunity to make the chamber aware of an issue that was discussed at the most recent meeting of the bureau. The rules on emergency bill procedures allow me, as Presiding Officer, to make a determination on the deadlines for amendments at stage 2 and stage 3, and I will make any such determination having consulted business managers on the Parliamentary Bureau. I hope that that reassures the member.

**Johann Lamont (Glasgow) (Lab):** On a point of order, Presiding Officer. There were helpful reassurances about reconsideration of the capacity of the Parliament to scrutinise the bill. I would want a reassurance that supporting the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill does not preclude the bureau from listening to and acting on the reservations that have been expressed across the chamber about what that timetable actually means.

**The Presiding Officer:** We have not done so yet, but we are about to consider two motions that set out the timetable for the emergency bill procedure. Those motions have already been discussed at the Parliamentary Bureau. It is for Parliament to decide whether to agree to the timetable. Even if we agree to the timetable, it

would be possible for the Parliamentary Bureau to discuss the matter once more and for the Parliament to rearrange the timetable. It would be up to the Parliamentary Bureau to bring back an alternative if business managers wished to do so.

Motion S5M-10745 is on a timetable for an emergency bill and motion S5M-10764 is on a revised business programme. Any member who wishes to speak against those motions, or either motion, should press their request-to-speak button now. I call Joe FitzPatrick to move the motions.

*Motions moved,*

That, subject to the Parliament's agreement to treat the Bill as an Emergency Bill, the Parliament agrees to consider the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as follows: stage 1 on Wednesday 7 March; stage 2 on Tuesday 13 March and stage 3 on Wednesday 21 March.

That, subject to the Parliament's agreement to treat the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as an Emergency Bill, the Parliament agrees to the following revision to the programme of business Wednesday 7 March—

delete

*followed by* Scottish Government Debate: Convention for the Safeguarding of Intangible Cultural Heritage

insert

*followed by* Stage 1 Debate: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

*followed by* Financial Resolution: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill—[*Joe FitzPatrick.*]

13:58

**Maurice Golden (West Scotland) (Con):** I have no wish to rehash the debate that we have just had regarding the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill and its status as an emergency bill, so my point is specifically about timetabling, which these motions refer to, and about respecting the will of this Parliament as well as the default position, which is far from desirable. We believe that, even as emergency legislation, there needs to be an increase in parliamentary scrutiny, for which the proposed timetable does not allow.

Given that the continuity bill is a highly significant piece of wide-ranging legislation, we believe that full parliamentary scrutiny, including the full involvement of committees, is required. I urge the Parliament to consider a proper process for consideration of the legislation, and to reject the timetabling as set out in the two business motions.



13:59

**The Minister for Parliamentary Business (Joe FitzPatrick):** As the Minister for UK Negotiations on Scotland's Place in Europe stated during the debate, if the continuity bill is to achieve its purpose of defending the interests and powers of this Parliament, an emergency timetable will be required to ensure that it can be in place prior to the final passage of the European Union (Withdrawal) Bill.

Indeed, the Finance and Constitution Committee's interim report, which was unanimously agreed by committee members, recognised that very point. The interim report accepted that

"In the event that the Scottish Government is unable to recommend ... consent"

to the European Union (Withdrawal) Bill and a continuity bill is introduced, there would be a need for a timetable that would

"maximise the scope and time available for scrutiny".

That is what today's business motion proposes.

**Johann Lamont:** I am sure that the minister understands the gravity of the points that were made around scrutiny. I am concerned that he seemed to reiterate a point that was made before this debate about the timetable. I seek reassurance that the timetable is something that he will work to, but that he is more than happy to look again at the detail of how that scrutiny is carried forward.

**Joe FitzPatrick:** Yes. I have confirmed to at least two of the other business managers that my intention is to work with them to ensure that the points that Johann Lamont and others have made in the chamber today can be taken into account. Clearly, that will be a decision for the full Parliamentary Bureau.

The Parliament has now agreed to treat the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as an emergency bill. If the phased timetable that is set out in the business motion is not agreed to, the default position in standing orders is that all three stages of the bill will be taken in one day. That would not fulfil the recommendations of the committee's interim report and it would fail to give Parliament the appropriate time to consider that important bill. Although the timetable that the Government seeks is challenging, the Government recognises that it is both appropriate and right that the Parliament should be able to consider the continuity bill fully in the maximum time available so that it is passed before the withdrawal bill becomes law. Obviously, taking into account the points that have been made, we need to look at how we undertake that

consideration to ensure that committees and others can have input into the process.

The timetable is not of our choosing; rather, it is a consequence of the exceptional circumstances in which we find ourselves. I therefore ask Parliament to support the proposals to ensure that the continuity bill can be appropriately scrutinised and I urge Parliament to agree to the motions.

**The Presiding Officer:** The first question is, that motion S5M-10745, in the name of Joe FitzPatrick, on a business motion, 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)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (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)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (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)  
 Mackay, Derek (Renfrewshire North and West) (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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

#### 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (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)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 86, Against 27, Abstentions 0.

#### *Motion agreed to,*

That, subject to the Parliament's agreement to treat the Bill as an Emergency Bill, the Parliament agrees to consider the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as follows: stage 1 on Wednesday 7 March; stage 2 on Tuesday 13 March and stage 3 on Wednesday 21 March.

**The Presiding Officer:** The second question is, that motion S5M-10764, in the name of Joe FitzPatrick, on a business motion, 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)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (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)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (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)  
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 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (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)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)

### 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)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (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)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 86, Against 27, Abstentions 0.

### *Motion agreed to,*

That, subject to the Parliament's agreement to treat the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as an Emergency Bill, the Parliament agrees to the following revision to the programme of business Wednesday 7 March—

delete

*followed by* Scottish Government Debate: Convention for the Safeguarding of Intangible Cultural Heritage

insert

*followed by* Stage 1 Debate: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill

*followed by* Financial Resolution: UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill—[Joe FitzPatrick.]

*Meeting closed at 14:03.*



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

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