

MEETING OF THE PARLIAMENT

Wednesday 20 March 2002
(*Afternoon*)

Session 1

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Scottish Parliament

Wednesday 20 March 2002

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 13:45*]

Time for Reflection

The Presiding Officer (Sir David Steel): We welcome the Rev David Cooper to lead our time for reflection today. He is the synod secretary of the Methodist Church of Scotland.

Rev David Cooper (Synod Secretary of the Methodist Church of Scotland): I am, of course, anxious about leading this time for reflection. Like members, I cannot claim that I am unused to public speaking, but unlike some of you, I am not used to reading ministerial statements. I come from part of a Methodist tradition that values extemporary preaching and praying. My anxiety lies in being tied to a written text.

Throughout mainland Scotland and Shetland there are more than 70 Methodist churches, more than 30 full-time ministers and a large band of trained and approved lay people who lead worship and preach. We have been in Scotland for more than 250 years and our churches at Dunbar and Arbroath have been in continuous use since John Wesley's visits there. Our church members are part of British Methodism and we, in turn, are part of a worldwide Methodist family that has a membership of 34 million people. Within so great a number of people, across the continents and with differing histories, there is much variety of expression of faith, but there are family patterns that hold us together: a sense that God is for all people, not just some; and an awareness that holiness requires involvement in social and political issues rather than being shut off from the world.

I return to the aspect of our tradition that values extemporary speaking. In your experience you have to listen as much as speak, so you know who the star performers are. They are those who hold your attention with their grasp of the issues, present themselves clearly and engagingly, give a window into what makes them so motivated and convince you that you share their view. Some will achieve that by reading from a carefully prepared script, others will speak from notes of varying comprehensiveness and there will be those without a piece of paper to be seen. What makes the last possible for some Methodists is their reliance on being firmly grounded on a fourfold

pattern: knowledge of the scriptures; awareness of church tradition; readiness to use reason; and the testing of all those by experience. That is our way of being who we are.

You have patterns, too: as an assembly, as parties and as individual members of the Parliament. There must be huge amounts of paper in circulation, as well as electronic communication. However, public speaking has its appropriate place, and I trust that we do it well, with or without notes.

Let us pray,

Almighty God,
you raised up your servants, John and Charles Wesley,
to proclaim anew the gift of redemption
and the life of holiness.
Pour out your Spirit,
and revive your work among us;
that inspired by the same faith,
and upheld by the same grace in word and sacrament,
we and all your children may be made one
in the unity of your Church on earth,
even as in heaven we are made one in you;
through Jesus Christ our Lord. Amen.

Education

The Presiding Officer (Sir David Steel): The next item of business is a statement by Cathy Jamieson on the national debate on education. The minister will take questions at the end of her statement, so there should be no interventions during it.

13:50

The Minister for Education and Young People (Cathy Jamieson): I am happy to make this statement on an important issue. We all know that education is key to delivering the best possible life chance for every child and young person in Scotland. Our aim is to give Scotland a world-class education system. That means raising standards for all and closing the gap between those who perform well and those who fall behind. We have evidence of solid progress.

We have a large number of professional, dedicated and highly effective teachers who—on the whole—deliver good education. That is not just my opinion; it was demonstrated in the recent results of the programme for international student assessment—PISA—which is a major international study of pupils' achievement. When ranked against their peers in more than 30 countries, Scottish pupils were fifth in mathematics, sixth in reading and ninth in science. Our challenge is how to work in partnership with the whole education community to continue that improvement. We must remember that Scottish school leavers surveys show that differences in family circumstances are one main source of inequality in attainment.

In Scotland, we are justly proud of our record in education, and of the achievements of Scots around the world. We continued to lead with the Standards in Scotland's Schools etc Act 2000, which established a focus on education that encourages, supports and inspires every child to reach his or her full potential. The pace of change in the world, the growth in the knowledge economy and the demands that they will place on us create an urgent need to consider what it means to deliver education for the individual in that changing society.

Last December, I wrote to the convener of the Education, Culture and Sport Committee to announce formally my intention to hold a national debate on the future of school education. It is my privilege today to launch that debate and, at the same time, to launch a unique partnership between the Scottish Executive and the Education, Culture and Sport Committee. In the spirit on which the Scottish Parliament was

founded, the Executive and that committee will work together to consider the future of school education. That public service is vital to the well-being of the people of Scotland. I take this opportunity to thank Karen Gillon and the parties that are represented on the committee for their willingness to enter the partnership and to bring their expertise to the challenging task that lies in front of us. Make no mistake—the task will be a challenge.

The Executive's role is to lead in developing policy, but that is not the same as imposing our views on people without proper consultation. Early next year, we intend to publish our strategy for the future of school education, which will look at least 10 years ahead. I want to hear as many views as possible on what people want from our schools, so that the strategy will be as robust and as grounded in reality as possible. Crucially, I want to build on evidence from the people who deliver education in our schools every day and who know what works.

Our strategy will be achieved by continuing to work with teachers, parents and young people; we will work with everyone who has an interest in education. The strategy starts with listening. We are determined to build on the new atmosphere that we have begun to create in schools. The Executive will work nationally and locally with organisations—including parents organisations, teaching unions and young people's groups—to help to bring the debate to as many people as possible. The debate will be national.

The process is designed to collect views that will be expressed in discussion about fundamental education issues. In discussing views with one another, we will develop our thinking and get the most from the exercise. We have prepared a briefing pack, which will be sent to every education authority and school, and to the organisations that are already discussing with us their plans for the national debate. We will advertise widely the fact that anyone who wants to participate can get a pack by ringing a national phone line or by downloading the material from the Executive's website.

Also on the website will be an invitation to submit feedback or join a discussion online. There will also be an up-to-date timetable of national debate events around Scotland that the Executive has heard about in advance. I invite everybody to get involved. My officials are ready to offer advice and support to any organisation that is interested in getting involved in the debate. If anyone is arranging an event, they should tell us about it so that we can publicise it on the website.

As I said, the Scottish Executive and the Education, Culture and Sport Committee have agreed to work together. The committee will complement the Executive's arrangements by

producing papers that consider key issues in more depth. The committee will also take oral evidence and will share with the Executive valuable feedback that it receives. We will share with the committee the feedback that is submitted to us from discussions around Scotland. Today, the Education, Culture and Sport Committee has formally launched its plans for the national debate, and I believe that the partnership will leave the Executive and the committee with a better understanding than ever before of what we really want from school education.

It is important that we challenge ourselves every so often by asking some fundamental questions about education and our schools. We need to ask what school education is for, what we want it to cover, how we want to deliver it, who should be involved and what skills they will need. We need to ask when we want to deliver it—when in young people's lives, when in the year and when in the day. We need to ask what sort of places our schools should be in the 21st century and we need to hear the views of young people and the views of parents, teachers and educationists.

When we ask those questions, we must remember that schools are not the only places where young people learn. Children and young people also learn in other settings. Families and peers can be strong influences on learning. How can we channel that positively? I believe in the importance of lifelong learning, wherever it takes place. It can happen for young people in clubs and organisations. School education must be partly about preparing people for learning throughout their lives. To achieve the best for all our children, we want to hear from organisations that work with children outside schools, from further and higher education, and from business and industry. Those views will be important in helping us to explore models for the future.

Researchers, education professionals, parents, pupils, teachers and others might already have views on those fundamental questions. The national debate is a forum in which to draw all those views together constructively. It is not about individual organisations pressing for their views to prevail, but about finding ways to work together in future. There might be others—perhaps parents or grandparents—who worry that they will have nothing to offer the debate. They might have seen much change in education since they left school and feel that their views will not count, but that is not the case. I want everyone to join in the debate in whatever way they feel most comfortable, whether through a local group discussion or an online discussion, or by simply sending in their views.

I have no doubt that people will want to ask me what I think the answers are to those fundamental

questions. Of course I have views, but the consultation exercise is not narrow. I am not offering for comment a view of the future—I want to find out the extent of consensus about the future of Scottish education and I want to know where there are disagreements and differences of view. I want the difficult decisions that we will have to make in setting our strategy for education to be as well-informed as possible.

So, is everything about school education up for debate? In exploring fundamental issues about education, we open up a range of possibilities. I shall spell out the approach that will underpin the strategy. First, any future system of school education must be grounded on the principles of inclusion and equality. In order to give every child the best possible start in life, we must address those fundamental needs. Secondly, school education must remain a public service that is available to all—a principle that I believe will be endorsed by all members. Thirdly, the vital links between schools and communities must be recognised and developed. Much good work is being done to integrate children's services across institutional boundaries and I want that work to continue and grow. Local authorities' clear and continuing role in the provision of education for children, and linking that role with other local services, will be key. I am not setting out those principles to constrain the debate; I believe that those principles will give us a sound foundation for the future.

We all have a responsibility to ensure that our education system allows every child or young person to develop to his or her full potential, regardless of background or circumstances. Many countries are thinking about the future of education and international discussions suggest exciting possibilities. Schools must continue to do much more than transmit knowledge if they are to give young people what they will need. Young people need to be engaged by their education, to be excited by it and—dare I say it—to have fun, as was suggested by young people whom I met yesterday.

We are educating the future citizens of Scotland and the wider world. We want young people to be creative, confident and capable citizens. We must consider the latest learning research and use it to help each individual. Young people are more aware than ever—perhaps more aware than us, occasionally—of the huge range of opportunities that is available to them. Our challenge is to equip young people to make the most of those opportunities. Together, we can ensure that Scottish education rises to the challenges of the future.

Some people might be concerned by the thought of looking several years into the future and

planning for change in school education. The teachers who work every day with children in Scottish classrooms and who deliver on the promise of giving children a good start in life might feel that in recent years teachers have had to cope with more than enough change. When I am in schools, I often hear a heartfelt plea for a period of stability. I know that many parents and pupils worry about the pace of change. Therefore, I want to reassure them that the education debate is not about causing another upheaval for the next couple of years, but about genuinely setting out a vision for the future—not just my vision, but a shared one. That is why I am so pleased that we have overwhelming support for the national education debate from teachers' organisations, education directors and local authorities.

We must focus more sharply on what works for young people. We must not expect that adding more and more subjects for schools to deliver will improve education. We must avoid the temptation to launch new initiatives in response to perceived problems or opportunities in schools. A strategic approach will help us to promote change that will bring benefits, while providing the stability that will allow a focus on delivering for young people.

We have begun to provide that period of stability for schools. We are tackling issues of pay and conditions for teachers. We are reforming the arrangements under which new teachers enter the profession and we are introducing the chartered teacher status. The national priorities framework will cascade into planning at local authority and school level. We must allow schools to be free to get on and deliver the best outcomes for their pupils in line with national priorities.

We all have a common aim—we acknowledge and share the objective of giving every child and young person in Scotland the best possible start in life. We have a duty to today's school pupils, but we also have a duty to plan school education for tomorrow's pupils in order to give them the best start for life in a different world.

By setting out a long-term strategy for education, we can plan effectively for future developments and manage them properly. Only by taking that long-term view, which will be informed by the widest possible discussion of the issues, can we develop a world-class education for all Scotland's children.

This is our chance to look to the future, informed by the past and the present. Our experiences and those of our parents and our children can contribute to a shared vision of education for the 21st century.

The Presiding Officer: Thank you. I must tell members that the debate is heavily over-subscribed, so this question session cannot be

open-ended. I appeal, therefore, for short questions and answers, to allow as many members to speak as possible. We start with Mike Russell.

Michael Russell (South of Scotland) (SNP): I at least partially welcome the statement. However, I cannot help but remember that when the SNP called for a debate on education in 1998, the then minister with responsibility for education—Helen Liddell—attacked us on the grounds that such a debate would be

“a diversionary tactic to avoid answering questions about”

our “education policies”. There is an element of such tactics in the Executive's announcement.

However, let me be generous. There is a need for a debate in Scotland, although I feel that its proper place is in the Education, Culture and Sport Committee. I am sorry that the Executive is duplicating that committee's work, but I hope that the evidence that the Executive receives will be made available to the committee, as we will make our evidence available to the Executive.

There are some key questions about Scottish education to which we need answers, not more questions. For example, we need to know whether the Executive is really in favour of streaming. I will quote Helen Liddell again, this time with some approval. When Michael Forsyth introduced the debate on streaming in the mid-1990s, Helen Liddell said that to bring in such a policy would be

“flying in the face of everything that we have learned in Scotland over the last 30 years”.

Is there a serious intention to debate streaming? I hope not.

Will serious attention be paid to the problems with the McCrone agreement, which is unravelling before our eyes? Will we receive any answers about the huge difficulties that have arisen, particularly in relation to probationary teachers? Furthermore, will we receive any answers about the difficulties that young people face owing to the pressure of exams?

We are in a position to ask questions about education. It is the Government's role to provide answers and I would be more relieved if we received some of those answers now, instead of more questions. I look forward to the minister's comments.

Cathy Jamieson: If that is a welcome, I am not sure what to expect from Mike Russell's criticisms. I am a little disappointed by his tone, given the constructive discussions that we had with members of the Education, Culture and Sport Committee, including Mr Russell. We agreed to develop the matter in a way that would allow everyone to be involved in discussions about the best way forward for the children and young

people of Scotland. I am disappointed that Mike Russell has turned his question into nothing more than a party-political rant.

I will refer to some of the issues that Mr Russell mentioned. In launching the debate, I made it very clear that we have a responsibility toward Scotland's children. The Executive is delivering on education. We are actively involved in addressing attainment levels in schools and in closing the gap for the most disadvantaged pupils. We are also preparing work on how to provide more inclusive education for children who have special educational needs. As a result, we have no difficulty with continuing to address those questions.

The national debate is an opportunity to look to the future and to leave a legacy for Scotland's children when we leave our positions and others take over. I hope that people will participate in the debate with that in mind.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Unlike Mike Russell, I welcome the minister's announcement and look forward to a national debate on education. I can also assure the minister that, again unlike Mike, I got out on the right side of the bed this morning and will consider the minister's comments.

The minister spoke many fine words that very few, if any, of us could disagree with. Her sentiments are fine: it is important that we ensure that every child in Scotland has the best possible chance in life, and education plays a fundamental part in that. However, I want to raise two points from the minister's statement.

Very early on, the minister said that she would not impose the Executive's views without consultation. Does that mean that she will impose those views after consultation? If we are going to have a debate, we must ensure that it is open. I seek clarification on that point, because on page 11 of the statement, all her fine words give way to an admission that there are limits to the debate, such as the need to maintain the role of local authorities.

I draw the minister's attention to an article in *The Scotsman* today by John McTernan, who, as I am sure that she knows, was a former chairman of education in Southwark and a former head of policy for Henry McLeish. Mr McTernan suggests that local authorities should not provide education; instead, the funding should go directly to schools, which would then buy in services from local authorities. That would maintain the role of local authorities, but would direct the money in a different way.

In drawing that article to the minister's attention, I seek reassurance that the debate will be worth while and that doors will not be closed on ideas

that genuinely seek to secure the egalitarianism in education that the minister would like. I seek reassurance that there will be a real opportunity for debate and that the minister will not close that debate down.

Cathy Jamieson: I am glad to know that Brian Monteith got out of bed on the right side this morning. I am sure that he always gets out of bed on the right side rather than the left.

Brian Monteith asks whether I would seek to impose views after consultation. I believe strongly that consultation is a continuous process. We do not want to start by presenting only one option for the future and saying that people can take it, leave it or have a bit of it. We genuinely want to get views and opinions.

I have set some parameters for the debate. It would be wrong of the Executive, when a period of stability is needed, to suggest that there might be a fundamental change in the immediate future. The debate will give us an opportunity to explore in more detail many issues in which particular organisations have a particular interest. I encourage—indeed I urge—all organisations to put their views into the debate.

It is important to acknowledge that we have plans to pool all the information at a later date. We will then seek to draw up a strategy on the basis of which we will consult. The ministerial statement is the first part of the process. I look forward with interest to hearing all views and opinions. I may not agree with them all, but I will hear them.

Ian Jenkins (Tweeddale, Etrick and Lauderdale) (LD): I, too, was disappointed in the tone of Mike Russell's remarks. Perhaps when he gets out of the grandstand and back on to the pitch, he will play a full part in the team.

I welcome the tone of the minister's announcement. I like the idea of a wide-ranging debate on educational issues that seeks to involve the whole nation in an open and inclusive discussion to reflect on where we are and where we want to go. It is a poor organisation that becomes so engrossed in its day-to-day work that it becomes impossible for it to stand back from time to time to consider its position and look at the direction in which it is going.

Does the minister agree that the debate can take place on several levels? Does she agree that practical questions that relate to discipline in schools, the shape of the school year, methods of assessment, how classes are structured and the content and shape of the curriculum are important and legitimate topics that must be grappled with? Does she also agree that the debate is an opportunity to discuss more fundamental questions about the kind of opportunities that we wish to offer our citizens—not just our school

pupils, although I know that we are talking about school education in particular—in a world that is changing fast? Does she agree that it is an opportunity to talk about how our education system can balance its desire to cater for the needs and rights of the individual with our wish to shape a caring, compassionate and inclusive society, and an opportunity to debate the balance between knowledge, ideas, skills and personal development? Finally, does the minister agree that, in debating those wider issues, we seek to provide a framework inside which we can better address the practical issues that I mentioned a moment ago?

Cathy Jamieson: The short answer is yes, but I will take a minute to expand on that. The issues that Ian Jenkins raises are the fundamental questions that we will consider during the debate. The material that we have prepared to encourage people to become involved in the debate enables them to participate whether their interest is at the practical, day-to-day level or in the wider issues such as research into the ways in which young people learn best or the way in which schools should be organised. There is a range of ways in which people can participate.

I am interested in encouraging people to talk about the issues and to give their views. I outlined my view that it is important to do that in the context of wanting the best possible opportunities for all children and young people.

The Presiding Officer: I remind members that we must have short, single questions. I have a long list of people who want to be called and there is no hope of calling them all.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I, too, welcome unequivocally the minister's statement. The minister will recall the concerns that were recently raised by Professor Joe Farrell of the University of Strathclyde about standards of literacy among school leavers. I am sure that she will be aware that concerns about literacy and numeracy are shared by others in higher and further education and by employers.

Will the minister give an assurance that the forthcoming debate on the matter will allow such concerns to be fully aired and explored? Will she give an assurance that the parameters of the consultation on this subject will not end at the school gate, but that the Executive will reach out to those in direct contact with school leavers—notably those working in further and higher education—and to employers?

Cathy Jamieson: I can give the member reassurance on both those points. We are giving priority to the improvement of literacy and numeracy and we have taken a clear decision that we want to hear from employers, from others in

the higher and further education sector and from young people themselves about their experiences and about what will assist them to move into the world of work in a creative way.

I had an interesting discussion with some young people in Edinburgh yesterday and they highlighted the opportunities that they felt could be made available. I am sure that that will be our focus in the course of the forthcoming debate.

Robin Harper (Lothians) (Green): Will the debate be genuinely wide, and will it question the philosophy and purpose of education and examine the place of drama, music, outdoor and environment education? Has the Executive identified anybody to lead on the development of environment and outdoor education?

Cathy Jamieson: I want to reassure Robin Harper that the issues that he raises will be options for discussion during the debate. We will also continue to focus on them in our day-to-day work.

The member asks whether we have identified anybody specifically to lead on outdoor education and education about the environment. A long list of organisations, ranging from the teachers unions to individual schools and organisations, are involved. It is open to any organisation that wishes to put in a submission to get in touch with us, and we will give what assistance we can. If the member has any organisations in mind, I hope that he will encourage them to play a full part in that.

Irene McGugan (North-East Scotland) (SNP): I wish to press the minister further on the extent to which the consultation is meaningful. Does she think that the consultation encourages genuinely open debate, given that the Executive seems to have made up its mind on a number of fundamental issues, such as private finance initiative building programmes, streaming, home education and mature students, to name but a few?

Cathy Jamieson: I repeat that this is a genuine consultation exercise. We have agreed a unique partnership with the Education, Culture and Sport Committee, of which Irene McGugan is a valuable member. I look forward to hearing her contributions during the forthcoming debate. Our programme covers work that is being undertaken now and that we will continue to deliver for the children of today. We genuinely want to hear views and opinions about how we will take that work forward.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I welcome the minister's statement. On one of the points raised by Irene McGugan, much emphasis appears to have been laid on school buildings, but the minister is as aware as I am that formative education,

particularly in the early years, does not always take place inside school buildings. If we are truly interested in providing the best possible educational start, what assurance can the minister give me that those who are involved in pre-five education will be part of the holistic approach that she hopes to move towards?

Cathy Jamieson: I know that Margaret Jamieson takes a close interest in pre-five education. I hope that she is aware of the amount of work that the Executive has already done to ensure that nursery provision is made available to three and four-year-olds and that she recognises the other work that has been done to improve opportunities for young people and families. The link for vulnerable young people between the home and nursery provision or between the home and school is vital. I expect that issue to be addressed during the forthcoming debate and I encourage people in the sector to become actively involved.

Alex Neil (Central Scotland) (SNP): I draw the minister's attention to the excellent report that was published yesterday by the Enterprise and Lifelong Learning Committee. That report contains a great deal of evidence and many recommendations that are relevant to her responsibilities, particularly in the section that deals with transitions from school.

Susan Deacon referred to problems in terms of numeracy and literacy. Opinion is divided on the scale of those problems, about which I would like to make two specific points. First, some of the evidence that we received was very disturbing. The University of Strathclyde modern languages department said that it had to run remedial courses for school leavers because of their low standards of literacy and numeracy. That issue needs to be addressed.

Secondly, under the previous First Minister the moneys that have been made available to deal with low standards of numeracy and literacy were to be channelled through the college sector, but they have since been channelled through local authorities. Will the minister ensure that those moneys end up in literacy and numeracy programmes, rather than being used for purposes that have nothing to do with literacy and numeracy?

Cathy Jamieson: I am aware of the report to which Mr Neil refers. It will be a valuable contribution and will provide us with issues to think about during the debate. We will examine the report in due course.

Mr Neil made a couple of interesting and helpful points. It is important to recognise that opinion is divided on where and to what extent problems exist in relation to numeracy and literacy. It is important that we continue to ensure that such

problems are addressed at the earliest possible stage—from the moment that young people become involved in the educational process as well as in pre-school years. A number of important initiatives are under way that will encourage parents to work with their children from an early stage. We will keep a close eye on such initiatives and give them priority.

Jackie Baillie (Dumbarton) (Lab): Unlike Mike Russell, I welcome the minister's comments about the unique partnership between the Executive and the Education, Culture and Sport Committee. We have a real opportunity to develop a shared understanding of the way forward.

The committee is keen that we consider how we deal with alienation of some children in our schools. As the minister knows, there is a clear correlation between poverty, disadvantage and low educational attainment. Is the Executive minded to focus not only on equality of input but, increasingly, on achieving equality of outcome?

Cathy Jamieson: I thank Jackie Baillie for her helpful comments. I hope that my statement made it clear that closing the opportunity gap is vitally important to us. I also hope that during this debate we will address that point, consider ways of ensuring that a young person's potential, rather than their postcode, determines the outcome of their education and ensure that every young person has the opportunity to get maximum benefit from their school education. That means focusing on improving attainment levels overall and closing the gap for those who, until now, have not had opportunities to succeed.

Dennis Canavan (Falkirk West): In the debate about streaming, will the minister distinguish between rigorous research and mere anecdotal evidence? Is she aware that, according to every relevant, reputable academic study, streaming leads to lower educational achievement for the vast majority of pupils? It would be turning the clock back for the Scottish Executive to reintroduce the divisive system of selecting and rejecting pupils at an early age—a system that was discredited more than a generation ago because it contravenes the principles of inclusion and equality of educational opportunity for which the minister has expressed support.

Cathy Jamieson: I take on board the comments that Dennis Canavan has made. I will be interested to consider the rigorous research to which he refers. It is always helpful to examine any initiative to find out whether it is delivering what it says it aims to deliver. We will continue to do that. I reassure the member that my basic principle—the Executive's basic principle—is to ensure that every young person has the opportunity to fulfil their potential. We want to identify ways of delivering that for individual young

people and of ensuring that no young person is written off or suffers because the opportunities that best meet their needs are not available to them.

Maureen Macmillan (Highlands and Islands) (Lab): I welcome the statement that the minister made, particularly on how wide-ranging the consultation will be. Will the minister ensure that the marginalised groups of children who slip in and out of education are considered in the consultation? I refer to looked-after children, Travellers, school-phobics or those who have poor health that makes them unable to cope with full-time education. Sometimes there are no groups to represent those children. I ask the minister to look for advocates for them during the consultation exercise.

Cathy Jamieson: I am happy to give Maureen Macmillan an assurance on that. She will know that we have given priority to improving the educational attainment levels of looked-after children. We have also taken significant steps to assist young people who suffer from health problems to attain educationally. I want to ensure that we consult young people or people who represent them during the process.

Murdo Fraser (Mid Scotland and Fife) (Con): Debate is always welcome, but I am interested in the question of how genuine the debate that we are having is. Will the Executive change its policy on exclusions if the clear view that it is wrong emerges from the consultation? What will happen if the clear view emerges that we should have a policy of compulsory school uniforms or that we should get rid of Catholic schools? I support Catholic schools, but would the minister defend them if that view were to emerge? The key question is whether the consultation is a cosmetic exercise or whether the minister is prepared to consult and listen to responses even if they contradict existing policy.

Cathy Jamieson: I have made it very clear that we welcome views and opinions. At the end of the process we will have to examine and analyse all the information that we get in. The Education, Culture and Sport Committee will take oral evidence and consider some of the issues in more depth in its inquiry. I would prefer to wait to see what the consultation process produces and what some of the issues are. I hope that it will not simply result in each pressure group using the debate as an opportunity to lobby only for its interests.

It is important that we find ways of working together and building consensus on the way forward. I hope to do that by bringing people together to discuss the important issues.

Tavish Scott (Shetland) (LD): I, too, welcome the national debate that the minister initiated today. Does she acknowledge that the guidance

that is provided to young people as they go through school is particularly important? In that sense, vocational and academic streams must be acknowledged as equally important in the decisions that young people make as they go through school.

Does the minister acknowledge that the national debate must address the pressure that teachers feel because of the bureaucracy that they face, in her constituency and mine, particularly in small schools in situations in which there are composite classes?

Cathy Jamieson: The member makes valuable comments. We will address in the consultation process the issue of ensuring that young people have the opportunity for work experience or vocational opportunities during their education. That links in with the report of the Enterprise and Lifelong Learning Committee to which Alex Neil referred earlier.

We acknowledge that there is a range of schools of different sizes, natures and styles throughout Scotland. I want to hear suggestions for a way forward from people who are involved at the sharp end in all those schools.

Rhona Brankin (Midlothian) (Lab): I welcome the minister's statement. Does she agree that the rather anecdotal evidence about literacy and numeracy skills that Alex Neil cited is not borne out by fact, given that more young people leave school with more qualifications than ever before? Will the minister assure us that an evaluation of higher still will continue to examine the link between school and the world of work?

Cathy Jamieson: I hope that I have given that assurance and that I have said that we will examine evidence-based research to try to find out what works and what the position is. Although we will listen to views and opinions, we will want to check out the kind of information to which Rhona Brankin has referred. We will balance what we have evidence of with anecdotal evidence from other quarters.

Bill Butler (Glasgow Anniesland) (Lab): I welcome the minister's statement and the fact that staff, pupils and teachers are to be given the opportunity to be involved meaningfully in the wide-ranging exercise. Will the minister assure me and other members in the chamber today that the strategy that is to be produced will strike a proper balance between the intellectual development of young people, which is important, and their emotional or affective development?

Cathy Jamieson: In our discussions with young people yesterday, they gave us graphic examples of the good learning opportunities that are available in schools. However, they also said that they felt that there were areas—life skills in

particular—on which they wished to focus in more depth. They also wanted to be given more support on some of the issues and difficulties that are involved in growing up and in being a teenager. We want to ensure that we get that balance right. We have to remember that education is about academic learning and about giving young people an education for life.

The Presiding Officer: I thank the minister and the chamber for their co-operation. We have got through all the questions at a brisk pace without trespassing on the time that is allocated for the next debate, which is heavily over-subscribed. I ask members to show self-restraint when giving their speeches.

Land Reform (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): We move on to the stage 1 debate on the Land Reform (Scotland) Bill. I call Ross Finnie to open for the Executive.

While we are waiting for the minister to open the debate, I could deliver some intimations.

14:32

The Minister for Environment and Rural Development (Ross Finnie): My apologies, Presiding Officer.

I am delighted to be opening the first full debate on the Land Reform (Scotland) Bill, which is another important step in the Executive's land reform programme. Whatever view is taken of the bill, the historic importance of today's debate cannot be overstated.

In the past 60 years, land reform did not get on to the Westminster parliamentary agenda, although it has consistently been on the agenda of the people of Scotland. There is no doubt that devolution and the creation of the Scottish Parliament have brought forward land reform. The vast majority of those who voted in the Scottish parliamentary elections in 1999 did so for parties whose manifestos included a commitment to legislate on land reform.

Our reasons for embarking on the land reform programme are simple. We believe that the way in which land in Scotland is owned and used has a major effect on peoples' lives, particularly in rural areas. The coalition's first programme for government committed us

"To reform Scotland's outdated feudal and land tenure systems"

and to

"create a fair and modern system of land ownership and access through a programme of radical reforms".

Today's debate is a major step towards achieving that.

The land reform agenda is wide ranging, but it has a common core. It is about adjusting the balance between private rights and the public interest in ways that are appropriate to the 21st century. To underpin that, a wide range of separate initiatives is set out in our land reform action plan.

In the first three years of the Scottish Parliament, our ambitious programme has included three major land reform-related bills; we have introduced bills on feudal reform, on national parks and now on land reform. Collectively, we

can be proud of our achievements so far. Two of those bills have already been enacted and the Land Reform (Scotland) Bill is now before the Parliament at stage 1.

The white paper of July 1999, which set out much of what is in the bill, was based on extensive consultation. At the time, we made it abundantly clear that our minds were by no means closed to new or different ideas. We said that we would listen to what people said; we meant it and we have done so. We have also devoted time to developing the technical provisions that are required to make our proposals workable and effective. The process resulted in the draft bill, which was published in February last year.

An extended 18-week consultation period followed, during which we received more than 3,500 responses—an unprecedented level of response for any bill. As a result, we were able to make further improvements to the bill before we introduced it last November. Since then, the Justice 2 Committee and the Rural Development Committee, along with several other committees of the Parliament, have considered the principles of the bill. That brings us to where we are today.

Alex Fergusson (South of Scotland) (Con): Given the extensive time that it has taken to get to this stage, as the minister points out, is it right that the committees that were asked to look at the bill were given only three weeks to take evidence? Was that sufficient time for the committees to do justice to the task? Is there any way in which that situation could be put right?

Ross Finnie: I am not entirely sure how the member counts three weeks. The bill was published in November. I am not suggesting that the Rural Development Committee did not have that time. The member's accusation about the period of three weeks is directed towards the Executive. I congratulate both committees on the comprehensive way in which they conducted their work. I thank those who were involved in the process. In particular, I thank the members of the Justice 2 Committee for their detailed and constructive report.

Before I outline each of the three major parts of the bill, let me reiterate the fundamental principle that underlies its provisions. That principle, as set out by the land reform policy group, is to remove land-based barriers to development. The means of achieving that are increased diversity and increased community involvement in the way in which land is owned and used. Such an approach reflects the Executive's broader priorities for economic development and social justice in rural Scotland.

Murdo Fraser (Mid Scotland and Fife) (Con): Will the minister take an intervention?

Ross Finnie: I want to deal with part 1 of the bill first. Part 1, which creates rights of responsible access, was the part of the bill that attracted the most comment during consultation. Since the revised bill was introduced, part 1 has continued to generate significant debate. The changes that we made following consultation have been widely welcomed. There is strong support for legislation to make it clear where people may legally go in the countryside. It is recognised that such clarity will benefit those who visit the countryside and those who manage the land.

I have read with interest the evidence that was presented to the committees. Much time and effort were devoted to discussion of the current law on access. Conflicting views were expressed on the existence of a general common-law right of access. After careful consideration of all the evidence, the Justice 2 Committee concluded in its report:

“there is no criminal law of trespass”.

The report continued:

“there is no civil statute law of trespass.”

On the common law,

“the Committee remained unpersuaded by the evidence and arguments that there is either a clear prohibition or a clear permission in relation to harmless access to land.”

That statement entirely justifies the need for legislation. If the committee and others who heard all the evidence were unable to come to a clear position on the current law, what hope do the ordinary public have of doing so? There is a need for clarity.

Pauline McNeill (Glasgow Kelvin) (Lab): I thank the minister for quoting paragraph 26 of the Justice 2 Committee's report. It took us a long time to come up with that small number of words. However, he missed out one line of the paragraph. We noted that

“what is not expressly prohibited is permitted.”

That line, which represents Lord Reed's position, is an important part of the paragraph's construction. I would like the minister to comment on that, as we receive hundreds of letters about it.

Ross Finnie: I thank the member for making that point, which is linked to an aspect that I will deal with in a moment.

There is no doubt that among established legal opinion trespass is part of the law of Scotland. In general, as the Justice 2 Committee said, someone who intrudes on another person's land does not commit a criminal offence. However, certain types of trespass might be criminal under statute. Remedies are available under civil law. For example, a landowner can seek an interdict from the court to prevent further trespass.

Nevertheless, it is accepted that, in practice, landowners are often left without an effective remedy in cases of harmless trespass. That is where confusion arises. The lack of an effective remedy does not imply the existence of a current right of access. That relates to the point that Pauline McNeill made.

For the first time, the Land Reform (Scotland) Bill creates a general right of access to land in Scotland. I consider that to be of major importance. The bill is important in providing the opportunity for people to experience the wealth of our natural heritage and in encouraging participation in outdoor pursuits and the benefits to health that that can bring. The bill is also important for social inclusion, because it provides people with more opportunity to pursue those activities around where they live.

Dennis Canavan (Falkirk West): The present common-law position on trespass may be in dispute, but would not it be helpful if the bill made it clear that it will in no way reduce existing rights of access under the common law of Scotland?

Ross Finnie: The bill already does that.

Dennis Canavan: Where does it do that?

Ross Finnie: If I can find the section, I will come back to it. My memory is good, but it is not that good.

I welcome the many constructive comments that the Justice 2 Committee made. Let me deal with two of those comments. First, on occupiers' liability, we considered carefully the drafting of section 5(2). Our intention was to ensure that liability is not increased by the creation of access rights. However, we do not seek to reduce the current duty of care that is currently placed on occupiers by statute. Although we consider that the bill achieves those aims, we note the Law Society of Scotland's comments, which we shall consider further.

Secondly, on the exclusion of commercial activities from access rights, it is clearly not our intention to put small businesses at a disadvantage or to curtail enterprise. However, I have reservations in principle about granting a business a statutory right of access to someone's land for the purpose of making a profit. Accordingly, I am not minded to replace the section with guidance in the access code. However, I recognise that there are real anxieties, especially about those who make a profit by assisting persons in their passage across land rather than by exploiting the land per se. In my view, granting the latter a right of access to land would be wrong. However, drawing a clear distinction between the two is not as straightforward as it might seem. I will look carefully at the committee's suggestions for a

possible amendment to section 9(2)(a).

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The minister talked about those who are "exploiting the land". Does he care to give a definition of what he believes "exploiting" means in that context?

Ross Finnie: If a person uses the right of access that is conferred under section 1 to gain access to land and then—temporarily or otherwise—occupies that land deliberately to make a profit from it, that person is using the land in a way that the landowner might otherwise expect to use it. The two situations to which I referred need to be distinguished. There are distinctions to be drawn. I will therefore look closely at the evidence that was given to the committee on that issue.

David McLetchie (Lothians) (Con): Will the minister give way?

Ross Finnie: No, I will move on, if I may.

Let me turn to the community right to buy. As I mentioned, the conclusions of the land reform policy group sought to remove the land-based barriers to the development of rural communities through increased diversity and community involvement in the way in which land is owned and used. That will pave the way for less concentration of ownership and management in a limited number of hands, especially at local level.

Clearly, there are instances in which the objectives of the landowner clash with those of the community. Of course, that is not always the case, but there are many examples of landowners thwarting development for their personal interests. We believe that providing an opportunity for communities to register an interest in, and subsequently buy, the land is an important way of removing those barriers and of encouraging sustainable development throughout rural Scotland.

Murdo Fraser: Alasdair Morrison, the former Deputy Minister for Highlands and Islands and Gaelic, said that the land reform bill was

"about the redistribution of wealth".—[*Official Report, Rural Development Committee*, 8 January 2002; c 2723.]

Does the minister agree with that statement?

Dennis Canavan: What is wrong with the redistribution of wealth?

Ross Finnie: The bill is certainly about a redistribution of rights. If Mr Canavan has his copy of the bill to hand, he will see that section 5(3) is the section that he was looking for.

The proposals in part 2 of the bill will move us progressively towards our objectives and will promote inclusivity within rural communities. The statutory right of communities to register an

interest in land will mean that they have the ability to achieve ownership when the land comes to be sold. It will also give them an assurance that the land cannot be sold without their having an opportunity to buy.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister take an intervention?

Ross Finnie: I would like to make one more point first.

I am pleased that the Justice 2 Committee acknowledges that the community right to buy is an important right that will give communities an opportunity to take control of their own destiny when faced with circumstances in which the existing landowner seeks to constrain appropriate development. I also agree with the committee that responsible land managers who work effectively with local communities have nothing to fear from the bill.

The committee raised one or two points about community bodies. It questioned whether there was a need for such bodies to be set up as companies limited by guarantee at the point of registration. We will look carefully at what the committee said, but I believe that it is vital to ensure that bodies that seek to register land have serious intent, even at the early stage. We chose companies limited by guarantee because we felt that there is a robustness, an openness and a transparency in relation to such companies and how they are established and maintained—those features are desirable for these purposes. We also believe that such companies are inexpensive to establish. However, I will consider a number of issues, particularly the possibility that, as constituted, the companies may not be able to obtain charitable status. I know that that issue caused considerable concern to the committee.

The committee also asked us to look again at the range of transactions that will trigger the community right to buy. We have based our proposals on the trigger being “willing seller, willing buyer”. That means that, when a landowner decides to sell, he has to do so to the community body if an interest has been registered in any part of the land. I believe that that preserves the balance between the rights of the property owner and those of the community.

Stewart Stevenson: Does the minister accept that, as long as a large proportion of land in Scotland is owned by limited companies or controlled by trusts, only a minority of land will ever fall within the opportunity to buy that the bill grants?

Ross Finnie: Having made points about registration of interests in land and balancing rights, I was coming on to say that—as the Justice 2 Committee pointed out and as Mr Stevenson

has just pointed out—substantial lands exist under trusts or limited companies. We will consider the committee’s comments and ideas on how the transfers described in section 37 might be widened. However, I should point out that such changes are not easy, as was well debated in the committee. We are certainly willing to consider the committee’s views in the light of the evidence that has been put to us.

The committee also told us that some past community buy-outs would not have happened had the bill been in force. We have considered carefully what criteria would be reasonable, desirable and suitable to the ethos of a community right to buy. Where communities want to acquire land in future—once the bill is passed—I am quite sure that they will want to make arrangements that comply with the legislation, so that they can take advantage of the assistance that it offers them in achieving land ownership.

The provisions in part 2 of the bill will mean that communities can plan ahead and not be forced to react at short notice to any announcement of a sale. It is vital that the right-to-buy process is predictable for all involved.

Richard Lochhead (North-East Scotland) (SNP): Will the minister tell the chamber what percentage of Scottish land he estimates will change ownership each year under his proposals?

Ross Finnie: Mr Lochhead knows that the answer that I gave him in the Rural Development Committee has not changed.

Richard Lochhead: Will he remind us?

Ross Finnie: Mr Lochhead’s memory should be better than mine.

Alex Fergusson: Will the minister tell us for the benefit of all members?

Ross Finnie: We are not estimating total amounts of land. We believe that the bill gives communities rights. As I made clear during discussions in committee, progressively more land will be able to be acquired—Mr Stevenson’s intervention touched on that issue.

I want to move quickly on to discuss crofting communities. More than decisively, we have to consider the balance of power between the crofting communities and the landowners, to ensure that landowners pay proper regard to the needs of those communities. I therefore welcome the comprehensive support for our measures from the Justice 2 Committee.

The crofting community right to buy involves a complex process that no crofting community will undertake lightly. Some members regard the process as burdensome, but I make no apologies for that. Our primary concern is to deliver a right

that will work in practice. When the bill is enacted, it is always possible that use of the right will be contested in the courts. I am determined to produce a right to buy that will stand up to that legal challenge.

I do not expect a formal legal process to be used regularly. As with compulsory purchase, once it becomes clear that the crofting community right to buy can be used successfully, it will not need to be used. Instead, an indication that the process might be used will lead to negotiated sales of croft land to the crofting community. However, the bill will give crofting communities the option of buying where their relationship with the landlord is unsatisfactory. That should ensure that the owners of crofting estates who want to continue in ownership will follow more readily the example of those landlords who maintain a good relationship with their tenants.

There has been vociferous opposition to the crofting community right to buy from some salmon fishing interests. Much of that has smacked of a patronising or condescending approach towards crofting communities. I am therefore pleased to note that the Justice 2 Committee supports the inclusion in the bill of a right to buy salmon fishings.

Fishery boards and angling interests expressed legitimate concerns about the impact of the draft bill's proposals on salmon fishing. I am satisfied that the provisions of the Land Reform (Scotland) Bill address those concerns. In order to maintain investment, the bill provides that there is a limited period of one year after the acquisition of croft land in which a crofting community can apply to buy contiguous salmon fishings.

It is public policy to achieve the conservation of salmon stocks. The Executive has a clear interest in meeting that policy objective. A proposal to exercise the right to buy salmon fishings that would not result in the conservation of stocks would inevitably be against the public interest. We share the view expressed by many that, when it comes to salmon conservation, who owns the fishings is ultimately immaterial. We believe that the provisions as drafted are perfectly adequate to protect fish stocks and maintain long-term investment.

Other concerns about the crofting community right to buy hinge on the definition of "community" and the role of crofters. I understand fully the desire of crofters to control what will happen. However, I believe that the provisions give adequate protection to crofters and I am pleased to note that the committee agrees with the Executive's view on that.

We have come a long way since the white paper of July 1999 and we have made further changes

since the draft bill was published a year ago; we have improved our proposals. The bill contains the building blocks of a structure that will greatly benefit the people of Scotland.

I have referred to the main points that the committee raised, but I am aware that its report highlights a range of other issues that we will need to consider further at stage 2. I am fully committed to taking the bill through the Parliament.

I move,

That the Parliament agrees to the general principles of the Land Reform (Scotland) Bill.

The Deputy Presiding Officer (Mr Murray Tosh): I advise members that the debate is heavily subscribed and that I will be strict with speaking times.

14:53

Roseanna Cunningham (Perth) (SNP): I was sorry to see that the usually relatively sensible Bill Aitken was in print this morning with some hysterical nonsense about "the new Highland clearances" and

"a landgrab of which Robert Mugabe would be proud."

The Tory position is ridiculous, because it supports local landowning monopolies. Criticisms can be made of the bill, but the SNP will vote for the bill and it will go through.

There is a scandal about land ownership in Scotland, which goes back to when land was first enclosed and treated as though it belonged to an individual, rather than to communities. The ownership of great tracts of land by individuals is a concept that ordinary Scots have never accepted. Scotland has the greatest concentration of land ownership in Europe. According to Andy Wightman, two thirds of Scotland's land is owned by just 1,252 people—that is 0.025 per cent of the population. That is the scandal of land ownership in Scotland.

Finding out who owns land is a hugely difficult business because the owners hide behind companies. Absentee ownership has been a major irritation. Although there are many enlightened landowners, it is a lottery whether someone gets such a landlord in the decision-making process. If someone is unlucky enough to live in a community where the landowner resists selling land for housing or puts obstacles in the way of development, as Vestey did when he owned Assynt, it is too bad for them, too bad for their family and too bad for the whole area.

However, the communities of Scotland have started to prove the truth of an old Gaelic saying, which I will try to pronounce:

"Na daoine—nas trèine na tighearna."

That means

“The people—mightier than a lord.”

It is time for the Parliament to come in on the side of the people and give legislative support to their might. To be in the position of debating the principles of a land reform bill affords enormous satisfaction. All the many committees that were involved should be congratulated on their work. The final report is commendable.

The part of the bill that attracted most comment was part 1, on access rights. Originally, the draft sections were couched in terms that caused a bit of a stushie in the various access lobbies. The Executive should be congratulated on its response to the consultation, which has meant, in turn, that that is the part of the bill that is most changed from the original. However, it is fair to say that many concerns remain. Those concerns have been expressed by a large number of diverse interest groups.

On a philosophical point, the minister appears to have got himself into a bit of a mess on the law of trespass. The fact is that there has long been a widely understood and accepted *de facto* right of access in Scotland. We are making that *de facto* right statutory because it was being challenged increasingly, often to the detriment of ordinary people. Those challenges continue right up to today. There are reports in *The Scotsman* today. Last week, I was written to by a constituent who was ordered off a vehicle track on an estate in Perthshire.

I appreciate that there has been a debate about the law of trespass for many a long year. Someone could probably write a PhD on the subject and still not come to a final conclusion. Possibly that has been done, but it is not necessarily the minister's place to be making declarators of law in the way he seems to have chosen to do. The fact that the minister has done that has given rise to the concern that what is before us is a concession, when that is not how people view it. I commend to the minister the approach of the Justice 2 Committee, which I paraphrase by saying that it is a cautious repudiation of the ministerial assertion, albeit one that accepts that the case law is confusing. I reinforce the committee's point that, in Scots law, what is not expressly forbidden is permitted.

There are many exclusions that could be debated, but I will confine myself to the one that has caused most controversy. That is the problem connected with section 9(2)(a), which seeks to exclude commercial ventures from the right of access. That provision is not sustainable in its present form. There has been a deluge of evidence highlighting the dangers of section 9(2)(a) and its possible detrimental effect on the

vital economic sector of leisure and tourism. Outdoor recreation generates somewhere between £600 million and £800 million of Scottish tourism income—about six times the income from hunting and fishing—involves 23,000 jobs and is of vital importance to Scotland. There is no doubt that massive alarm has been felt by the exclusion of commercial activity.

I note the minister's comments, which suggest that he might be minded to make some concessions. However, I believe that section 9(2)(a) has to be removed from the bill completely or moved to the access code to allow for guidance that seeks to remove landowners' concerns about those commercial ventures that would involve, for example, erecting structures on the ground. That is really the basis of the problem with section 9(2)(a).

Leaving section 9(2)(a) in the bill could lead directly to charging for access. I do not think that it is alarmist to say that. Dartmoor National Park Authority charges £500 to commercial photographers, including, I understand, media photographers. Everyone rushes to say that they have never heard of such a thing happening in Scotland and that they do not think that it would happen. I have no such confidence. The truth is that, once a class is created of people who have to seek formal consent for access—as section 9(2)(a) is presently constituted that would include those who are walking or mountain guides—it does not take a genius to spot that charging for that consent will be seen as a nice little earner. Frankly, section 9(2)(a) would in no way prevent that from happening in Scotland, and we should resist that at all costs.

There is another aspect of the bill that needs to be addressed. Many of us in this chamber will have been approached by farmers who farm close to urban areas. In one case in my constituency, the planned building of 900 houses in one area—Oudenarde at the Bridge of Earn—will result in the houses being bounded on three sides by a motorway, a river and a railway, and on the fourth side by a farm. An adequate core path network will be vital if the farmer's understandable concerns about frequent casual access are to be alleviated. However, section 17 allows only for local authorities to draw up core path plans, when what is needed is a clear statement in the bill that local authorities will be responsible for the establishment and maintenance of those plans. Core paths should not be seen as an alternative to responsible access, but the actual—not just theoretical—provision of such paths will be vital for the success of the totality of the access proposals.

Another issue that arises from access in areas of higher population density is liability. I am not sure who is advising farmers, but the farmer who

is concerned about the situation at Oudenarde says:

"If people are present by right I am led to believe that they have to be taken into consideration in our risk assessment."

He does not say who is leading him to believe that, but he goes on:

"due to our situation, we would probably have a duty of care towards children using our land in order to protect them from harming themselves. They can't read the dangers and I am informed that we could be liable. Modern society is much more litigious and this is a real concern."

Clearly, there is a serious need for reassurance on liability. Section 5(2) was added to the bill in an attempt to provide just such reassurance, but the Executive has not been helped by the evidence of the Law Society of Scotland, which reinforces the concerns of the Scottish Landowners Federation and the National Farmers Union of Scotland. The Justice 2 Committee has made a fair assessment of the concerns in its report and, at paragraph 44, it makes a recommendation to the Executive. That recommendation, if implemented, would further emphasise the reassurance that I know the Executive means to give. I hope that the minister will take that recommendation to heart. Perhaps my constituent's comment about our more litigious society is a fair point that we have to take on board.

The bill's provisions on access are undoubtedly important, but, for me, it is the right-to-buy provisions that will begin to change the pattern of land ownership in Scotland. There should be no doubt that a change of ownership is precisely what is intended. Equally, there should be no doubt that it is that change of land ownership that has been demanded by rural communities throughout Scotland for many years.

I have made no secret of my view that the Land Reform (Scotland) Bill simply does not go far enough to make the changes that are needed. The bill says nothing about empowering communities short of outright purchase, but it is important to recognise that not all communities will wish to buy. The right to register an interest to buy, which is what the bill is all about, will have minimal impact. Only about 1.5 per cent of the highland land that was transferred last year would have been affected by the provisions in the bill. Andy Wightman described the measures as "modest but important." That is a fair assessment, but the minister, more tellingly, conceded that he did not see the bill as being about the significant redistribution of land. What a pity that the opportunity has not been taken to make it about exactly that.

Perhaps we have a failure of nerve to thank for the proposals' apparent lack of ambition. I have said that we support them, and I have said that we

welcome them, but I say today that we should go much further. We should give tenant farmers a right to buy and, more to the point, we should introduce a right-to-buy trigger on transfers of land, rather than just on the sale of land. That would mean examining the law on succession and trusts, but unlike the Minister for Environment and Rural Development, I want to see a significant redistribution of land in Scotland. Taking the bill further would be the way to achieve that.

Pauline McNeill: I support what Roseanna Cunningham said about going further, and I will make that point later.

Roseanna Cunningham alluded to the Succession (Scotland) Act 1964. Does she have any specific proposals on what she would do to amend the law of succession to change the pattern of land ownership? Does she suggest changing trust law to change the pattern of land ownership?

Roseanna Cunningham: The law of trusts and the law of inheritance must be examined. Those laws are complex, and issues on the European convention on human rights will be raised, but they must be addressed if we are to make the change that we need to make in Scotland. Whatever the Conservatives say, the majority of rural Scotland wants those changes.

I will challenge the minister directly on the definition of community in the right-to-buy sections. The minister will be well aware of what I am about to say, as many other people have said the same thing about the operation of the right-to-buy provisions. I challenge the minister on the definition of community that is based on polling districts, which flies in the face of experience. The polling district that includes Eigg also includes Muck, Rum and Canna. Are we saying that three separate island communities should have been able to decide for the fourth island community? That is madness. I hope that the minister will say that he concedes that point and that we should move towards postcode rather than ballot areas for such communities. If he does not say that, I will lodge an amendment to that effect at stage 2.

The crofting provisions are about not the individual right to buy, which crofters have had for a long time, but the potential for crofting communities to buy croft land at any time and not just when owners put land up for sale. Those provisions were a late addition to the bill and are unexceptionable. There is something of a debate between the Scottish Crofting Foundation and the Crofters Commission about the mechanics of the right to buy and the threshold that will be required after a ballot of community body members. I am not sure whether there is an obvious or easy answer to the problem, other than to point out that a deeply divided community, albeit one that has

voted narrowly in favour, might find other hurdles difficult to overcome in proceeding towards purchase.

Easily the most heated part of the debate about the crofting provisions has centred on the intention to include fishing rights in the community right to buy. Other members will say more about that. I do not think that there will be much interest in buying such rights, except when they are not being developed adequately. If that is the case, far from being a disincentive to investment, the right may become a spur to development by an existing owner.

We have been a long time reaching the present point, but at last we have a bill on land reform. There is no doubt that, before devolution, a key demand of rural Scotland was the demand for land reform. There should be no mistake about it and we should not be persuaded that it is not a priority. I hear mutterings from the Conservatives—people who probably never went out and asked anyone about land reform. Several years ago, the SNP spent two years going the length and breadth of Scotland to take evidence from communities on land reform.

Alex Johnstone (North-East Scotland) (Con): I never saw the SNP.

Roseanna Cunningham: People flocked to our meetings. If the member wishes to have it, he can be sent the detailed evidence from that two-year study. Throughout those years, land reform was a key issue. It was felt strongly that a Scottish parliament would make a difference to a matter on which Westminster had failed to deliver. Here we are. Let us start making the difference today.

15:09

Bill Aitken (Glasgow) (Con): It will come as no surprise to my colleagues on the Justice 2 Committee that the Conservatives find the Land Reform (Scotland) Bill completely unacceptable. The minister described it as a flagship policy, so the wide open spaces on the coalition benches provide eloquent testimony to its importance in coalition members' eyes. We should be honest: the bill is a failed attempt to combine two unrelated issues—access and the community right to buy—with a third that amounts to expropriation.

Part 1 of the bill is flawed, but we agree with the principle of ensuring that the public have freedom to access the countryside. However, the idea of granting a community the right to buy, at deflated prices, not only its private land but common grazing and contiguous fishing is little different from a land grab of which Karl Marx would have been proud.

George Lyon (Argyll and Bute) (LD): Bill Aitken will recall that a Conservative Government

implemented the Irish Land Act 1903 and empowered tenants to buy their land. Does he think that that Government was wrong?

Bill Aitken: Mr Lyon should start living in the 21st century. The issues at that time were completely different.

Let us proceed with the issues that are before us today. The bill, as it is currently drafted, poses a threat to the long-term health of rural Scotland, especially to the fragile economies of the Highlands and Islands. The bill is a deadly cocktail of restriction, inhibition to investment and downright legalised theft. At the same time, implementation of the bill will require no small amount of funding.

Ross Finnie: Will Bill Aitken give way?

Bill Aitken: Let me finish this point.

Would not taxpayers' money be better spent on putting more police on the streets, shoring up our crumbling transport system or fixing our flagging national health service than on engaging in far-flung and potentially harmful social experiments? Our view is that the bill should proceed no further.

Ross Finnie: I want to be clear about the principle that Bill Aitken is enunciating this afternoon. He seems to be extremely exercised about crofters having an absolute right to buy. Will he explain why, in 1993, the Conservative Government gave a great amount of time to the consolidation of legislation on crofting in the Crofters Act (Scotland) 1993, which enshrined the crofters' absolute right to buy. At no stage did the Conservative party make any attempt to remove that principle.

Bill Aitken: That is a different issue, as the minister well knows. At that time, what was happening was a denationalisation of land, the effect of which was very obviously to give people the opportunity to own their own land after purchasing it from the state, not from individuals.

Rhona Brankin (Midlothian) (Lab) rose—

Bill Aitken: Let me make some progress.

With regard to part 1 of the bill, we are fully supportive of those who seek to access the countryside responsibly. Scotland has a great deal to offer in respect of scenery and the great outdoors and, for both social and economic reasons, we would encourage all Scotland's citizens to see what our country has to offer. With regard to access, I have to ask what the problem is. Pauline McNeill alluded to the fact that the current state of the law is uncertain and the Justice 2 Committee was placed in genuine difficulty. Part of that difficulty was caused by the lack of any modern or current case law, which indicates clearly that there has been a lack of

contention or dispute. It was difficult to find any contemporary judgments to assist, but what was clear from the evidence was that the vast majority of people who seek to access the land do so without let or hindrance and have done so for years. Even the Ramblers Association, an organisation for which I have developed considerable respect, had great difficulty in providing more than one example of where a difficult situation had arisen.

Stewart Stevenson: Does Mr Aitken support the action of the Earl of Elgin, as reported in *The Scotsman* today, in removing access to his estates in Fife?

Bill Aitken: There is some completely contradictory evidence on that. According to the estate, an alternative right of access had been granted and part of the area that the people sought to walk on was dangerous. I will come to those points later in my speech.

When the Government seeks to legislate and regulate, it creates problems and difficulties that did not exist previously. My colleague Alex Fergusson will deal with the matter in greater detail but take, for example, the situation—which the minister has dealt with to some extent—regarding the prohibition of commercial activity. Because we have sought to legislate, that prohibition would forbid such heinous pursuits as the taking of photographs to make into a calendar, possibly for sale for charitable purposes, or make redundant those who seek to make their living acting as guides and organisers of walks. We wait with interest to find out what the minister comes up with at stage 2.

The dangers that the countryside can sometimes present, such as shooting or the use of explosives, will become much worse as a result of the prohibition of temporary closure. The preservation of privacy for places such as Skibo Castle, where the attraction is the estate's ability to shelter its clientele from the public eye, will be lost, as will the contribution of such businesses to hard-pressed local communities.

Part 1 of the bill is basically well intentioned, but it is little short of tragedy that it is attached to more contentious measures. Parts 2 and 3 are predicated on the misguided principle that all land managers are bad and all tenants are good, but, although there are high-profile examples of bad landlords, that is not always the case.

We support fully those who wish to buy land and to set up or continue businesses. Communities should have the right to own land, but they should compete for it on the open market.

Stewart Stevenson *rose*—

Bill Aitken: I must cover some ground.

According to the Royal Institution of Chartered Surveyors in Scotland, a right of pre-emption would depress land values. The bill promises that the seller will receive market value, but that is completely different from the reality of the open-market value. The inevitable consequence of that will be that land managers, who will not know whether the price of their land will be determined by market forces or by an arbiter, will have little incentive for inward investment.

The bill presupposes that community ownership is preferable to private ownership, but the jury is still out on whether communities such as Eigg, which undoubtedly has been constrained by bad landlords, can flourish under community ownership. I hope that all goes well with the community on Eigg. After all, the people there have suffered more than most from bad landlords such as the exotically named Maruma, who failed to provide the promised investment. Another owner, Keith Schellenberg, demonstrated the same level of success as owner of Eigg as he did as a Liberal Democrat parliamentary candidate.

The example of Eigg does not show that publicly provisioned buy-outs that are supplemented by grant money from numerous Government organisations are preferable to a good landowner. There are many good private land managers in the country, most of whom enjoy excellent relationships with their tenants. They frequently grant land for community purposes, such as schools, football pitches and community centres and, in many cases, an entirely amicable relationship exists.

The proponents of the bill fail to understand that most estates run on a roughly cost-neutral basis and that, in many instances, the money that is required to absorb budget shortfalls and to provide development comes from landowners' pockets.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention on that point?

Bill Aitken: No, I must move on.

The responsibility for funding the well-being of such communities will not end after the purchase. If high-profile buy-outs such as those in Eigg, Assynt and Knoydart are an example to go by, grant money will be necessary—for years in some cases—to encourage development and to fund administration costs. Although such communities might technically be sustainable, if they are to thrive and provide the good-news stories that the Scottish Executive wants soon after purchase—or, in the case of Eigg, immediately after it—they will require hundreds of thousands of pounds annually.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the member give way?

Bill Aitken: Sorry, I am short of time.

That figure is no small price to pay for communities that can number just a few dozen people. For example, the buy-out on Gigha cost £4.5 million, less the £1 million that the community is required to pay back. There are approximately 110 residents on Gigha; even on the most optimistic assessment, that represents a grant of £30,000 a person, which was paid from the lottery fund and other public funds. No wonder they held a ceilidh; I hope that it was good. If the Scottish Executive gave me £30,000, I would hold an even better ceilidh.

Dr Jim Hunter, whose Highlands and Islands Enterprise is responsible for distributing much largesse, raised the injustices of the Highland clearances in his evidence to the Justice 2 Committee. It is ironic that the injustices of the 19th century should be used in the 21st century to justify the use of taxpayers' money to fulfil such a narrow agenda and that so much public money should be expended for the benefit of a few dozen people.

Fergus Ewing: Will the member give way?

Bill Aitken: I am sorry, my time is restricted.

Part 3 of the bill, which is on the crofting community right to buy, must rank as one of the most regressive pieces of legislation to be considered by any western democracy in the past 50 years. The confiscation of property is philosophically repugnant and the effects of the bill have not been thought through.

More astonishing is the proposal to include fishings as part of the right to buy. In many instances, there is not even the most tenuous of connections between those who would be allowed to purchase fishings and the rivers that are involved. The effect on land values and land managers' business confidence will be disastrous. The way in which those who are most qualified to express a view on the matter have been ignored is particularly depressing. Highland Council did not follow the party line on fishings and the Scottish Crofting Foundation and the Association of Salmon Fishery Boards were totally ignored.

In short, the proposal seems little more than conciliation to the outdated class warriors who feel that the Land Reform (Scotland) Bill does not go far enough. The effects on investment are likely to be incalculable. The Horticulture Research International Association already reports a loss of almost £3 million in scheduled investments and the Crofting Counties Fishing Rights Group fears for the 450 to 600 people in the crofting counties who rely on the rivers for their employment. How, in the name of creation, can anyone be expected to invest in their land or fisheries if the land can be taken away from them? People in Sweden, Russia, Iceland and Norway will see a real

business opportunity in providing recreational fishing, and Scottish jobs will be lost. Those who see this not only as land reform, but as a system for the redistribution of wealth will rue the day that the bill was introduced. What is being proposed is, frankly, economic madness. It is ironic that, at a time when every country—with the exceptions of Cuba and North Korea—has spurned Marxism, we are attempting a bill of which Kim Jong-il or Fidel Castro would be proud.

Let us be clear: the bill is not so much about land reform as about a crusade by those who are fighting 200-year-old battles. Those class warriors are like prehistoric dinosaurs, occupying the "Jurassic Park" of Scottish politics. Rather than seeking to avenge the highland clearances, they are creating the clearances of the 21st century. This war of attrition against the countryside must stop and the bill should progress no further.

The Deputy Presiding Officer: I call Pauline McNeill to open for the Labour party.

Alasdair Morgan: The last warrior.

The Deputy Presiding Officer: Order. It is not in order to heckle someone who has not yet started to speak.

Roseanna Cunningham: We support her.

15:21

Pauline McNeill (Glasgow Kelvin) (Lab): At the beginning of Andy Wightman's book, "Scotland: Land and Power", there is a short statement:

"Show the people that our Old Nobility is not noble, that its land are stolen lands—stolen either by force or fraud".

That is a quotation from Tom Johnston, the former Secretary of State for Scotland, who was a supporter of the access lobby. Evidence has yet to reveal a country anywhere with a more concentrated pattern of private ownership than Scotland. The problem with land coming on to the market being the only way in which communities and others can buy land is that the law of succession and the law of trust in company law ensure that very little land goes on to the market for individuals and communities to buy.

Bill Aitken claimed that the aims of the bill are expropriation of a kind only to be found nowadays in Korea or Cuba. It is shocking that this overdue bill has been compared with the undemocratic, brutal conduct of Robert Mugabe's regime. There is overwhelming and widespread support for the bill from a range of members of society—Conservative members cannot deny that. That was demonstrated by the number of submissions that were received on the bill—3,500 on the first draft and the committee received more than 400 on the second draft. There is also the

correspondence that MSPs have received from their constituents in support of the bill.

Scotland is a place of natural beauty and scenic splendour and it should not be for the exclusive possession of any one individual who may deny others the right to view it. In 1997, Donald Dewar announced this policy and I am proud that the Labour-Liberal coalition in the Scottish Parliament has adopted it as a flagship policy. Like me, many urban, city people believe that it is important to have access to the countryside. This is not just about rural development and the rural economy; it is about civil rights for urban and rural people who want to exercise their rights in the outdoors. If that is the only reason for supporting the bill, it is a good one.

In the Justice 2 Committee and this afternoon, we have spent time discussing the law of trespass. In rejecting the legal opinion of the Executive, the Law Society of Scotland and Scottish Natural Heritage on the subject, I support what Roseanna Cunningham said—that there is a widely-held view that there has been a right of access in Scotland and that there is no evidence that there is a prohibition.

The Justice 2 Committee accepts that no statute in Scots criminal or civil law could establish a law of trespass, other than the Trespass (Scotland) Act 1865. Various academic writers have been cited on the law of trespass, but we do not accept that it exists in Scottish law. Some say that it is not important to discuss whether there is a pre-existing right of access. However, the Executive said that, if decisions about access had to be made in court, pre-existing rights would apply. It is important to discuss what pre-existing right of access there is. I hold the view that no law conveys a right of access, but the bill will provide that right. For that reason, the Executive must be commended for introducing the access provisions. Clarity is essential.

David McLetchie: Does Pauline McNeill accept that a statutory restriction on access will override the freedom to enjoy access that exists under current law and might curtail existing freedoms?

Pauline McNeill: The Justice 2 Committee examined that issue in detail. We heard from all sorts of academic writers. No one can establish that there is a statutory, civil law of trespass. Therefore, we must conclude that there is no prohibition to access and that there is no trespass law in Scotland.

The question of commercial activity is vital. We established that 137 million day visits have taken place in rural Scotland. Therefore, much is at stake if we get the access aspect wrong. By far the most controversial provision in part 1 of the bill is section 9(2)(a), which excludes from the right of

access the conducting of a business or other commercial activity. The Justice 2 Committee said that there should be a distinction between activity that, following the rules of access, can be carried on with no interference to the land manager's activities and a range of activities that are likely to contribute to tourism and the rural economy. A distinction should be drawn between a photographer taking a photograph, which does not interfere with the land manager's activity, and an event such as T in the Park, which would undoubtedly interfere with the landowner's activity. The provision in section 9(2)(a) must be removed from the bill.

The Justice 2 Committee suggested that it would be preferential, on principle, to put the provision in the Scottish outdoor access code. The status of that code has been debated. It was suggested that the code should have the same status as the highway code so that full force can be given to it. The highway code is used as evidence in court to establish liability. The Executive should consider the matter.

The committee also spent time on the question of enforcement, on which it was difficult to reach a conclusion. The committee stated clearly that, as the bill is a piece of civil legislation, no criminal offence should be attached to it and breaches of the bill's provisions should be dealt with in another way. The police should not be involved unless there is a criminal offence. The Association of Chief Police Officers in Scotland confirmed in a letter to the committee that that was its view. Generally, the law should operate on the basis of responsible landowners and responsible persons exercising their right of access. A dispute should be dealt with locally or by a civil law remedy.

Parts 2 and 3 of the bill contain radical aspects. Communities can buy part of the land in which they are interested, whereas under the provisions of the draft bill, they had to buy the whole parcel of land. The change is an excellent development. Highland Council pointed out that if we defined communities on the basis of polling districts, the islanders of Eigg would not have been able to purchase their land without the authority of the two neighbouring islands. The committee has asked the Executive, if it is unhappy with the concept of community self-definition, to consider that communities should be defined by full postal codes, such as EH99 1SP.

The compulsory provisions in the crofting community right to buy will be the basis of rapid development in many rural communities. If I ever needed persuasion of that fact, my visit to the Stornoway Trust and my discussion with Western Isles Council settled any argument about why communities who live and work on the land are the best people to drive through economic advantages

at a much faster pace, from which the whole community can benefit.

The Stornoway Trust is the oldest example of a community body and is a tremendous example of how a body that is not a public limited company can be sufficiently robust to register for land on behalf of the community. I ask the minister to consider that point.

Although the right of compulsory purchase under certain conditions in relation to salmon fisheries is a complete departure from the usual basis of Scottish property law, it is entirely justified. The idea that investment in rivers would fall away if we gave crofting communities the right to the titles has not been substantiated.

Alex Fergusson: I am sure that, during the Justice 2 Committee's evidence-taking sessions, Pauline McNeill heard—as I heard on the Rural Development Committee—that £2.8 million of investment has already been withheld. Does she not believe her witnesses?

Pauline McNeill: We examined the issue in great detail and found only speculation and unsubstantiated claims that investment was falling away. I considered the provision very seriously, because I accept that it is a major departure from Scots law. Indeed, I wrote to the minister on that specific point and he was kind enough to provide a list of every river in Scotland that might be affected by the provision. I came to the conclusion that if we are really serious about the development of rural and crofting communities, this is the right thing to do.

As Roseanna Cunningham asked, how can we go further on the issue of land ownership? I support all reasonable measures to change the pattern of ownership, but the difficulty is that, short of amending the Succession (Scotland) Act 1964 or the very complex range of Scottish trust law, not many possibilities exist. We have asked the Executive to consider every possible trigger to allow more land to come on to the market, especially in the area of company law, and to examine the question whether shareholders pass land on without putting it on the market.

I thank the Justice 2 Committee and all the other committees involved for their hard work; indeed, I think that an unprecedented number of committees fed into the report. Whatever the individual views of members, the whole Parliament should be congratulated on its hard work. Alex Fergusson is absolutely right to point out that we have completed that work in double-quick time and to a high standard.

Many other issues need to be examined. For example, we might need to adjust the wording of the provision concerning the liability of owners in order to allow the Executive to do what it wants to

do. Although no one wants to give landowners any additional liability, the question is whether the wording in the bill will have the right effect.

The bill contains important principles and some radical aspects, but some of it will need to be changed at stage 2. I look forward to stage 2 and the rest of the debate.

The Deputy Presiding Officer: We now move to the open part of the debate. I am not at all clear that we will be able to call all members. As a result, I will impose a time limit of three minutes, which must be strictly adhered to.

15:32

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The bill has been a long time coming. The first consultation document was published in early 1998. So much paper has been used that some have suggested that it was really a scheme to help out the beleaguered forest products industry. That said, much of the consultation has produced valuable results.

I am not quite sure what can be said about the Conservative contribution so far today, but the Executive front bench is certainly the most unlikely group of Marxist class warriors that anyone has ever seen. If they are entitled to that description, we can safely assume that the revolution is over.

We heard the Conservatives' usual argument that, instead of discussing this issue, we should discuss the health service, education or transport, as if none of us is capable of focusing on more than one thing at a time. Clearly, that should apply to the Conservatives. It is interesting that they used precisely the same argument in all the debates on the Scotland Bill and, indeed, on devolution; they argued that we should leave the Parliament until everything else had been sorted, as if that was ever going to happen.

At least we have not yet heard the Conservatives' interesting argument that access is an interference in individual liberties, although I imagine that we will hear it later. A few weeks ago, they argued that banning 30 people, each on half a tonne of horse, from smashing across the countryside and breaking hedges and dykes was an interference in civil liberties. They now argue that giving me—and I assure them that I am far lighter than a horse—the free right to walk across the countryside interferes with the civil liberties of landowners. It is a curious argument.

Until I read the Justice 2 Committee's report, I was one of those free spirits who blithely thought they could walk anywhere in Scotland. It is now clear—perhaps clear is the wrong word—that that may not be the case. At best, I am avoiding being sued because the position is too difficult or uncertain for the landowner to sue me.

I am confused by some of the contradictions in the committee's report.

The Deputy Presiding Officer: You have 30 seconds.

Alasdair Morgan: Time flies when one is enjoying oneself, so I will rush to my conclusion.

The bill is important. We need a positive approach. There will, of course, be problems and inconsistencies with a bill such as this one, but there are also vast opportunities, not least for the leisure and tourism industries. Scotland's countryside needs those opportunities badly after foot-and-mouth disease. The debate is between those of us who wish to find a way through any of the problems to the benefit of all and those with vested interests, who wish to maintain the status quo regardless of the interests of the wider community.

15:36

Mr Alasdair Morrison (Western Isles) (Lab): I welcome Bill Aitken's delightful speech. It is the encouragement and endorsement for which the Labour members were looking. It is proof positive that we are heading in the right direction.

I will confine my comments to parts 2 and 3 of the bill, which deal with the community right to buy and the crofting community right to buy. I declare unashamedly that I am partisan on the bill. I point out that, from my perspective, land reform has always meant and always will mean legislation that will dismantle the pattern of land ownership that exists in Scotland. The founding fathers of the Labour movement and many activists since have campaigned to dismantle the concentrated form of land ownership that is peculiar to Scotland.

I am thankful that, today, in the democratic forum of the Scottish Parliament, an unstoppable process has begun. I count it as a privilege that my generation of highland Labour politicians, along with colleagues from other parts of the country, has been charged with the delivery of land reform. For generations, the highlander and his language have endured everything that history has thrown at them. We are now involved in a process that will help to sustain crofters and many communities.

The link between the land, the people and the language cannot be overstated. The crofting community right to buy and the community right to buy will help many to realise their potential. For far too long, community confidence and development have stagnated because a few privileged landowners have so decreed. No longer can they look to the House of Lords to take care of their interests and strangle any legislative process or effort that could threaten their position.

As other members have stated—and contrary to what Bill Aitken said—community ownership is not quasi-Marxism writ large. Community land ownership and the ownership of mineral and fishing rights will help to unleash entrepreneurial effort. Self-esteem and self-confidence will be enhanced. Communities will decide their own priorities.

I note with interest that those who are opposed to the Land Reform (Scotland) Bill are exactly those who were opposed to the introduction of a national minimum wage. They said that the minimum wage would decimate the rural economy and that it would empty the rural workplace. They were wrong on that and they are wrong on the bill.

As I dash through my last 30 seconds, I will give the critics of land reform some advice. They should speak to the islanders on Gigha, speak to my neighbours in the Stornoway Trust and visit the island of Eigg. They will then hear from islanders who have been released from the shackles of absentee landowners. On Eigg, housing has improved greatly and we have full employment. Businesses are being established and the population is growing. I commend everyone from the Highlands and Islands Enterprise land unit, which was involved in the community buy-out, for all the work that they have done.

It is reprehensible that those of us who support land reform are being compared to Mugabe's murderous thugs. Those who use such language have no sense of history or proportion.

I believe firmly that the Land Reform (Scotland) Bill, which will be placed on the statute book in a few months, will help to empower and enhance the status of crofters and communities. It is long overdue. Thanks to the Labour party, our coalition colleagues in the Liberal Democrats and, as I now understand from Roseanna Cunningham, other colleagues from other parties, we will deliver historic and radical legislation.

15:39

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am grateful for this opportunity to contribute. I will do so only briefly, because I am a member of neither the Justice 2 Committee nor the Rural Development Committee. However, given the constituency that I represent, I would like, as colleagues might imagine, to make several points. I also thank David McLetchie for giving me the opportunity so that I may speak at this point.

Last week, I was at a well-attended meeting of the Assynt Crofters Trust, at Stoer village hall. A motion from Allan MacRae, chairman of the trust, was passed nemine contradicente in favour of the 75 per cent rule for votes on buy-outs, to which Roseanna Cunningham referred. I know that I

have opponents, not least the Minister for Environment and Rural Development himself and my good friend, Alasdair Morrison, but I hope that that important matter can be considered in more detail at stage 2. Crofters—who really are at the sharp end—have told me their views clearly and directly, and I think that we should take them on board.

I add that hearsay has it that two other small communities might back off from buying their land, because of that rule. Further examination at stage 2 would be useful. It was unfortunate that the Assynt Crofters Trust did not give evidence to the Justice 2 Committee and I would hope that, if possible, the committee would be willing to invite its representatives to come down to Edinburgh at stage 2. They have relevant practical experience.

Every job in the rural Highlands is vital and there is concern among river workers that they may lose their jobs as a result of the bill. Whether that is true or false, they have that fear and we are duty-bound at least to investigate the matter. Thank goodness some fairly sensible argument is at last coming forward. I was talking to a legal expert only last night, and I am aware that vital safeguards for workers—perhaps along the lines of the Transfer of Undertakings (Protection of Employment) Regulations, or TUPE—may be included in the bill. I urge the Justice 2 Committee to consider the matter. As I said, every single job in the area is absolutely vital; we cannot afford to lose any of them.

I have managed to speak for only just over two minutes, Presiding Officer, and I will sit down at that.

The Deputy Presiding Officer: You are a splendid fellow.

15:42

David McLetchie (Lothians) (Con): The Land Reform (Scotland) Bill tells us a great deal about the flawed approach of the Scottish Executive. It starts with the presumption that legislation is the best way to solve every conceivable problem, which, I would submit, is not always the case. The proposal to create a right of access is a case in point. At present, the public enjoys a freedom to roam subject to very few limitations imposed by either the civil or criminal law. The bill will turn that freedom into a statutory right of access, accompanied by various exemptions, exceptions, provisos and regulatory provisions—accounting in all, for 29 sections, six chapters and one schedule of new law.

As we can see from the Justice 2 Committee report, there was a great deal of debate about what the change would mean in practice. In essence, it comes down to the difference between

a freedom, on the one hand, and a statutory right, on the other. I find the failure to grasp that distinction profoundly depressing. There is every reason to believe that the Executive's bill will end up restricting freedom of access, as the exemptions to the right of access become more widely applied and enforced.

It is far better to stick with the current position, which is governed by the very sound principle of Scots law to which Roseanna Cunningham alluded, which is that that which is not expressly prohibited is permitted.

Mr Rumbles: How does David McLetchie cope with section 5(3), which states:

"The existence or exercise of access rights does not diminish or displace any other rights (whether public or private) of entry, way, passage or access?"

David McLetchie: That is simply an assertion on the part of the Scottish Executive. If Mike Rumbles were to look at the submission from the Scottish Law Commission, he would see that it says that having two overlapping systems of rights is

"objectionable from a law reform perspective".

It is objectionable and it will lead to confusion, as I said in my intervention during Pauline McNeill's speech.

We know that the existing framework works, because of the tens of thousands of people from home and abroad who walk in the countryside and enjoy our hills and mountains every year. We know that the bill, when passed, will take precedence over existing legislation and that the exemptions to the right to access will lead to greater restrictions than exist under the current law of trespass. We will arrive at the ultimate irony of the Land Reform (Scotland) Bill: that a new statutory right will trample upon an historic freedom. That is what the Executive is proposing.

We know from those who use and enjoy our countryside that the present system works. Scotland's walkers and climbers did not need a land reform bill to bag their Munros, to climb their Corbetts or to walk the west highland way, the southern upland way and the 10,000 other miles of established walks that are currently enjoyed. Communities in Eigg, Gigha and Assynt did not need a land reform bill to purchase through a community trust mechanism the land that they now own. The Land Reform (Scotland) Bill is a complete irrelevance. The report of the Justice 2 Committee condemns on numerous occasions the bill's access provisions. How bad does a bill have to be before a committee of the Parliament will recommend its rejection? The bill should have been rejected and I urge members to vote against it.

15:45

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): We urgently require a statutory right of access. I suggest that Mr McLetchie is totally wrong to argue that we do not. The reason why we require a statutory right of access is not because there has not been a de facto freedom to roam—as Rennie McOwan and others have argued over the years, there has—but because certain land estate owners have refused and denied access. That is why we are here today. I am delighted to speak in favour of the right of access. I am pleased that it extends to inland water and therefore to the sport of canoeing.

I am also very pleased that the bill will create community ownership possibilities in Scotland, particularly in my part of the world. Community ownership is a welcome development on the isle of Eigg—as other speakers have mentioned—as well as in Laggan, Knoydart and, we hope, in Grantown-on-Spey. We welcome that, although it may have only a limited impact on the general issues to which Roseanna Cunningham referred earlier.

I want to focus on section 9(2)(a). Last March, when the foot-and-mouth restrictions were imposed, an outdoor code was introduced. That code was respected and acted on by every person who would be excluded from access rights by section 9(2)(a). Among those are every mountain guide, climbing instructor and outdoor activity provider—every person whose livelihood is dependent on access to the outdoors. What do those people do? They make a profit, so under section 9(2)(a) as drafted they must be excluded from access rights. The minister's use of the word exploitation will hardly give any comfort to such people, who need to make a living somehow.

Those people are engaged in providing outdoor education to young people, in particular. Who else will provide that education, which is necessary to give our young people a taste of outdoor experience, whether in my part of the world or elsewhere in Scotland? Unless section 9(2)(a) is scrapped, the people to whom I refer will be charged for access. What is the point of the announcement yesterday by the national lottery of £87 million to tackle obesity and to encourage young people to get outdoors when the bill includes a provision that takes social exclusion to a new level? That conflicts with the aims that Lord Watson correctly spoke about yesterday.

I seriously hope that the Executive will reconsider its position. If it does not, it will create a division between people who are involved in tourism and people who are involved in farming. We should not have division but should bring people together. Last year, mountain guides, climbing instructors and others co-operated

voluntarily because they respected the fact that there was a need to prevent foot-and-mouth disease from spreading throughout the country. They co-operated freely and of their own will. If that is not recognised by the deletion of section 9(2)(a), I am afraid that the minister will be responsible for sowing seeds of division and for allowing some landowners to impose charges on the provision of outdoor access. The minister is shaking his head, but that will certainly happen. For that reason, I hope that he will think again.

15:49

Rhoda Grant (Highlands and Islands) (Lab): It is an honour to speak in support of the bill, which will lead to a fundamental change in the way in which land is owned. No longer will land ownership be the preserve of the rich, many of whom treated a large number of communities in the Highlands and Islands with contempt. It is also an honour to be part of the process that sees a Labour party policy that has been held since the days of Keir Hardie start its progress to statute.

I want to concentrate on two aspects of the bill—access and the crofting community right to buy. Much has been said about access and the issue has been covered adequately. However, we need to consider it again and I am glad that the minister has agreed to do so, because a restriction on commercial access could devastate the economy of the Highlands and Islands.

A constituent who wrote to me told me that he owns the land that he uses to access water for his water-sports business. The land is also used by competitors in the same industry to access water. He will not use the bill to restrict his competitors' access, but should his business change hands, the other businesses could be adversely affected or could even cease to exist. I ask the minister to consider again removing section 9 from the bill.

When giving evidence to the Rural Development Committee, the Scottish Crofting Foundation expressed a desire that a majority of 75 per cent of crofters should be required to agree to a buy-out before it can proceed. I do not agree with that, because it means that 25 per cent of crofters, some of whom might be inactive crofters, could block the majority. However, the plea for such a majority masks a genuine concern. Although the bill ensures that 50 per cent of crofters have to be in favour of a buy-out for it to proceed, it gives them no additional rights in the community body.

I ask the minister to consider that 50 per cent of the directors of the community company should be crofters or their appointees. That would ensure that crofters' interests were represented fully at all times. That proposal is similar to the process for appointment to a national park authority, whereby

Scottish ministers and local authorities appoint a proportionate number of representatives of different groups.

The bill makes provision for the right to buy fisheries within a year of the crofting community buy-out. I ask the minister to consider allowing a right of pre-emption of fisheries thereafter. That would allow communities to buy fishing rights if they came on the market at any time after the crofting community buy-out.

I welcome the bill and the difference that it will make to communities. It is especially significant that we are debating it the week after the residents of Gigha bought their island. I hope that the bill will allow many other communities to follow in their footsteps.

15:52

Mr Duncan Hamilton (Highlands and Islands) (SNP): I want to focus on the right to buy and on the question of valuation, which I do not think has been discussed adequately today.

Before I do that, I want to pick up on a number of points that Conservative members made. Their speeches have been hugely disappointing. First, we had Bill Aitken talking about Marxist seizures. He was the only guy in the chamber who looked likely to have a seizure, given the way that he was speaking at the time.

We then heard from David McLetchie, who gave a very confused speech on the need, or otherwise, for legislation. I agree that the knee-jerk reaction of legislating at any opportunity is not the right way to govern, but I think that he picked the wrong example. As Fergus Ewing said, the reason why there is a need for rights to be enshrined is that there has been an abuse of the de facto position. That is precisely why we want to do what we are doing today.

David McLetchie: Will the member give way?

Mr Hamilton: I will not give way at this point.

Much of the debate in the committee and in the chamber today established the fact that the position is unclear. If that is the case, legislation could be a clarifying force.

I agree more with some of the comments that Conservative members have made about the right to buy. The Parliament cannot afford to pass another piece of poorly drafted legislation. We have not exactly covered ourselves in glory in recent months. However, it is clear that the right to buy is not a right to buy; it is clear to everyone that it is a right to register. I endorse the Ronseal approach to the bill—it should do exactly what it says on the tin. If there is meant to be a right to buy, the bill should have the power to introduce

that. If there is not meant to be a right to buy, I ask the Executive to end the cruel deception that suggests that communities have more of a right than they do.

The fact that the Scottish Landowners Federation did not disagree in principle with section 2 tells us everything that we need to know about how weak it is. There is no perceived threat in that section.

I ask the minister to clarify the position on funding when he sums up. All the discussion today is about what framework will be put in place. That discussion will be for nothing unless the money is there to back up the framework. The evidence from the New Opportunities Fund was that if the money were disbursed on the same basis on which it was disbursed previously, an additional £10 million would be available for communities. The key factor is whether the money would be dispersed on that same basis. Will the Executive tell us that that is what it intends to do and that there will be cash behind the good intentions?

My final point is that a great deal of misinformation has been put about concerning the value of the land that is owned by the landowners who may be affected by the legislation. It is nonsense to argue that valuations represent only a best estimate and that they cannot include the impact of the right to buy or of improvement to or investment in the land. Surely, in a real valuation, it is possible to include all those factors. Even if there were doubt about the valuation, section 58 provides for an appeals procedure. That will ensure that anyone who is unhappy with a valuation can use that process to test it.

Members should not be deceived by the misinformation that is being put about on the subject of valuation. The bill is fair. Today, we are being asked to agree in principle to its provisions. The SNP considers that the bill has the right provisions to deal with issues such as access, registration of the right to buy and the crofting right to buy.

15:55

Mr Jamie McGrigor (Highlands and Islands) (Con): I refer members to my fisheries and land interests, which are listed in the register of interests and in Andy Wightman's book.

For over 200 years, recreational fishing for salmon and sea trout has been a solid source of income and employment for the Highlands and Islands. During that time, management expertise that is the envy of the fishing world has been built up. The reputation of those fisheries is dependent on maintaining runs of migratory fish and providing comfort, privacy and expert advice to people who come to angle.

Other countries, such as Norway, Iceland and—recently—Russia, have benefited from our Scottish knowledge. Those countries must be looking in disbelief at what is proposed in part 3 of the bill. Those provisions may well unravel and destroy all the good work that has been done by many past generations. I have personal experience of more than 30 years of managing fisheries.

Ross Finnie: Will the member advise the chamber of the grounds on which he makes the assertion that crofters do not possess the skills that are necessary to run a salmon fishery? What the member has just said is sheer arrogance.

Mr McGrigor: I did not say that crofters could not run a salmon fishery. [MEMBERS: “You said that they should not.”] Would members suggest that crofting managers should run a football team?

As I said, I have personal experience over 30 years of managing fisheries. I am a trustee of one of the seven new trusts that have recently been established. I am horrified to think that all the good work that has been done by scientists and others, which the Scottish Executive applauds, may now falter through lack of investment and because of a policy that even Marshall Tito thought fit to abandon in the 1940s.

Mr Rumbles *rose—*

Richard Lochhead: Will the member give way?

Mr McGrigor: No, I will not give way.

While the threat of this legislation hangs over Scottish fisheries, jobs will be lost, investment will dry up and a culture that was respected by all those who were involved in it will go up in smoke. That is the danger of the legislation.

The Deputy Presiding Officer (Mr George Reid): The member has one minute.

Mr McGrigor: The minister and his officials say that good fishery managements have nothing to fear from the legislation. Will the minister explain how such reassurances can be relied on to ensure that owners of salmon fisheries have the confidence to continue to invest in the improvement and development of their fisheries? Will he tell the chamber by what means and against what tests good fishery managers will be judged?

Why is legislation being introduced before the results of the survey that was promised by Rhona Brankin in the green paper entitled “Scotland’s Freshwater Fisheries: Securing their Future” are published? When will the survey results be published? We will not know what is at stake and what effect the changes might have on the northern Scottish economy until that happens.

The Deputy Presiding Officer: The member

has 30 seconds.

Mr McGrigor: Will the minister take the advice of the Highland Council, which last week reaffirmed its commitment to the removal of salmon fishing from part 3 of the bill? Will the radical new rights of compulsory purchase be accompanied by radical new responsibilities for sustaining fishings and employment? Who was consulted when that part of the bill was drafted?

Murdo Fraser: Nobody.

Mr McGrigor: Nobody.

Dr Hunter was consulted and that man has amazed many by calling the views of the crofters “nuts.” He has also described the ghillies and river managers as a lunatic fringe—

The Deputy Presiding Officer: Mr McGrigor must now wind up.

Mr McGrigor: He said that they could go and jump in the river. The ghillies and river managers disagree with him and so, Presiding Officer, do I.

15:59

George Lyon (Argyll and Bute) (LD): I draw attention to my declaration of interests, especially to the value of my tenancy, which so interests the Tory party.

Last Friday night, I sat in Gigha community hall and listened to Willie McSporrán, Lorna MacAlister and Kenny Robison—members of the Gigha Heritage Trust—speaking on behalf of the community. They spoke of the new dawn on Gigha, their new found confidence, their hopes and aspirations for the future and, above all, their plans for shaping that future for themselves and their children.

I thought back to the first meeting at which we discussed a community buy-out and I marvelled at the transformation in those people that has taken place in such a short period of time. At that first meeting, there was no hope, no aspiration, no self-confidence and no plans for the future—just resignation to the fact that for the fifth time in 12 years members of the community were to be bought and sold as millionaires’ playthings. The only hope that they could cling to was that they would get a good landlord, who was full of benevolence and paternalism. What a dreadful prospect to face any community.

Gigha is not unique. Sadly, the situation that its islanders found themselves in is replicated throughout much of rural Scotland. The system of land ownership is failing communities such as Gigha. That is why we need change. The Land Reform (Scotland) Bill is the first step in shifting the balance of power from the rich and powerful absentee landlords to the ordinary people of rural

Scotland, such as Willie McSparran, Lorna MacAlister and Kenny Robison. We should not be in any doubt that that is the nub of the debate. Will members support the ordinary people of Scotland or the absentee landlords?

The Tories, of course, are on the side of the elite—the rich absentee owners. There is no change there. The only argument of the defenders of the present system—which we heard again from Bill Aitken—is that the problems are all the fault of the bad landlords and that good landlords are the answer to the problems of Gigha and the rest of rural Scotland.

I disagree fundamentally with that argument. I cannot accept the premise that the future sustainability and prosperity of communities such as Gigha should be based on whether they are fortunate enough to have a good landlord. A modern Scotland—and the Scottish Parliament—should surely reject that proposition. Every other country in Europe, including Ireland, has rejected our system of land ownership, whereby 350 people can own half of Scotland. It is time for Scotland to do the same. The bill represents an important first step along that road. It needs to be improved and strengthened to ensure that communities are given more opportunity to purchase.

The Deputy Presiding Officer: You must close, please.

George Lyon: Land reform is about shifting the balance of power from the lairds and the lords to the ordinary people of Scotland. It is about giving hope and confidence to communities that have neither.

The Deputy Presiding Officer: Close, please.

George Lyon: The bill is the first step in dragging Scotland's land laws, which date from the middle ages, firmly into the 21st century.

16:03

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): It is right to recollect our past as we build a future. It is unfortunate that at least a portion of the Parliament seems to be wedded firmly to the past. Alasdair Morrison rightly paid tribute to the many of our forebears whose hopes, vision and ideals have inspired generations in the cause of land reform. The historic commitments of the Highland Land Law Reform Association included a Scottish Parliament and a Scottish Executive to deliver on land reform. That tradition and the tradition of the movement that elected me—rather than Marx or Tito or any other figures whose names are chucked into the debate to assist an increasingly feeble argument—spur me on in relation to the Land Reform (Scotland) Bill.

I do not, and never shall, concede that the mere holding of land titles, in one's hand or one's bank, gives one an inalienable right to exclude the people of this land from access for recreation, leisure, education or, as is increasingly the case, purposes of public health. Nor do I agree with *The Scotsman*, which said—albeit in 1884, but what has changed—that in asserting access

“men are taking what does not belong to them”.

I have never been sure that anyone can own land exclusively. Those who urge that view tend to depart from it somewhat when a public subsidy is to hand.

I am more convinced that we can be held or “owned in some sense” by the land where we live and that in asserting access rights we are reasserting rights of which we have been surreptitiously deprived.

I ask the minister to reflect on the concerns that have been raised in the chamber about the restrictive scope of section 9(2)(a). Will he consider the effects of that provision on people who would exercise access rights? There is a lack of clarity about the definition of commercial activity. As it stands, how would commercial activity be distinguished from activities connected with tourism, public health, leisure and education? How would the impact of section 9(2)(a) on the exercise of access rights be correlated?

My 11-year-old son recently returned enthused from a week-long stay with his primary 7 class at Toward point. When I went there as a sixth-year pupil, the outdoor resource centre was run by the local authority; when my son went there, the same centre was commercially run by highly competent people. It strikes me that the current restriction reflects a curiously un-third way position on public-private enterprise. If section 9(2)(a) is left unrevised, the restriction will be damaging, as it will work against the social justice agenda that Mr Finnie mentioned. The restriction would exclude youngsters and other traditionally excluded groups that would most benefit from competent, guided and informed supervision. I want us to redress the balance so that there is a presumption in favour of access.

I heard what the minister said about people exploiting land, but I am not content with what he has suggested. “Chambers Dictionary” defines “exploitation” as:

“successfully applying industry to any object, ... or the act of using for selfish purposes”.

I am not content that the issue has been addressed. I hope that the minister will be able to address members' concerns before we reach stage 2.

16:06

Stewart Stevenson (Banff and Buchan) (SNP): I fear that Bill Aitken may actually be right about the Marxists. Having looked through my file, I will give him a little quotation:

"We are also prepared to take direct action ... where the normal mechanism of the market is unlikely to work effectively."—[*Official Report, House of Commons*, 6 November 1996; Vol 284, c 1174.]

The Marxist who said that was the former Parliamentary Under-Secretary of State for Scotland, Mr Raymond Robertson.

However, there is more. Bill Aitken has enjoyed our debates on land reform, especially in the committee. I would like to quote Bill to give members an insight into his thinking. He said:

"I have a funny mental picture of Rannoch moor being illuminated by the kind of floodlights one would find at Hampden park."—[*Official Report, Justice 2 Committee*, 6 February 2002; c 1029.]

Perhaps he really meant Ibrox.

Bill Aitken: No, I would have meant Firhill.

Stewart Stevenson: I am happy to record my apologies.

Let me turn to more serious matters. Jamie McGrigor spoke about fishing, but the reality is that the bill's inclusion of the right to buy fisheries is important as it is one of the bill's few genuinely radical provisions. The majority of Scotland's fishery potential is undeveloped or underdeveloped. It is precisely those underdeveloped rivers that would benefit from the right to buy. Jamie McGrigor is wrong in stating that the issue has not been considered. The Justice 2 Committee visited a fishing estate on Lewis and listened very carefully to what people said.

Mr McGrigor: Will the member give way?

Stewart Stevenson: I do not have time.

I believe that the owners of that fishery were rather reassured by what the committee members had to say. However, the real test for Jamie McGrigor is this: where is the success of the current pattern of ownership of salmon fisheries? Stocks are at record lows and catches are even lower.

When the minister sums up, I would like him to address a couple of issues, so that we can see where he stands. In particular, will he respond to the Justice 2 Committee's recommendation that we consider extending the definition of crofting counties? After all, the exclusion of Aberdeenshire, which took place many years ago, was done simply on the opinion of a single person. I welcome the fact that the minister has stated that he is prepared to look again at the situation of

trusts and companies. I will remind him that, on the stock exchange, once a new owner owns 30 per cent of a company, the new owner is required to bid for the whole thing. A rule along those lines may work in this situation.

Let me close by saying of the Tories, once again, that they are mining a rich seam of indifference to the real interests of the people of Scotland. No surprise there.

16:10

Alex Fergusson (South of Scotland) (Con): I, too, draw members' attention to my entry in the register of interests. I might well be in Andy Wightman's book too, but I do not know.

The bill seeks to give a right of responsible access 24 hours a day to land and inland water—so straight away the Executive will be in trouble in trying to deliver section 1. Responsible access can only mean managed access, and managed access can only mean a properly funded core path network over enclosed land, as agreed by the access forums. Why, in that case, has the Scottish Executive shied away from including such a provision in the bill? The bill says only that local authorities must come up with a plan within two years. There is no clarification of who will pay for the implementation of any such plan. Estimates vary between £30 million and £300 million for the meaningful implementation of such a path network, so the inevitable truth is that the money will not come from the Executive, which sees rural Scotland as a means of grabbing maximum headlines for minimum input. The result is that the access proposals are, to be frank, nothing short of a shambles. Proposals could have been implemented with consensus, but the Executive has instead chosen the path of confrontation.

The Executive has obviously not read the submission from the Cree Valley community council in Wigtownshire, a member of which rang me last week to tell me that he spends his entire life arranging access for scouts, guides and other similar groups, that he passionately believes that the status quo has the balance exactly right and that the voluntary approach achieves access without confrontation. He begs the Executive, in that official submission, to think again.

The balance of section 1 of the bill is deeply flawed. The issue of liability must be re-examined and I was encouraged when the minister said that he might reconsider it. Land managers must also be allowed to restrict access temporarily—for safety reasons, if for no other reasons. Why should sanctions against landowners be found only in the bill, whereas sanctions against access takers are found only in the accompanying code? Where is the balance in that?

Rhona Brankin: Will the member give way?

Alex Fergusson: I do not have time. I am sorry, because I would like to give way.

We come to curtilage. How is any access taker—responsible or otherwise—to know what is and is not curtilage? Many houses have gardens that are some distance from them. People have written to me about that. The bill contains a host of anomalies that can be mapped and defined until the cows come home, but unless the access taker is aware of the definitions, it will not make a blind bit of difference. Are we now to encourage mile upon mile of signposts that say, “Curtilage—Keep Out”, as householders try to cling to a semblance of privacy? What about businesses that depend on privacy to attract customers and others—businesses such as members of the Historic Houses Association in Scotland, whose vital commercial operations will be in jeopardy if the bill is left unamended? Where are their rights?

During my farming life, I always took great pride in being able to tell visitors who asked whether they could walk on my land that, in Scotland, they were always free to do so as long as they did not cause wilful damage. That is a tradition that Scotland should be proud of; it is a tradition that has worked remarkably well for a long time. The bill will jeopardise good will when it does not have to. It will create tension when it does not have to and it might well place people in dangerous situations when it does not have to. The Scottish Conservative party is not against access, but it is against forced imposition of access, as envisaged in the bill.

16:13

John Farquhar Munro (Ross, Skye and Inverness West) (LD): At the outset, I declare my interest as a poor highland crofter.

I am very pleased to be involved in the introduction of the bill to the Parliament. The bill opens up for many the opportunity for access to the land and, more important, it opens up the opportunity for communities to buy land that they need. It also offers crofters the opportunity to own and control the land that they have lived on and worked for generations.

I would like to concentrate on the crofting community right to buy, which has the potential to influence for the better the lives of people in the most remote and marginal parts of the Highlands. The bill will give the right of compulsory pre-emption—not only on the land but on rivers that are contiguous to that land, and on sporting and mineral rights. That must be welcomed wholeheartedly, because the combination of all those assets will give crofting communities the economic advantage that they need to survive and grow.

However, a little cloud looms on the horizon. That cloud is the issue of balloting and voting rights, specifically in relation to the number of crofters who should be in favour of a project if it is to go ahead, and in relation to the proportion of directors of the limited company that will be formed who must be from a crofting background. The Executive has proposed that a simple majority of crofters and a simple majority of the whole community would be enough to allow a project to go ahead. I have been to several meetings in the Highlands to discuss the issue and the overriding opinion is that the percentage of crofters that is needed to agree to a proposed buy-out must be raised to 75 per cent. I approve of increasing the percentage, but I consider that the percentage vote that is suggested might be an unduly high hurdle to overcome and could prevent perfectly sound projects from going ahead. A more realistic figure might be 60 per cent approval from the crofting community in order for a project to go ahead. However, it is essential that crofting communities or grazing committees appoint a majority of directors to boards so that the communities do not lose their pastoral or agricultural basis.

Ministers must make it clear from the start that, even if a project goes ahead, the rights of crofters as they stood in 1886 and as they stand today must remain intact. Crofting is a valuable asset to our rural communities; we must be careful that, while we are trying to improve it, we do not undermine it.

Despite teething troubles and conflicts when the bill was proposed, the action that we are taking is a good thing. I commend the general principles of the bill to the Parliament and look forward to stage 2, when we will develop a good bill and make it an excellent bill. I hope that it will have as beneficial an effect on the Highlands as did Gladstone's crofting reform act in 1886.

16:17

Dennis Canavan (Falkirk West): I am sorry that Bill Aitken is no longer in the chamber because I listened with great interest to his spirited defence of underprivileged landlords such as Lord Elgin. Indeed, I came to the conclusion that Comrade Aitken and Lord Elgin have something in common—they are both in danger of losing their marbles.

I welcome the bill and I am pleased that community ownership of land is back on the political agenda. As we are short of time, I will confine most of my remarks to the right of access to the countryside. Concern has been expressed about the proposed exclusion of certain activities, including small business activities, from access rights. Tourism is an important part of Scotland's

rural economy, so we should therefore encourage small businesses that organise walks, hill climbing, mountaineering, pony trekking and other outdoor activities. There is real fear that section 9 would inhibit or even prohibit such activities. I hope that section 9(2)(a) will be either removed or amended.

The bill also states that access rights shall not extend to land that is owned by

“the Queen in Her private capacity”.

Why should land belonging to the Queen be treated differently to other land? Of course, the Queen and her family are entitled to security, but surely under current legislation, adequate security measures can be taken to protect the royal family without depriving everyone else of the right of access to the Queen’s land. I wonder whether the Queen has been consulted on the matter, either directly or through her factor at Balmoral. In my experience of hill walking, I have always found that the Balmoral estate operates a fairly open policy.

Mr Rumbles: The Balmoral estate operates a completely open policy and there have never been any complaints in the past. It is my understanding that the factors or owners of the Balmoral estate did not request the exception and that it was included for reasons of security.

Dennis Canavan: We are entitled to a more adequate explanation than that. Some of the most scenic mountain walks in Scotland, including the ascent of Lochnagar, are to be found in and around Balmoral. It would be a great pity if the owners or managers of Balmoral were to adopt a more exclusive policy because of section 6(e). I hope, therefore, that section 6(e) will be removed.

I also hope that local authorities will be given a more proactive role in facilitating access, rather than their taking negative measures to decrease access following complaints by landowners. For example, if an unscrupulous landowner ploughs up a field or puts up a barbed-wire fence in order to prevent access, rather than for any good agricultural reason, local authorities should be empowered to take appropriate action.

We have waited a long time for the bill. In Scotland, we are blessed with some of the finest countryside in the world. The hills, mountains, glens, lochs and rivers of Scotland are not simply the property of the landed gentry; they are part of our national heritage. The people must therefore have a right of access and it is up to the Parliament to enshrine that right so that people may enjoy what is rightfully theirs.

16:20

Des McNulty (Clydebank and Milngavie) (Lab): The proposed legislation is the product of a manifesto: not the Communist manifesto of 1848

but the Labour manifesto of 1999. That manifesto had six key commitments that we pledged to deliver to the Scottish people. One of those pledges was to introduce radical land reform to secure public access and community ownership. That is what we are now delivering.

David McLetchie’s speech was interesting. He tried to argue that we should leave things as they are, with a voluntary arrangement for access. The reality is that in recent years, people who use the countryside have been experiencing increasing problems in making use of their rights.

Ramblers and walkers can identify areas of the countryside, such as paths, that were previously open, but which are now shut or are being ploughed up or fenced off because owners are restricting access. We must have legislation to stop that. A voluntary code would be okay if it meant that the right of access were sustained, but the reality is that the right of access is being continually infringed in parts of Scotland. That is why we require to give the issue some legislative force.

I am conscious that in other European countries—France in particular—footpaths and access to open land have been key to the development and maintenance of the tourism infrastructure. In recent months and years, members from all parties have been concerned about the impact of foot-and-mouth disease and the various other problems that have afflicted the Scottish tourism industry. The right of access to land and clarification of that right is important if we are to re-establish Scotland’s tourism industry.

It is not only important that people who come here know that they have the right to walk on our land. As Dennis Canavan said, it is important that people who live in Scotland have the right to use the beautiful countryside and that right must be exercised responsibly. When we deal with the detail of the bill at stage 2, I hope that we will deal with the mechanisms to ensure responsible use of the land. The proposed legislation should also deal with the issues of liability that were highlighted by Ross Finnie.

It is not easy to establish rights, but that does not mean that we should not do so. There is a problem with the present access arrangements and we need to establish rights. The Parliament’s task is to ensure that the rights that we establish are properly sustainable and thought through, and that they can be used easily by the people to whom we are giving them.

16:24

Richard Lochhead (North-East Scotland) (SNP): Nothing is more important to our rural communities than land use and ownership. The

issue is important for Scotland because, unfortunately, land ownership is at the heart of the power structures of 21st century Scotland. I was reminded of that when I spoke to a senior public figure last year. He told me that he had asked a landowner to take the top ceremonial role in his organisation. When I asked him why he chose an obscure landowner to take on such a role, he told me that because he is a landowner, the man could open doors to the Scottish Executive that no one else could. Parliament is here, in the 21st century, to democratise Scotland. We must tackle the fact that 1,500 landowners own the majority of Scotland's land area. Indeed, 10 per cent of Scotland is owned by 18 individuals.

The debate is important because it is about dispersing power within Scotland. The bill is about liberating and empowering communities and individuals. Of course, diversifying land ownership is crucial to the regeneration of our rural communities. If the Parliament is to be remembered for anything it does in its first four years, it must be remembered for removing the dead hand of concentrated land ownership in order to bring economic and social progress to our rural communities.

It is essential for rural development that we spread land ownership. If members go to Aberdeenshire and stand in the middle of a particular road, they will see on one side a garage, a caravan park and lots of houses on land that was sold off a number of years ago. If they look at the other side of the road, where the land was not sold off years ago, they will see two big farms, which are—no doubt—tenanted.

One local community body in the north-east bought an area of woodland that sustained no jobs. A gamekeeper visited the land for a couple of hours every year. Now, that little area of woodland, which was bought by the community, sustains one full-time job.

I was on Skye two weeks ago, where some women have got together in Broadford to start a campaign to buy a parcel of land, because they cannot get a parcel of land on which to build child-care facilities and sports facilities for their children. Also in Sleat on Skye, a community wants to open a shop, but it cannot get a little bit of common grazing land on which to build one. That is an illustration of how important the diversification of land ownership is to rural regeneration.

I hope that we do not have to wait for another 100 years—as Labour members keep reminding us—for really radical proposals, because the proposals that are before us will not make much of an impact on land ownership in Scotland. Communities should not have to jump through so many hoops. We must increase the scope of the bill in terms of land ownership. I welcome the new

rights that the bill will give to crofters—that is important—but where are the rights for our tenant farmers? There is in my constituency a tenant farmer on a farm that is owned by someone who lives in England and who has never visited his farm. That farmer has been served with an eviction notice for May 2003. The bill will do nothing to help that tenant farmer and others like him in my constituency, who are sitting with eviction notices on their desks.

The Land Reform (Scotland) Bill is an extremely important bill for the Parliament but, at stage 2, we must make it more radical. We will be subjected to intimidation and scaremongering, and we will be treated like idiots by the land-owning classes, who still think that they run this country; however, by passing the bill we will show them who really runs Scotland.

16:27

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The bill is long overdue, as many members have said. I draw everybody's attention to what Des McNulty and Alasdair Morrison said when they talked about the bill being a Labour party manifesto commitment from 1999. It was, of course, also a Liberal Democrat manifesto commitment in 1999, and it is a long-standing commitment. It is interesting that it is a Liberal Democrat-Labour Administration that has introduced the bill, because there were Labour Governments in the 1960s and 1970s that could have done so.

Richard Lochhead talked about ownership of land. It does not really matter to me who owns land; what matters to me is what happens to it. The performance of Bill Aitken—the pretender to being the champion of the rights of rural Scotland—was a bit of a joke. He is the defender of rural Scotland from deepest “rural” Glasgow.

Jamie McGrigor scaremongered and offered a huge amount of misinformation, which I wish to correct. He talked about the community right to buy. We should remember that a community's right to buy has to be judged by the minister to be in the public interest. There are also several hoops through which the community must jump. The community must have a sustainable development plan and investment must be available. We are not talking about the simple transfer of ownership of assets from one set of people to another set of people; we are talking about what happens to those assets. There must be a plan for proper development.

I know that Jamie Stone is not here, but he has expressed worries about people's jobs. The point of the bill is not only to secure people's jobs; it should provide more jobs in fragile rural Scotland, and that must be commended.

Mr Brian Monteith (Mid Scotland and Fife)

(Con): The member says that there will be a number of hoops to jump through. Does he agree that lottery moneys, money from local enterprise companies, and LECs themselves will be available to help to prepare the various business plans?

Mr Rumbles: That is the point. We are trying to get proper investment in rural Scotland, which must be commended.

Alex Fergusson and Jamie McGrigor talked about problems with liability and the diminution of rights. I would not support a bill that diminished rights, which is why I referred in my intervention on David McLetchie to section 5(3), which states:

“The existence or exercise of access rights does not diminish or displace any other rights”.

As for liability, the bill does not affect the extent of the duty of care that is owed by an occupier of land to another person who is present on that land. The Conservatives are promoting much disinformation.

The Rural Development Committee and the Justice 2 Committee highlighted problems with section 9(2)(a), which has to go. That provision must be moved into the code. We should not prevent a commercial photographer from walking along to take photographs, but we must—as Pauline McNeill said—prevent people who are attending T in the Park from camping on other people’s property. The balance must be right and that provision must be moved.

16:31

Scott Barrie (Dunfermline West) (Lab): I am glad to close on behalf of the Labour party in the stage 1 debate. I am glad to do so as a member of a political party that has since it was created argued for land reform and as a member of the Justice 2 Committee, which is the lead committee on the bill.

Valid and worthwhile speeches have been made by members of all political parties—save the Tories. The hyperbole, the misuse of language and the misinterpretation of political history from Bill Aitken had to be heard to be believed. I suggest to members who were not fortunate—if that is the right word—enough to be in the chamber to hear that speech that they keep a copy of the *Official Report*. It will cheer them up and make them laugh aloud on a dull day in the chamber. Furthermore, the footballing analogy that Jamie McGrigor employed in relation to crofting fishing rights was nothing but class prejudice, if ever I have heard it.

Parts 2 and 3 of the bill provide for the community right to buy and extend the crofting right to buy. I support those proposals and concur

with Pauline McNeill and Alasdair Morrison, who commented on the success of the Stornoway Trust, which is a model of ownership that equates with the best private estates and is better than most.

The Justice 2 Committee considered much written evidence on salmon fishing rights and decided that crofting communities should have the right to buy those rights. The committee decided that the arrangements for compensating existing owners are fair and equitable.

Pauline McNeill asked about the law of inheritance and trusts law. I ask the minister, if he can, to comment on whether the Executive will examine those issues.

Part 1 concerns access. The Executive’s policy memorandum explains the thinking behind the provisions, which is to create a greater opportunity for people to enjoy the countryside. I am sure that we all agree with that aim—even the Tories seem to agree with it. However, I ask the minister to consider several issues that relate to the access provisions.

The long title introduces the concept of regulating public access. That gives the impression of excessive restriction, which should not be the outcome of the bill and is far from its original intention. Perhaps that could be examined at stage 2.

Section 6(j) says that access rights will not apply to land on which

“crops have been sown or are growing”.

On first reading, that sounds eminently sensible, but it provides a possible loophole for farmers to frustrate public access by ploughing and planting land. Farmers are already destroying old footpaths as they prepare for the bill to be passed. I am grateful to the Ramblers Association Scotland and constituents for drawing to my attention a graphic example of that at the Gallow ridge outside Dunfermline, where an established footpath has recently been ploughed, preventing local people from accessing panoramic views of the historic palace and abbey, the city chambers and other landmarks in Dunfermline town centre.

Other members have talked about section 9(2)(a), which is about commercial activity. Perhaps that is the measure that has been most commented on—I will return to the issue at stage 2. As drafted, the bill is in danger of creating second-class citizens in Scotland. That is perhaps what the Tories would rather it created, but it is certainly not what I want it to do. We do not want to discriminate against people accessing the land, whether they are trek leaders taking parties up mountains, photographers or anyone else indulging in some other minor activity. We must

also consider some of the other issues that have been raised today. Other members might want to comment on those.

I am glad that all the parties, save the Tories, support the bill. During the successful passage of the Protection of Wild Mammals (Scotland) Bill, we often heard from Tory front benchers and others outside the Parliament that somehow the fact that a committee recommended by a majority of one to reject the general principles of the bill should have been enough to defeat the bill in the chamber. I remind members that there is no dissent to the Justice 2 Committee's stage 1 report, save from the one Tory member of that committee. A majority report recommends the general principles of the bill and I am glad that the general principles of the bill will be agreed later today.

16:36

Murdo Fraser (Mid Scotland and Fife) (Con): The bill is an ill-conceived and ill-timed piece of legislation, which the Scottish Conservatives will vigorously oppose. The empty expanses on the Labour benches speak volumes about the Executive's commitment to rural Scotland. At one point, only seven Labour members were in the chamber for a debate on what is supposed to be a flagship policy.

My colleagues have set out our position on part 1 of the bill, which is about access. Let me make it clear that the Conservative party has no difficulties with responsible access. However, part 1 contains serious flaws. Perhaps the worst of them can be dealt with at stages 2 and 3, if the Executive is prepared to listen to representations.

Members have raised a number of serious concerns about, for example, the lack of balance between the competing interests of land managers and access takers, commercial access, temporary closure and liability. I find myself in the bizarre and rather unwelcome position of allying myself with Roseanna Cunningham on the issue of commercial access.

Roseanna Cunningham: I will not be putting that on my election leaflets.

Murdo Fraser: I assure Roseanna Cunningham that I do not want to make a habit of it.

I was pleased that Ross Finnie said in his opening remarks that he would address some of those concerns. However, there are also serious concerns about ministers' sweeping powers to amend the access provisions under sections 4 and 8. The Subordinate Legislation Committee raised that point.

It is a pity that the access provisions were not brought forward as a separate bill, with which the Conservative party could have engaged

constructively. The diverse subjects covered by the Land Reform (Scotland) Bill should have been dealt with by three separate bills. As the access provisions are lumped in with the nonsense in parts 2 and 3, we have no alternative but to oppose them as part of the whole.

Jamie McGrigor talked about part 3 of the bill. In the light of the evidence that we heard in committee from the Highlands and Islands Rivers Association, the Crofting Counties Fishing Rights Group and even from Highland Council, which is hardly a hotbed of Conservative opinion, it is extraordinary that the Executive is pressing ahead with the right to buy salmon fishings. All the evidence indicated that that right to buy would destroy investment and jobs in our remote areas. Why does the Executive treat hard-working highlanders with contempt? Will a Liberal minister throw those people out of work?

Part 2 deals with the community right to buy. We accept that there are circumstances in which community ownership can be preferable to private ownership.

Mr Rumbles: As I said in my speech, the point about applying for ownership is that communities will have to go through certain hoops—they will have to have an investment plan that is backed by real money. That will support jobs and do the opposite of what Murdo Fraser suggests.

Murdo Fraser: Mr Rumbles seems to have ignored all the evidence that was given by the river workers and the ghillies from the north of Scotland. They said that the bill would put them out of work. Why does he treat those people with contempt?

The proposals on the community right to buy are based on a flawed assumption that community ownership is always better than private ownership. There is no evidence to back that up as a general principle. Many remote estates are not financially self-sufficient but depend on inward investment from the owner to sustain jobs on the land and to employ local contractors in repairing and maintaining buildings and fixed equipment.

Rhona Brankin: Will Murdo Fraser give way?

Murdo Fraser: No. I am sorry, but I am running out of time.

Take away that external income and what will replace it? Will it be more public subsidy? It is ironic that, at a time when the Executive is encouraging council tenants in Glasgow to vote to transfer themselves away from the state, the Land Reform (Scotland) Bill seems intent on creating more dependency on the public purse.

It is inevitable that investment will be lost, and with it jobs. The evidence from the RICS, which is professionally involved in the valuation of land,

was that the bill would have a blighting effect. Investors will not put money into sustaining and creating jobs when there is no guarantee that the money will be recovered.

We should have more community ownership. However, on the balance of interests, part 2 of the bill will do more harm than good to rural areas. At best, the bill is a distraction from the real problems that face rural Scotland. We all know what they are: the collapse in farm incomes, the decline in tourism, high transport costs, the closure of rural schools, the failure of local businesses and the closure of local post offices. I could continue. The Executive's response to those problems is the Land Reform (Scotland) Bill, which is not relevant to any of the issues that I mentioned.

If the bill's effect were neutral, it would not be so bad. The problem is that the bill will damage further the economy of rural Scotland. Investment will dry up and jobs will be lost. We are in danger of creating a desert in the Highlands. In the Rural Development Committee, Alasdair Morrison let the cat out of the bag when he said that the bill was

"about the redistribution of wealth".—[*Official Report, Rural Development Committee*, 8 January 2002; c 2723.]

He was wrong; it is about the destruction of wealth and it comes from people who know nothing and care less about the economics of rural Scotland. It comes from a Liberal Democrat Minister for Justice and a Liberal Democrat Minister for Environment and Rural Development. Soon enough, the Liberal Democrat members who hold rural seats will have to answer to their voters for supporting the bill. They can rest assured that we will lose no opportunity during the next 14 months to remind the electorate in rural Scotland that the Liberals are behind the bill—the Liberals will be held responsible for the damage that the bill does to rural Scotland. The bill will not create one job in rural areas; it will destroy jobs and, where there are thriving communities, it will create a wasteland. For that reason, the Scottish Conservatives will stand—alone if we must—and oppose it vigorously.

16:42

Michael Matheson (Central Scotland) (SNP): I welcome the Justice 2 Committee's report. The debate has been interesting because, although the Minister for Environment and Rural Development tried to maintain his party's line, it was clear from the speeches of his back benchers that a number of them believe that the bill does not go far enough and that there are still matters to be addressed, particularly in relation to commercial interests. The debate has also been interesting because, if we are to believe Bill Aitken, the Minister for Environment and Rural Development—Captain Mainwaring—has become Che Guevara. I have

never considered the minister's sidekick, Jim Wallace, to be a Fidel Castro.

The 3,500 responses that the Executive received on the draft bill illustrate the considerable public interest in the issue. Of those 3,500 responses, around 80 per cent were on access. A number of members referred to the confusion about the trespass law in Scotland. I confess that, before I read the Justice 2 Committee's report, I thought that there was no law of trespass in Scotland. I still think that that is the case, but I have been left somewhat confused and I do not believe that the minister has cleared the matter up. Even my colleague Alasdair Morgan believes that he is free to roam wherever he chooses. Perhaps the minister has created problems for himself by the way in which he has chosen to interpret the matter.

As a climber, access is close to my heart. We should all cherish freedom of access to our land. A number of members highlighted the importance to rural communities of outdoor activities. The most recent opinion poll that I can find shows that 80 per cent of people believe in the principle of public access to our land. I have some concerns about the access provisions in the bill and the proposed access code. I am concerned that the Executive might make the situation too confusing, which would inhibit people from accessing land and cause confusion about their rights. It is essential that we address such issues in the access code, so that they can be dealt with flexibly and returned to at a later date. The access forum will have an important role in considering those issues and I welcome the fact that NFU Scotland has decided to rejoin the forum.

Nevertheless, concerns have been expressed—I do not know whether the committee received evidence on the subject—about access for disabled people. Section 3—"Reciprocal obligations of owners"—prevents "unreasonable interference". For an able-bodied person, "unreasonable interference" might not mean much, but to someone who has a disability, it could mean something much more important. I hope that the minister will reflect on that.

Alex Fergusson: I am sure that, like me, Michael Matheson has met members of Disabled Ramblers. Does he agree that the only meaningful way in which to address their concerns is—as I said in my speech—to provide a properly funded core path network, so that they, too, can have proper access to the countryside?

Michael Matheson: It is important that landowners should not be able to use such a provision to lock gates and erect stiles where they could provide a reasonable alternative, as such action could inhibit a disabled person. I hope that landowners will be reminded that they have a

responsibility to provide access. That issue can be addressed in the access code. I hope that the minister will bear that in mind when the code is considered.

Several members mentioned responsible access. Anyone who listened to the Tories could be forgiven for thinking that everyone who tries to access the countryside is some type of hooligan out to break up the countryside, damage people's buildings and cause problems for the local communities.

Bill Aitken: Will the member give way?

Michael Matheson: Bill Aitken can sit down. We heard a lot from him this afternoon.

The vast majority of people who access our countryside do so responsibly. However, I cannot say that all landowners act responsibly. Fergus Ewing referred to the voluntary code that was implemented by those who used the countryside during the foot-and-mouth outbreak. At the end of that period, when signs could be removed, I found that many areas of land in places where I often climb still had signs up saying "Keep Out—Foot and Mouth". If the landowners had acted as responsibly as the walkers, people would have a little more respect for their views on the issue.

Several members mentioned section 9(2)(a). I have several friends and colleagues who are mountain guides and outdoor instructors. From my experience as an outdoor instructor, I appreciate the impact that the provision could have on employment. I have serious reservations about section 9. Although the Queen's estate gives regular open access to Lochnagar, mountain guides might, under the bill, have to seek the Queen's permission to use the land. The minister said that he was willing to consider the matter on the basis of the difference between exploitation of the land and passage through the land. I say to him that a mountain guide taking a group to climb a crag on Lochnagar is going to exploit the land, not pass through it. We must be clear about how we interpret section 9. I believe that it should be removed completely.

We have heard a lot from the Tories about subsidies for those who purchased land such as Eigg and Assynt. However, the Tories have made no reference to the £2 million that has been given to a laird for tree planting. They have made no mention of woodland grant schemes, management funds for sites of special scientific interest or the money and grants that are regularly provided to landowners.

We do not believe that the bill goes far enough. The right to buy should be triggered when land is transferred. Inheritance—transfer within a family or to a trust—should also trigger the right to buy. The bill should go further. The only ones who want to

impede it are the Tories—as ever.

16:49

Ross Finnie: We have heard a wide range of views during the debate, but I am pleased that the overwhelming majority of those who participated acknowledged the importance of land reform and the valuable contribution that the bill's reforms can and will make to rural Scotland.

Angus MacKay (Edinburgh South) (Lab): Will the minister give way?

Ross Finnie: I understand Mr MacKay's anxiety to speak, but I need two more seconds to develop a couple of points.

Only the Scottish Conservative party had anxieties about the bill's principles, but I acknowledge that aspects of the bill have caused general concern. I repeat, however, that the bill was not put together at a moment's notice. Three and a half thousand people contributed to the bill. We took care to accommodate many views.

Angus MacKay: I am grateful to the minister for giving way. First, I urge the Executive to ignore the rainbow of barking nonsense that we heard from the Tory benches during the debate.

I refer the minister to a statement that I made, on the Executive's behalf, on 24 November 1999, when I was the Deputy Minister for Justice. I gave a commitment that the bill would codify what currently happens. Will the minister clarify whether that is still the Executive's intention? In particular, will he support as much detail as possible being codified in the outdoor access code on a similar model to the highway code, as Pauline McNeill suggested in her earlier contribution? I understand that such disparate groups as the Ramblers Association Scotland and NFU Scotland support such a model.

Ross Finnie: I am pleased to say that, except for the singular difficulty that arises from the interpretation of existing law, we are trying to codify current practice. I will return to that issue, on which Roseanna Cunningham made a valuable point.

On the question of reducing the bill's complexity, I made clear in evidence to the Justice 2 Committee that we have to strike a balance. Everything that goes into the code will have evidential status. Therefore, we must ensure that what remains in the bill gives sufficient statutory underpinning to the bill's major provisions.

I will deal with the question that Roseanna Cunningham and Pauline McNeill raised about the status of existing law. I do not want to dig myself into a hole about that issue. The Executive's position is that, irrespective of what members view

as existing legislation, the bill will confer on the individual an absolute right of access. I accept that problems might arise from that, but that is the fundamental issue.

I will return to points made by other members, but first I want to congratulate Bill Aitken. He gave the most passable and remarkable impression of a prehistoric dinosaur that the chamber has seen. While that was all very amusing and all very well, it was also disappointing and depressing. The majority of the Conservative contributions to the debate were predicated on a view that communities, individuals and crofters in Scotland do not have the ability to manage and look after their affairs. I found that view deeply offensive and depressing.

As the Conservatives' closing speaker put it, the Conservatives must stand alone, because in this debate they are alone. Those of us on the Liberal Democrat and Labour benches trust our fellow citizens to come to rational decisions and to possess talents that can contribute to the well-being and furtherance of Scotland. The Conservatives will be the people who will have to answer to the ballot box about their appalling attitude to the ordinary citizen in rural Scotland.

Rhona Brankin: I think, like the minister, that we have not enjoyed much erudition from the Tories this afternoon. Does the minister agree that Michael Forsyth introduced a limited form of land reform, which enabled the Assynt crofters to acquire their land? Further, does he agree that Michael Forsyth can hardly be described as a Marxist class warrior?

Ross Finnie: As a class warrior, Michael Forsyth might rank above them all.

Members wanted two issues in particular to be addressed in the bill, the first of which is the extension of the definition of crofting communities. As part of our series of land reform legislation, we will introduce a bill to reform aspects of crofting. It will deal with definitions of crofting land. Secondly, George Lyon and other members asked about the rights of tenant farmers. The appropriate place to deal with that issue will be the agricultural holdings bill, a draft of which will be published next month.

I want to turn to one or two serious issues. Pauline McNeill, Roseanna Cunningham and others raised the question of commercial interests. I should point out to Michael Matheson that I was not trying to be too narrow in my opening speech; I was merely drawing a general distinction between movement across and access to. Although we have acknowledged that problem, I am not persuaded that we can entirely eliminate it, as it might give rise to a counter-problem about some of the major activities that would then have to be restrained. I am not convinced that it is better to do

that within the access code.

Michael Matheson: Does the minister not agree that it would be better to address the issue in the access code instead of in the bill?

Ross Finnie: I have just said that. I think that we need some statutory undertaking to allow people to exercise their rights. Nevertheless, Pauline McNeill and others have drawn the issue to our attention and we will examine it.

As for the obligations concerning core paths that are set out in section 17, the core path network will be very important as far as rights of access are concerned. However, I do not share the Conservative view that a core path is the only place to exercise those rights. There is a great misunderstanding about this issue.

On the issue of triggers, the committee report draws attention to the fact that other corporate bodies might well have been constituted to own land. I have indicated that, where it is clear that there has been a change to the beneficial ownership of land, we will reconsider whether we can reasonably introduce some form of trigger mechanism, as the committee recommended.

As far as the issue of liability is concerned, I found it slightly unhelpful that the Law Society of Scotland drew attention to wording contained in the Countryside and Rights of Way Act 2000. As the act is UK legislation, it does not take account of the existing liability rules in Scotland. As a result, we have to explore the issue a little further instead of constraining ourselves by accepting the Law Society of Scotland's evidence. [*Interruption.*]

The Deputy Presiding Officer: There is a great deal of chatter about the chamber. I ask members to concentrate on the closing minutes of the minister's speech.

Ross Finnie: As for the crofting community right to buy, I understand the anxiety and nervousness about the need for crofting communities to retain some control over their areas. However, if we raise the level of support needed in any ballot for approval of a buy-out to 75 per cent, there is a serious danger that, despite the contributions of the crofting community and its related bodies, the level will not be met. That might result in crofting communities not being able to exercise their rights, which can only be detrimental to them. I know that the issue is very sensitive, but I ask representatives of crofting communities to examine the matter very closely.

Rhoda Grant: Will the minister consider my suggestion of giving crofters ring-fenced places on the community body? Doing so might allay crofters' fears about losing control of the community body once it is introduced.

Ross Finnie: I apologise to Rhoda Grant. I

thought that her suggestion was constructive and that we should consider it at stage 2. However, I repeat that we should examine the merits of introducing such a measure as opposed to raising the majority needed in a ballot to a level that might never be met. Doing so might defeat the bill's purposes. By and large, the debate has been helpful. It has mapped out a number of key areas that must be addressed thoroughly at stage 2.

I regret that some members seem to be oblivious to a debate that has gone on for the past four years. They seem to have missed the thousands upon thousands of people who have contributed to the debate and have been desperate for changes to community law and access law. The only excuse that those members can have is that they are the only ones who are not keen to hear the debate. That is the only reason that there can be for not having heard any part of it.

The bill sets out principles that will be of huge benefit to Scotland. I believe that it will make a significant contribution to meeting the objectives of supporting and sustaining rural communities. I commend it to Parliament.

Land Reform (Scotland) Bill: Financial Resolution

17:00

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of motion S1M-2532, on the financial resolution in respect of the Land Reform (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Land Reform (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.—[*Peter Peacock.*]

Parliamentary Bureau Motions

17:01

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of two Parliamentary Bureau motions. I ask Euan Robson to move motion S1M-2922, on the designation of lead committees, and motion S1M-2923, on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees the following designations of Lead Committees—

the Justice 1 Committee to consider the Restriction of Liberty Order (Scotland) Amendment Regulations 2002 (SSI 2002/119);

the Justice 1 Committee to consider the Adults with Incapacity (Public Guardian's Fees) (Scotland) Amendment Regulations 2002 (SSI 2002/131);

the Justice 2 Committee to consider the draft Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) (Scotland) Regulations 2002;

the Justice 2 Committee to consider the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2002 (SSI 2002/107); and

the Justice 2 Committee to consider the Police Grant (Scotland) Order 2002 (SSI 2002/116).

That the Parliament agrees that the following instruments be approved—

the draft Housing Support Grant (Scotland) Order 2002;

the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002;

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2002 (SSI 2002/65);

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Order 2002 (SSI 2002/80);

Special Grant Report No 1 Special Grant for Scotland Asylum Seeker Assistance, SE/2002/52;

the draft Water Undertakings (Rateable Values) (Scotland) Variation Order 2002; and

the draft Electricity Lands and Generators (Rateable Values) (Scotland) Variation Order 2002.—[*Euan Robson.*]

Decision Time

17:02

The Deputy Presiding Officer (Mr Murray Tosh): There are four questions to be put as a result of today's business.

The first question is, that motion S1M-2506, in the name of Jim Wallace, on the general principles of the Land Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 16, Abstentions 0.

Motion agreed to.

That the Parliament agrees to the general principles of the Land Reform (Scotland) Bill.

The Deputy Presiding Officer: The second question is, that motion S1M-2532, in the name of

Andy Kerr, on the financial resolution in respect of the Land Reform (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Land Reform (Scotland) Bill, agrees to any increase in expenditure payable out of the Scottish Consolidated Fund in consequence of the Act.

The Deputy Presiding Officer: The third question is, that motion S1M-2922, in the name of Patricia Ferguson, on the designation of lead committees, be agreed to.

Motion agreed to.

That the Parliament agrees the following designations of Lead Committees—

the Justice 1 Committee to consider the Restriction of Liberty Order (Scotland) Amendment Regulations 2002 (SSI 2002/119);

the Justice 1 Committee to consider the Adults with Incapacity (Public Guardian's Fees) (Scotland) Amendment Regulations 2002 (SSI 2002/131);

the Justice 2 Committee to consider the draft Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) (Scotland) Regulations 2002;

the Justice 2 Committee to consider the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2002 (SSI 2002/107); and

the Justice 2 Committee to consider the Police Grant (Scotland) Order 2002 (SSI 2002/116).

The Deputy Presiding Officer: The final question is, that motion S1M-2923, in the name of Patricia Ferguson, on the approval of Scottish statutory instruments be agreed to.

Motion agreed to.

That the Parliament agrees that the following instruments be approved—

the draft Housing Support Grant (Scotland) Order 2002;

the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002;

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2002 (SSI 2002/65);

the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 3) (Scotland) Order 2002 (SSI 2002/80);

Special Grant Report No 1 Special Grant for Scotland Asylum Seeker Assistance, SE/2002/52;

the draft Water Undertakings (Rateable Values) (Scotland) Variation Order 2002; and

the draft Electricity Lands and Generators (Rateable Values) (Scotland) Variation Order 2002.

Sub-Post Offices

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S1M-2844, in the name of Robert Brown, on Scottish sub-post offices and "Your Guide".

Motion debated,

That the Parliament acknowledges the importance of the role that sub-post offices play in Scottish communities, particularly in rural areas and deprived urban areas; recognises the potential financial consequences for sub-post offices in Scotland of the UK-wide Automated Credit Transfer system for the payment of benefits; notes that "Your Guide" is a comprehensive information service currently being evaluated for sub-post offices in England and Wales; further notes that such a service includes Government General Practitioner and Internet Learning Access Point initiatives, both of which provide members of the public with the ability to interact with departments of Her Majesty's Government and gain government information in an accessible way; further recognises the potential benefits that such a service could provide in Scotland, in terms of improving openness and public participation with government, as well as potentially providing a timely boost to business levels for sub-post offices at a time when the network is having difficulty in sustaining such levels, and considers that the Scottish Executive should pilot such a scheme in Scotland, with a view to rolling out the service across the country as soon as possible.

17:04

Robert Brown (Glasgow) (LD): Let me begin by welcoming to the public gallery members of the National Federation of SubPostmasters, which represents nearly all the sub-post offices in the country. Sub-post offices provide a key service, particularly in deprived urban and rural areas. There are 1,652 sub-post offices in Scotland, although that number seems to depend on what exactly is counted under the tally.

A year hence, at the present rate of closure of two a week, there will be only 1,550 sub-post offices left. Like pharmacies, small newsagents and other types of small shop, sub-post offices are under pressure as never before from supermarkets and hyperstores—the big boys of retail—and from changing community and social trends.

I come from a generation for whom the Post Office and the Royal Mail were an essential part of the fabric of community life. Some red pillar boxes—or, in more remote areas, the smaller oblong ones set in walls—have the crown, with "GVR" on them, and the occasional ones even have "VR" on them, which shows the continuity of the Post Office back to the middle of the century before last.

The Post Office meant the Post Office bank, national savings certificates and premium bonds, as well as the Royal Mail, and it was unimaginable

that one day there would be an organisation called Consignia or that its existence in the form of Crown post offices and the associated network of sub-post offices should be in doubt.

I remind the chamber that sub-post offices are private businesses, run under contract with the Post Office, but using their own premises and staff. The sub-postmasters receive a fixed payment for providing the service, which is topped up by a variable payment based on the number of transactions carried out. They offer a range of 170 different postal, governmental and commercial services. Most of them also operate another business under the same roof. In urban areas, that might be a newsagent's or a stationery business; in rural areas, it might be a village shop or petrol station. Spar and the Post Office have recently agreed an arrangement for a common till for groceries and post office supplies in Kelvindale, in my regional constituency of Glasgow.

Sub-post offices in Scotland, and indeed throughout the United Kingdom, are seriously challenged by the Government moving benefit provision on to the automated credit transfer system, which involves the payment of benefits into bank accounts. In itself, that is generally a good thing and forms part of the Government's drive against poverty and social exclusion, but it has already led to the loss of about 400 transactions a week in a typical sub-post office, and it potentially threatens the third of sub-post offices' revenue that is accounted for by benefit payments over the counter. That is a bad thing and threatens the survival of many sub-post offices.

In many rural and deprived urban areas, the sub-post office is one of the few community facilities. Even in more affluent areas, it is often the older and poorer people who depend on the postal part of sub-post offices' services and on the associated village shop or newsagent's. In fairness to the Government, it is aware of the problem. In June 2000, the Government's performance and innovation unit published a report entitled "Counter Revolution: Modernising the Post Office Network". Among other things, that report proposed new roles for the Post Office. One of those was to provide universal banking services, as a post office-based solution to benefit and pension provision.

The other key aspect was the expansion of the role of post offices in providing information on Government services. That is the subject of the motion, and it is called "Your Guide". It was on display in the Parliament headquarters foyer last week, and has been trialled in the Leicestershire and Rutland sub-post office areas, with considerable success. My Liberal Democrat colleagues in Westminster, Archy Kirkwood and Michael Moore, have been pressing the

Government to roll out that service across Scotland in early course.

The Scottish Parliament broadcasting office has produced an information video for the debate and is hosting an online forum at www.communitypeople.net/interactive, which will remain open for at least two weeks. I hasten to add that I am not terribly computer literate, as members have probably judged from the way in which I read that out. It includes an online film, which shows people what "Your Guide" is. That is much more effective than a verbal explanation.

Essentially, "Your Guide" uses a choice of the latest touch-screen technology, freephone helplines, leaflets and personal assistance to enable people to access a wide range of information and services. They can use it to find employment and to access training courses, grants, benefit advice and so on, free of charge. It will enable people to get through the maze of red tape that often frustrates the best intentions of Government policies.

It is often said that if someone is dependent on benefits, they need a Philadelphia lawyer to guide them through the maze. In a way, "Your Guide" is people's personal Philadelphia lawyer. It complements the Freedom of Information (Scotland) Bill, ensuring that the right information is available at the choice of the citizen to those who need it. It is a new one-stop service that builds on the historic role of the sub-post office as a vital hub of the local community.

This debate has three purposes. First, it seeks to draw attention to the potential of the new service. Secondly, it seeks to highlight the seriousness of the threat to sub-post offices. This is not just a rural problem; it also affects city communities. The lack of banks and post offices in places such as Maryhill Road in Glasgow can and does destroy local businesses. People go elsewhere to access their money and spend it elsewhere. Local retail businesses die. Thirdly, through this debate we seek the support of the Scottish Executive for sub-post offices and for "Your Guide". The spin-doctors may be put to good use in producing a slightly more exciting name for the service, but that is a different issue. I hope that the Scottish Executive will back the scheme, as far as is possible within its powers—for this is a substantially reserved matter—and will give support to the rolling out and piloting of the scheme in Scotland.

It is always easier to support a valued service while it still exists than to reinvent the wheel. Sub-post offices are a key building block of many local communities. Their economic viability depends on the totality of revenue streams that are open to the sub-postmaster. Sub-postmasters make thousands of individual decisions about whether

they can earn a satisfactory living from their businesses. They are not looking for subsidy; they want to have the opportunity to adapt to new services and to the modern age, and to continue in new ways to make the signal contribution that post offices have always made to local communities.

I think, and I urge members to think, that it is urgent that this new service—which is valuable both in itself and for the succour that it gives to post office businesses—should be tested and rolled out in deprived urban communities and rural communities and made available throughout Scotland as soon as possible.

The Deputy Presiding Officer: A large number of members have indicated that they wish to take part in the debate, so I ask for speeches to be limited to three minutes. We will work out later whether a time extension is needed.

17:12

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I welcome the fact that Robert Brown has initiated this debate and agree with many of the sentiments that he has expressed. We all agree on the pivotal role that is played by sub-post offices in rural Scotland, but I want to focus on taking the debate forward.

The impact of the transfer of benefits and pensions payments from sub-post offices will be disastrous. The figure of one third has been mentioned, but I know that some sub-post offices rely on that source for up to 40 per cent of their income. Their income is already minute. If benefits and pensions income is lost, very few of the sub-post offices that remain will be sustainable, and that will mean the loss of the focal point of many rural communities.

I am not talking about something that will happen in the dim and distant future, but about something that will happen in 2002 or within a very short time. I agree with the suggestion that "Your Guide" should already have been piloted in Scotland, but surely the motion's suggestion

"that the Scottish Executive should pilot such a scheme in Scotland"

comes a little bit late.

In question S1W-23640, I asked the Scottish Executive

"what progress has been made in the delivery of online public services".

From the answer to that question, it is clear that the Executive is not committed to introducing a pilot scheme in Scotland. Allan Wilson stated:

"the Scottish Executive is paying close attention to the development of the Your Guide pilot project in Post Offices in Leicestershire and Rutland. Arrangements have been

made for ministers and officials from the Scottish Executive to see the project first hand. The pilot will of course have to be comprehensively evaluated to assess the case for national roll out."—[*Official Report, Written Answers*, 15 March 2002; p 149.]

How long will that comprehensive evaluation take? I do not know.

I invite the minister to say whether there is a fixed date by which the evaluation will be provided to Parliament. I suspect that there is not and that the evaluation will take a long time.

If there is to be a pilot scheme, it might come too late to tackle the immense problem of loss of income with which all sub-postmasters and sub-postmistresses are inevitably faced. Although I support the sentiment behind a pilot scheme, we are essentially asking for something that would be too late.

The question is, what is the commitment of both parties of the Executive to having "Your Guide" used in sub-post offices? Many members, including Adam Ingram, have asked that over a long period. Wendy Alexander gave the first answer back on 16 January 2001, when I asked a supplementary question. The question is whether the Executive is committed to using sub-post offices as the delivery vehicle for "Your Guide".

In the answer to question S1W-23640, the Executive stated that it is committed to a "multi-channel approach". Perhaps that means that a television set is involved—I am not quite sure—but sub-post offices do not seem to be too much in the frame. There are references to other sources of delivery, but there is little cause for comfort in relation to sub-post offices.

I hope that the minister will be able to dispel the worries that I have described and to introduce certainty and commitment to the use of sub-post offices for the "Your Guide" technology very soon.

17:16

Murdo Fraser (Mid Scotland and Fife) (Con): Over the past few weeks I have visited a number of small rural post offices and have heard the same story from sub-postmasters—they need support to continue to provide a service to their communities. I welcome the debate and hope that it will be the first step in providing that support. I commend Robert Brown for securing the debate.

An article in the *Perthshire Advertiser* last Friday appealed for a local person to come forward to provide a post office service for the community of Calvine near Pitlochry. In the article, the rural transfer adviser for the Post Office Ltd said:

"We have been advertising locally, but so far have been unable to find someone who is willing to take on this vital community service."

We hear that in communities throughout rural Scotland and it is a sad story indeed.

The postmasters whom I have met in rural areas act as advice centres and tourist officers and provide a service that goes much further than simply selling stamps and paying out pensions.

I give special mention to Ted Benfield, who runs the post office in Memus, from his pub in the village. He is a businessman who acknowledges the need to keep a local post office to service the Angus glens, following the closure of some of the local post offices. He is a hotel owner and opens a post office in his pub during the morning before the pub starts serving drinks. He hopes that his post office will become a focus for the local communities and enable them to survive for a bit longer.

Further down the road at Peel Farm in Lintrathen, there is a sub-post office in a coffee shop. The sub-postmaster told me when I visited her last week that she does little more than deal with a couple of pensions and half a dozen stamps a week, but she provides a vital service. I am sure that during the bleak winter months in particular she is a vital contact for the elderly people in the community.

The post office in Edzell is the hub of the community and serves a huge area, operating as an information centre for tourists and locals alike.

Perth and Kinross Council, which covers a huge rural area, last week agreed unanimously that the proposals to promote competitiveness in the postal service would have an adverse effect on the rural economy and put the universal service that is available at present at considerable risk. Councillors of all political persuasions were united in their appreciation for the level of service provided by the Post Office and expressed concerns about the impact of opening up the market. I sympathise with their view that that will lead to higher prices, fewer post offices and a possible end to the universal door-to-door delivery, which would not help our rural communities.

We need Consignia to ensure that the service that is provided through local post offices is expanded. "Your Guide" outlines new services that have been made available through a one-stop shop. I welcome that initiative, but we need to go further. If post offices are to offer increased services, such as information from Government departments, internet access and dedicated telephone lines to contact the Benefits Agency, it is vital that sub-postmasters are properly rewarded for providing them. Many who operate post offices in rural areas have to give up, because it costs them to operate the service.

The Parliament has to say that we give the 1,800 sub-post offices throughout Scotland our full

support; that we support moves to ensure that local post offices are economically viable; and that measures will be put in place to encourage people who live in rural areas to set up local post offices to offer their communities this vital service.

17:20

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I congratulate Robert Brown on securing the debate. I also congratulate him on the content of his motion and on his contribution to the debate.

There are occasions when members have difficulty over their approach to postal services. There are members who, on occasion, seek to turn the issue into a constitutional wrangle because they believe that the cure to all known ills is for more powers to reside in Scotland, but there are others in other parts of the chamber who are uncomfortable because the subject is reserved.

I dare to say that there is a third way on this issue. I hope that Robert Brown will not be offended if I say that his motion is a very good illustration of what the third way is: that we can, and should, respect the powers of Westminster on areas that are reserved. There are good reasons for the Post Office being a reserved matter: there is a common framework across the United Kingdom. I hope that we will continue to have a universal service across the UK. However, it is also right and proper for the Scottish Parliament and the Scottish Executive to take a direct interest in the development of postal services. Indeed, I would argue that we have an obligation to do just that.

It is important for the role of post offices across the country to be recognised, as they undertake a valuable public service in our communities. It is also entirely consistent with the policies, priorities and responsibilities of the Scottish Parliament and of the Scottish Executive that we examine the role that postal services play in ensuring the vibrancy and future sustainability of communities.

In the debate, there is a particular interest in rural Scotland, but we must also consider the role of postal services in urban communities. I am glad that Robert Brown stressed that point. We must not forget the vital role that sub-post offices play in urban areas such as Craigmillar and Newcraighall in my constituency. The communities and the sub-postmasters in those areas are greatly concerned.

The "Your Guide" initiative is a perfect example of a service being developed in a way that is consistent with the Executive's responsibilities and priorities. It is an excellent example of so-called citizen-focused public services. It is entirely consistent with the development of e-government and the Executive's desire to create a one-stop approach.

Someone once said famously of the post office that if it had not been invented someone would have had to invent it. The postal services network should be exploited and developed so that it can provide the services that are needed by communities. That would also create a secure and sustainable future for the Post Office.

It is right and proper for an evaluation of the pilot project to be undertaken. I disagree with Fergus Ewing that it is too late for us to debate that; now is the right time to discuss the matter. I hope that we will hear a firm commitment from the minister that he will make progress on the issue. I also hope that the minister will give us a commitment to continue to liaise with his UK counterparts, while respecting their responsibilities and recognising the real issues and concerns that are felt in Scotland. Those concerns are compounded by the recent Postcomm proposals. I ask the minister to ensure that his colleagues play a full part in securing the future of this vital public service.

17:24

Mr George Reid (Mid Scotland and Fife) (SNP): On Monday of this week, I spoke to sub-postmasters and their clients in the small villages of the Forth valley—in Menstrie, Milnathort, Kinross and so on. On Tuesday, I spoke to officers of La Poste in the Pays de Gex, the little strip of France beyond Geneva where I lived for more than a decade. They are similar: one is formed by a string of villages under the Ochils, the other by a string of villages under the Jura. Both have a strong sense of community identity and village spirit.

In both areas, the post office is seen as the cornerstone of the community and as the friendly face of government, yet Consignia is widely distrusted as an organisation that has been pressured into putting profit before people and public services.

In this country, Consignia has hinted strongly that the cherry picking of its most profitable business will lead inevitably to the forced closure of more local offices, but a look at the other side of the Channel shows how the company is marketing itself there. In all its glossy literature to banks and so on, it says:

“Pourquoi choisir Consignia?”—

“Why choose Consignia?” Because, it continues, we offer “tailor-made solutions”—

“Des solutions sur mesure”.

For whom does it offer such solutions? It offers them for:

“Le Business-to-Business”.

In other words, although the company complains of the effects of cherry picking in this country, that

is exactly what it is engaged in over there. In both countries, cutting away at core business through privatisation is bound to impact on a universal service at a common price.

What can be done? Of course, I support Rob Brown’s call for the Executive to help roll out “Your Guide”. The concept of a one-stop shop is attractive—but how are sub-postmasters to be trained to become Government general practitioners? When will they be trained? Will the financial incentive be enough?

The universal bank is attractive, but will it be in place by April 2003? If the real banks pull out of the villages, will the sub-post offices be left with all the unprofitable business and expensive customer service obligations? The Government obligation to keep local post offices looks fine on paper, but how much is it prepared to pay? The ultimate Postman Pat, Patricia Hewitt, mentions £400 million of savings. That is £400 million of business—of profit—to the local sub-postmasters. That is the problem with Mr Brown’s motion. Although it is eminently sensible in a Liberal sort of way, it does not address the key issue.

The key issue is that if post offices cannot earn money, they will close; if they do not make a profit, they will close. In that case, all the vaunted options of drawing cash, universal banking and online services will count for nothing.

The situation is rather different in the Pays de Gex. According to the mayor of Choullex, the presence of La Poste is as vital to the village as the tabac, the boulangerie and the bistrot. Without it, the village would not be a village. Although the mayor is a right-winger, he proposes the continuation of state subsidy to enhance and sustain the quality of rural French life. Without that, France would not be France. Without rural post offices, rural Scotland will not be rural Scotland.

People must be put before profit. Before any changes occur, training must take place, the universal bank must be established and a clear financial package must be implemented. Unlike the villages of the Forth valley, the inhabitants of the Pays de Gex are sure that their post office will still be there in five years’ time.

17:28

Tavish Scott (Shetland) (LD): Peter Jamieson is a sub-postmaster in Sandness—a small community on the west side of Shetland. A long line of Jamiesons have run that sub-post office, which is in a very rural and isolated part of Scotland. The sub-post office is under threat and has been for some time because of the reasons that other members have enunciated. The financial pressure that that business is under is

replicated in other parts of my constituency and in constituencies across the country.

The rolling out of measures that will tackle the difficult problems that those businesses face and that help their financial viability must take place with due speed and efficiency. It must be recognised that unless action is taken quickly, in places such as Sandness—where a sub-post office has existed for many generations—sub-post offices will simply not survive. I concur with other members in welcoming Robert Brown's motion. Colleagues must consider how the relevant measures should be implemented.

The seriousness of the threat to the viability of local sub-post offices, which Robert Brown highlighted, is one aspect of the issue. The other aspect is Postcomm's proposals for the deregulation of postal services throughout the United Kingdom. Three thousand people in my constituency, which is a large number in a small place such as Shetland, signed a petition that opposes deregulation. My colleague Alistair Carmichael and I handed the petition in at Whitehall on Monday. People who live in isolated rural and island areas know that deregulation would mean several things. It would mean the diminution of the service—the daily delivery would go. As the financial pressure escalated on the rump of the existing Post Office, the Government would have to concede the principle of universal charging.

I welcome what Susan Deacon said about universal charging and Postcomm's current regulatory proposals. As the Post Office trade unions have said—and as Consignia has confirmed—the price of a stamp would be bound to rise. The day when a stamp costs in the range of £2 to £4 would not be far away. The Treasury might provide an initial sop of money to subsidise those areas, but I am sure that the money would not last. There is significant pressure on that front.

Let me gently say to Murdo Fraser that, at Westminster, his party fully supports the proposals. I am intrigued to know what his stance is.

I hope that the Labour Government in London is aware of the seriousness of the issue. In my view, it is not good enough for the Government to create a regulator and then hide behind it. The proposals would have a fundamental effect on the delivery of postal services in rural, isolated and island Scotland as well across the breadth of mainland Scotland. I hope that the current consultation exercise will recognise, understand and take into account the points that have been made in every part of Scotland. The Scottish Executive must take the chance to make strenuous representations to London to ensure that the proposals do not mean the end of the universal service, which is strongly

valued in the parts of Scotland that I represent.

17:31

Mary Scanlon (Highlands and Islands) (Con):

I am pleased to support Robert Brown's motion and am delighted to have the opportunity to support the post office movement in Scotland. I am also pleased, if not absolutely amazed, to be able to agree with Susan Deacon—for the first time.

In June 2000, the Cabinet Office's performance and innovation unit published a report that contained 24 proposals for modernising the post office network. One of those proposals was:

"there is a need for rural post offices to modernise and for the services they provide to be broadened and improved. The Government should back this modernisation with financial support."

The concern that "Your Guide" may not be rolled out in Scotland is very pertinent to the Highlands and Islands, especially as one post office in the region closes every month. In the Highlands, not only post offices but many banks, local shops, tourist information centres and petrol stations have closed or are closing. On top of that, there are serious problems with recruiting and retaining general practitioners and dentists. Given the Executive's commitment to social inclusion, joined-up government and joined-up working, it has an opportunity to provide joined-up information in the local community by helping to retain our post office network. Using libraries or tourist information centres to provide information would not work, as libraries are too far away and many tourist information centres are open for only half the year.

The universal bank has been mentioned. I remind members that although it will be set up in 2003, it will not be completed until 2005. That could be too late for many post offices, given the fact that, as from 1 April 2003, all benefits payments and pensions must be paid into a bank account. It is no exaggeration to say that postmasters' income may be reduced by 30 to 40 per cent. Against that background, we do not have time for a further pilot scheme in Scotland.

I want to welcome to the public gallery Cathy Walker from Inverness, Lynn Kneller from Conon Bridge and Edith Beveridge from the Black Isle. They feel so strongly about the issue that they have come down from Inverness today to listen to the debate.

Rural post offices are not the only post offices under threat. In many towns and cities, the post office exists alongside a small group of shops that serve local communities. In Crown Street in Inverness, the Kingsmills post office sits alongside an optometrist, a hairdresser, a greengrocer, a baker, a newsagent, an off-licence and a chemist.

Many post office customers spend their money locally. The loss of income to small groups of shops could be considerable.

“Your Guide” would increase access to information on health, police, benefits, tax, jobs and tourism. It would reduce travel costs and travel time, aid social inclusion and assist tourist information. I look forward to hearing the minister’s commitment to “Your Guide” being rolled out in Scotland.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer. May I move a motion to—

The Deputy Presiding Officer: Let me handle this, Mr Neil.

Alex Neil: Okay.

The Deputy Presiding Officer: In the light of altered circumstances, we will change the advice that we gave previously.

17:35

Mr Gil Paterson (Central Scotland) (SNP): I sent out more than 2,000 letters, I surveyed 6,000 individuals, I lodged a parliamentary motion, and I presented a petition with 14,000 signatures—all on the issue of saving our post offices. That is strange for somebody with my background. I own a business and, in my business, when things are tough, that is tough luck and I do not expect a shining knight to come to my rescue. I have to accept that people who owe me money might not pay me, and I have to accept all sorts of other things. I do not expect anybody—certainly nobody in here—to help me. However, I do not consider a post office to be just any old business. This is the stuff of communities. Post offices are the pillars that communities are founded on. They are building blocks, like the schools. Take one away and it is a short-cut to the loss of a community. Post offices are a social service.

Take the case of Mrs Smith—well, I will call her Mrs Smith—from Lanarkshire, who went to her local post office almost every week at the same time, to give the local post office what she called “a wee turn”. She did not know that that “wee turn” would save her life. One day, Mrs Smith did not turn up to the post office. The postmaster noticed and was very worried, so he went and chapped her door. Mrs Smith was lying, seriously ill, on the floor; she had been there since early morning. I am sure that many MSPs have similar stories to tell.

I quote from one of the many letters that I have received from postmasters—I am sure that many others have received similar letters:

“Why did the Post Office stand idly by when the Government switched pensions and allowances to

automated credit transfer? My office will lose approximately £400 monthly when this happens next year. Pathetic money making schemes are just that—PATHETIC (phone cards nobody wants etc)—and cannot replace my lost revenue.

The Government is on record as saying post offices will not close. RUBBISH! Offices will close because they will become economically unviable ... I will lose £400 monthly as part of my PO salary but will also have much less footfall in my shop as people get their cash at banks”.

Susan Deacon made the point that this is not just a rural question: it affects all the schemes in Scotland. In fact, it affects the whole of Scotland. We in this Parliament ignore the potential loss of our post office network at our peril. If the network goes, a lot more will go with it. Dare I say it? We need them a lot more than they need us.

Alex Neil: At the second attempt, may I raise a point of order, Presiding Officer? May I move a motion to extend the debate, to allow everybody to speak on an important subject?

The Deputy Presiding Officer: I am minded to agree.

Motion moved,

That, under Rule 8.14.3, the debate be extended to 6.15 pm.—[*Alex Neil.*]

Motion agreed to.

17:39

John Farquhar Munro (Ross, Skye and Inverness West) (LD): As everybody knows, sub-post offices are an essential institution for rural Scotland. As everybody agrees, they are the hub of any small community and a lifeline to many. The post office network is of huge importance to the efficiency of our economy. It used to have the unique characteristic of universal service provision, but it has been in decline for decades and at least 1 per cent of the network—200 sub-post offices—close each year.

It is unfortunate that successive Governments have starved the network of investment. There has been talk of deregulation and privatisation and the recent loss of the monopoly on parcels has caused tremendous uncertainty. The removal of benefit payments from post offices—especially sub-post offices—could be a near death blow. Benefit payments were one of the main revenue streams and accounted for between 30 and 70 per cent of business at small, rural post offices.

It is unfortunate that many post offices in the Highlands are franchised or run by sub-postmasters. That means that they can be given up at short notice—only three months’ notice is required. If such notice were given—it is starting to look even more likely—that would be a terrible blow to vulnerable communities. The rural network of post offices is a lifeline for the elderly, the infirm,

the sick, and those who do not have a car, but have to cope with the ever-decreasing public transport system to get their benefits from post offices far from their homes and communities. The Scottish Executive must make representations to protect benefit provision, especially in the light of Europe's insisting on the break-up of the Post Office's universal service provision.

I am pleased to say that the Scottish Liberal Democrats and our federal party have campaigned strongly for the survival of sub-post offices, particularly in rural and deprived areas of Scotland. The "Your Guide" information system will enhance the post offices' role as information providers in local communities. The system has the potential to revive business that has fallen away with the roll-out of the automated credit transfer system for the payment of benefits. Everybody has a Switch card now and people do not need to go to post offices to collect their pensions and benefits.

We have heard that tourist information centres are willing to franchise some of their information distribution to rural post offices. Again, that would enhance throughput to post offices in rural communities.

In June 2000, the Government published an influential report, "Counter Revolution—Modernising the Post Office Network", which suggested that rural post offices should be subsidised. What has happened? Avoidable closures should be prevented. We should ask the Executive to revisit that report and implement some of its key suggestions at an early date.

17:42

Cathy Peattie (Falkirk East) (Lab): I congratulate Robert Brown on securing the debate and agree with many points that he made. I will risk Susan Deacon's shouting at me for talking about a reserved issue in saying that I have real concerns about deregulation of the Post Office, which is a backward step. We should be rightly proud of Post Office workers throughout the country—those who drive post buses, the posties and the folks who work in urban and rural sub-post offices. We need to hold on to that network.

Not every home has access to a computer and not everyone in the community is happy to use a computer. It is not only Robert Brown who would claim to be not computer literate. In this age of junk mail and soaps on television, it is difficult to get information to people in the community. If information is power and access to information is difficult, how can we get power to people? We must find imaginative ways of getting information to people. "Your Guide" is a good example of community access—there is touch-screen,

telephone and leaflet information. Where better to site a "Your Guide" facility than in a local sub-post office?

The "Your Guide" facility is excellent for urban communities such as the one that I represent. The sub-post offices in my constituency are always full—there are always great queues of folk in them who have time on their hands and are looking for information. Sub-post offices are the centre of communities and are therefore ideal bases for information, including back-up information and leaflets in the corner.

"Your Guide" is an imaginative way forward. We have heard a lot today about the information that the service could hold—about community services, employment, public services, voluntary sector services for the elderly and others, and benefits. That information should be backed up by leaflets.

The issue is about modernising the post office network and government. If we are serious about getting information out to people, we need to consider new ways of doing that. I ask the minister to indicate whether there are any plans to roll out the "Your Guide" service in Scotland.

A pilot scheme is a great idea, but the pilot schemes south of the border have given us enough information to show us that the service is a good way forward. It would be a real advantage for the people in my community and for the urban sub-post offices across Scotland.

17:45

Roseanna Cunningham (Perth) (SNP): I congratulate Robert Brown on securing the debate, which is on a fairly important matter. It has generated a great deal of interest and among the visitors in the gallery is Andy Watson from Craigie in Perth.

Recent years have not been easy for sub-postmasters. I have been increasingly perturbed—as I dare say other members have—at the number of letters that I receive from the Post Office telling me that a sub-post office in my constituency is closing because no one can be found to take over from the current sub-postmaster who is either retiring or getting out of the business altogether because it is not financially feasible to continue.

In rural communities, and indeed in many urban communities, including those in Perth, the post office is a vital part of life. People meet up and share their news. Old folk have a reason to get out of the house. If the post office goes, the heart often goes out of the community. Gil Paterson's anecdote shows how important they can be in a wider sense.

Westminster is playing fast and loose with the

future of those institutions and our communities. If no living can be made out of running a sub-post office, it will close. There is no doubt about it. It is as simple as that.

With one recent decision, Westminster slashed a huge percentage off the income of the average sub-post office. The decision to pay benefits by bank transfer removed the major revenue stream for sub-post offices. The Government owes it to sub-postmasters and the communities that we represent to seek ways of replacing that lost income or many more sub-post offices will surely close. Not only was the cashing of benefits an important source of revenue, it also got people into the post office and encouraged the use of the other services that the post office provided.

An interesting development that promises to act as a draw is the "Your Guide" initiative, which has been piloted successfully. The National Federation of SubPostmasters is very enthusiastic.

The problem for our sub-postmasters has been caused at Westminster. However, there are things that the Scottish Executive can do to alleviate the situation for communities. Robert Brown's motion calls on the Executive to pilot a "Your Guide" scheme in Scotland with a view to rolling it out across the country. My concern is the same as that which has been expressed by others. We are running out of time to run more pilot schemes. The pilot has been successful. Our sub-postmasters need our help now, so please let us get on with it.

17:48

David Mundell (South of Scotland) (Con): Some members who are present tonight will recall that some time ago I instigated a debate on the future of rural post offices. It was so long ago that John Home Robertson, who responded to the debate, was the Deputy Minister for Rural Affairs.

I agree with Susan Deacon that the debate must be broadened to discuss all post offices. In the debate, my concern is to hear what progress has been made since that previous debate, in which many points were made that have been made today—Fergus Ewing probably delivered exactly the same speech. However, since then, we have not seen any substantive action. In most cases, everything has got worse, but that is not because there has been no thinking about the future of the Post Office. There have been many inquiries—John Farquhar Munro mentioned the "Counter Revolution" document—and there have been discussions at European and Westminster level, so a lot of thinking has been going on, but it has not been followed up with substantive action.

Tonight, members from all parties in the chamber have highlighted the value of post offices and made suggestions on what could be done. I

can add to Cathy Peattie's list of services that sub-post offices deliver. In our most rural communities in particular, sub-post offices are community resource centres and should be developed in that way. As members will know, I am a great fan of information technology, but we cannot pretend that many of our elderly citizens will ever feel that way. They need support and help to interpret the services that can be delivered to their communities. However, it is regrettable that the reality is that those services are not being delivered to their communities.

The Scottish Executive, the UK Government and local government all say good things about supporting sub-post offices and the services that they provide, but there is little evidence of joined-up thinking in that respect. As many members pointed out, the main element that has to be delivered is payment for the provision of services. We cannot ask sub-post masters to do the job out of the goodness of their hearts. Many such people, as Gil Paterson said, go above and beyond what is expected of a public servant, but we cannot ask people to provide those services without funding. Whatever the funding solution is—there have been many suggestions—we must tackle the issue of how we will continue to pay for the provision of essential services in our rural communities. I hope that the minister will address that in his summing up.

17:52

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Many members have said how essential our sub-post offices are to our rural communities, so I will not press that point. The Post Office is a reserved matter, as Susan Deacon pointed out. Many of our MPs have been working hard to support sub-post offices in our constituencies. In my constituency of West Aberdeenshire and Kincardine, my colleague Sir Robert Smith MP—like Tavish Scott and Alistair Carmichael MP in Orkney and Shetland—has started a petition on the need to address deregulation issues and the retention of the universal postal service. I understand that my constituency has the rather dubious honour, if I can put it that way, of having the highest level of non-delivery of mail in Scotland. Although the motion has all-party support, I am a little disappointed that none of the regional members from the north-east is here to contribute to the debate, because several of them have raised those issues locally.

We can achieve something practical with "Your Guide" if we pressure the minister to do something practical. In his interesting speech, George Reid criticised Robert Brown's motion as a worthy motion from a Liberal Democrat. It is worthy, but it is also practical. I know that George Reid would

like to go further, but at least the motion's measures could be implemented. Unlike Fergus Ewing and Roseanna Cunningham, I think that we could have a pilot scheme. I am not suggesting that we hold back and that we do not get into the issue as quickly as possible. I know that there are two pilot schemes in England; we could implement a pilot scheme and get the results quickly.

Fergus Ewing: We are all working towards the same aim. On balance, does Mike Rumbles agree that the pilot schemes down south being regarded as successful negates the need for a further pilot scheme and that—as Roseanna Cunningham said—we should just get on with it?

Mr Rumbles: That is a fair point, but all I am saying is that we should ensure that we analyse those pilot schemes carefully and not automatically implement their provisions. We should be a bit cautious, but I do not urge that we slow down; I urge that we do the opposite and get on with it.

If the Executive co-operated with the UK Government to use the results of the two pilot schemes, perhaps we could move quickly. My point is that practical measures are available. Robert Brown must be congratulated on lodging the motion. We must listen carefully to the minister, who—I hope—will say something practical.

17:55

Christine Grahame (South of Scotland) (SNP): Rural post offices are essential to sustaining small communities economically and socially and must not wither on a commercial vine. When I lived in a village in Galloway, I used to pile my two then small sons into a big pram, tie the Irish setter's lead to the handle and set off on a weekly pilgrimage to pick up the child benefit. At the post office, I would chat to friends with their small children and exchange village small talk with everyone in the queue. We were brought up to date on who had left whom for somebody else, who was and was not pregnant and who was on their last legs. I once fainted in the post office queue. By the time I reached home, everybody was telling me that I was pregnant again. I was not—ah, happy days!

There are 70 rural post offices in the Borders. I give a starring role to Eccles post office and its good postmistress Mrs Nora McDougall. She has been postmistress for 25 years to a village population of about 100 and to outlying farming areas. Eccles is 5 or 6 miles from Kelso and a similar distance from Coldstream. The post office is a hearty green shed in Mrs McDougall's garden and is the only shop in the village—I point out to George Reid that there is no café tabac or

boulangerie there. The post office dispenses bits and bobs and most important—as well as post office services—the daily newspapers. It is open from 8 am to 5.30 pm most days, except Thursday and Saturday, when it has half days, and Sunday. The postmistress could not praise more highly the introduction of Horizon, which allows her customers to pay their bills on the spot, such as bills from Scottish Power, which introduced that facility in December 2000. At least 25 elderly residents use that and other facilities at the renowned green shed. If that facility was lost, it is clear that those people could not travel 5 or 6 miles to an alternative post office.

I would welcome the early introduction—without piloting—of “Your Guide”, which would extend the electronic resources of rural post offices. I know that Mrs Nora McDougall would also welcome that. What could be better for the people of Eccles and other parts of the Borders than to walk into their local post offices and access the Christine Grahame website and send me an e-mail? Perhaps that is not the system's best selling point.

17:57

Mr John Home Robertson (East Lothian) (Lab): Christine Grahame's reference to sub-post offices in the rural Borders puts me in mind of the fact that the post offices where I live in the Borders, in Euan Robson's constituency, are administered from south of the border, which makes life even more complicated. However, we will not dwell on that.

I am grateful to Robert Brown for raising this important subject. All members share the concerns about the future of post offices in rural and urban areas. I remember replying to David Mundell's debate on rural sub-post offices when I was a junior minister, and I will return to that soon.

The service is important. I express my appreciation for the commitment, the enterprise and the public-service spirit of sub-postmasters and sub-postmistresses all over Scotland, and I say that not only because some sub-postmasters from East Lothian are in the public gallery.

I understand the concerns about direct payments into bank accounts of pensions and benefits, but it is important to acknowledge the assurances that have been given that people who want to collect their benefits and pensions from post offices will be able to continue to do so. I would not go so far as to suggest that people should be required to queue to collect benefits and pensions from post offices if they choose not to.

The debate must be about developing opportunities. There is great potential in the Post Office Counters network. It is a United Kingdom-wide national retail service. The new Horizon

computer system should have tremendous potential for developing new business and new ideas for the network. The “Your Guide” package is all about developing the range of business and services that are available. We should seek to help in doing that.

Susan Deacon referred to the fact that the Post Office is a reserved responsibility. That is rightly the case, in my opinion. However, there are things that the Scottish Executive can do to help and we should look for opportunities to do so. I will go back to my brief experience as a junior minister in Ross Finnie’s department—when I replied to David Mundell’s debate on rural sub-post offices—during which I experienced one such opportunity being frustrated.

In 2000, £3.5 million of consequential funding came to the Scottish Executive for development of the Government general practitioners service and the internet and learning access point service for post offices in England and Wales. With other ministers, I did my level best to ensure that that cash would be used to help to develop post office services in rural and deprived urban areas of Scotland. I cannot go into detail; all I can say is that that Executive was frustrated. I got some satisfaction from being able to expose what had happened by lodging a parliamentary question to my successor, shortly after I was sacked from that department. That is one example of how things can go wrong because of institutional problems in the Scottish Executive’s administration. Opportunities exist for the Executive to help and we must learn from that experience.

The Scottish Executive can do some things to help to develop and promote opportunities in the Post Office Counters network throughout Scotland. I am confident that Ross Finnie and his colleagues will be able to do that and I look forward to hearing what he has to say.

18:01

Euan Robson (Roxburgh and Berwickshire) (LD): A couple of points that have not been raised need to be made about “Your Guide”. The first of those concerns the proximity of post offices to the Scottish population. I do not think that any other organisation has an office as close to every individual, wherever they live in the country. We must ensure that that declining asset does not decline any further. We can build “Your Guide” into a system that is as proximate to people as anything could ever be.

The second point about “Your Guide” concerns the interaction that can exist between the sub-postmaster and the person who is using the services. Not only is there touch-screen technology and information accessed by the Horizon system, but there is the personal

relationship that builds up over many years between the sub-postmaster and everybody who comes through the door. That relationship can develop into help with the “Your Guide” system, as was the experience in Rutland.

Three important points need to be made about preserving the post office network. First, “Your Guide” could increase footfall into the sub-post office, which could add income for the sub-postmaster. In addition, as I think was the case in Rutland, there can be a payment for the very fact that the facility is there, which is helpful. Perhaps the biggest revenue potential of all for the sub-postmaster is from the payment by transaction, so that when someone uses the system the organisation that they are questioning or obtaining information from makes a payment directly to the sub-postmaster. Significant revenue could be generated to replace the reduction that will inevitably occur when benefits are paid directly to bank accounts.

“Your Guide” is of major benefit to consumers, constituents and the general population—particularly people who live in rural communities and on the edges of urban conurbations. As was found in the pilot in Rutland, it is especially helpful where transport links are expensive, poor or non-existent. Journeys that might have been made to the local town to obtain information do not need to be made as information can be gathered locally and transactions can take place within the post office.

I will conclude by congratulating Mervyn Jones, who is a sub-postmaster at Sandbed in Hawick—many members will know Mervyn—on his determination in pursuing “Your Guide” for many weeks and months. Also, I was interested to hear about Eccles post office. Although that facility is a small shed at the side of Mrs McDougall’s house, “Your Guide” could be adapted to it. Access to a Christine Grahame website might be good for Mrs McDougall—when I spoke to her this afternoon she told me that she had never heard of Christine Grahame.

18:05

Mr Adam Ingram (South of Scotland) (SNP): I congratulate Robert Brown on securing the debate on Scottish sub-post offices but, like my colleague Fergus Ewing and others, I take issue with the terms of the motion. I want to re-emphasise the predicament that proprietors of sub-post offices face. Next year, with the advent of the automated credit transfer system, across-the-counter benefit transactions, which are the mainstay of sub-post offices’ income, will be phased out. At a stroke, an average of 40 per cent of the revenue of such businesses will be lost—in many cases, the figure will be much higher. In some sub-post offices in

south Ayrshire, 70 per cent of income is derived from benefit transactions.

For any business, a loss of income on that scale would be a massive financial black hole and would threaten its survival. That gap must be filled or hundreds of sub-post offices will go bust, which will leave communities bereft of services that contribute to the social fabric, about which a number of members have spoken. Given that the UK Government decided to introduce ACT, it has a major responsibility to bridge the gap.

In agreeing to act on the proposals that the Cabinet Office performance and innovation unit made in June 2000, the UK Government appears to be meeting that responsibility. However, almost two years after the proposals, post offices still do not know whether developments such as "Your Guide" will be introduced, let alone provide the new income streams that are required to fill the gap. Nor do sub-post offices know what transaction payment they will receive for operating the proposed universal bank. How can people plan their business for the future on that basis? Given the current state of uncertainty, it is unsurprising that the market value of post office businesses has plummeted. It would take a great leap of faith to buy or invest in a sub-post office at this time.

In Scotland, that uncertainty has been compounded by the equivocation of the Scottish Executive, which is demonstrated every time the Executive is asked to give a commitment to the post office network. The concerns deepened with the Executive's admission that the funding consequential that is received from HM Treasury for the development of "Your Guide" was not used for that purpose and that other options to deliver online public services were investigated. The minister would relieve some uncertainty if he gave a commitment to support the roll-out of "Your Guide" in Scotland, if the outcome of the English pilot is a decision to roll out the system in England and Wales.

Given the time that it takes to run an evaluative pilot scheme, we do not have the time to carry out our own one. Such a pilot could and should have been run at the same time as the pilots in Leicestershire and Rutland. However, a new pilot in Scotland would only prolong the agony that sub-postmasters face.

Finally, will the minister confirm that a funding consequential has been received to support the post office network in deprived urban areas and, if so, will he tell us how the money will be used?

The Deputy Presiding Officer: Finally, I call Margaret Smith. I ask you to be brief, as you did not register on the screen until after we had extended the debate.

18:10

Mrs Margaret Smith (Edinburgh West) (LD): I was not intending to speak until you extended the debate. I want to reiterate some of the points that were made by other members and to bring some personal knowledge of post offices to the debate. I was partly brought up in a post office, as my mother was a sub-postmistress. I therefore feel that I have something to offer to the debate.

I want to pick up on the points that were made by Roseanna Cunningham and Christine Grahame. A post office offers a community service and is the focal point in many communities where people pick up the news. It is the place where older people, especially, are seen in the community and talked to. People keep an eye on them and make sure that they are okay.

I have an interest to declare. I was particularly sad when the Craigleith Hill post office, which my mother used to own, was closed. Despite the fact that we attempted to save it and looked into the possibility of opening a mobile post office in an urban area in my constituency, we were unable to secure that. There is a real role for post offices, which are struggling throughout the country. The sub-postmasters and sub-postmistresses to whom I spoke when I went out with Consignia at Christmas time, in the Gyle, East Craigs, Corstorphine and St John's Road, were all very concerned about some of the issues that members have raised.

It is essential that we extend "Your Guide" throughout the country. I hope that the minister can say something positive about that tonight. The postal service has a great proximity to the public. We have only to compare it to that of our European counterparts to see that. Anyone who has wandered around the streets of Greece or parts of Spain looking for a post office will know that we have something to cherish. It is essential that our universal postal service continues in Scotland.

On behalf of my mother, if nobody else, I make the plea to the minister that the community service that a local post office provides should be cherished and should be supported by the Parliament.

The Deputy Presiding Officer: I call the minister to reply to the debate. The only thing that mattered was getting you on your feet before 6.15, minister, to take the time allocation to which you were entitled.

18:12

The Minister for Environment and Rural Development (Ross Finnie): I am grateful to you, Presiding Officer. What happened to the debate on land reform? I am intrigued that Alex Neil, the

member who graciously moved the motion to extend this debate, left the chamber with such alacrity. I am genuinely delighted to be here. However, as I have been in this seat since 2.35 pm, members will understand that I did not entirely share the enthusiasm that Alex Neil exhibited before he departed.

I am grateful to Robert Brown for raising what is an important issue. The postal service is a reserved matter. Therefore, although I understand the importance of the points that members have raised about the proposed deregulation, that is not a matter on which I wish to comment. However, the Executive has a real locus in the question of service provision in rural areas even if it is not directly responsible for the running and administration of the post offices. Although my portfolio covers rural areas, I recognise the concerns that have been raised by members about service provision in peripheral and other urban areas, where the loss of that service would be just as detrimental.

The threat to the Post Office has been well articulated, the principal issue being the move to ACT. However, the Executive's concerns are not just about the threat to the Post Office. Euan Robson made the point that, if the footfall of people into post offices is reduced, not only the Post Office but other service providers in remote or urban areas may be threatened.

The matter that has been of most concern to me, as a minister, is the threat to service provision in general. The evidence shows that it is not just post offices, but other vital services that have been in decline in rural areas. That was why the Executive commissioned a report on the provision of services in rural areas. The report raised interesting facts and showed the need for a more diverse range of ideas about how to provide services in different parts of rural Scotland.

Under the current Government, there have been several developments concerning Post Office services. First, there was the Post Office's decision to proceed with the development of the Horizon technology and to roll out that technology to all post offices. There was also the question of developing the one-stop-shop approach, which I examined in detail when I visited Canada last year. However, those developments would mean that post offices and other services could not be retained as we know them. Service provision would have to be reconfigured to be made viable. The Executive has taken that point on board. Our modernising government unit has closely monitored the roll-out of "Your Guide".

The pilot scheme in Leicestershire and Rutland has been mentioned. I share members' views that there should be a limit to the number of pilot schemes. It would be better to assess the results

of a pilot such as the one in Leicestershire and Rutland. Given the position of services in the round, it will come as no surprise to the sub-postmasters and sub-postmistresses in the gallery that evidence from the pilot shows that, although the public consider it a bit of a strain to go to a Government office, they trust a post office. I do not know whether they would do so if they were confronted by Christine Grahame. However, they were not asked that question.

The key factor is that people trust post offices, so one could reconfigure them to provide a comprehensive service. Every member who participated in the debate listed a range of services that one could get access to or information on in a post office. Those services could be supplied by the United Kingdom Government, the Scottish Government, local authorities, enterprise companies, tourist authorities, the utilities, leisure providers or financial services.

We await further results from the Leicestershire and Rutland study but, so far, it has not been made clear whether there is a genuine willingness among people to make a transaction payment. That issue is important for the decision on the viability of moving in the one-stop-shop direction.

Nora Radcliffe (Gordon) (LD): Is this not a wonderful opportunity for us to lead by example? We should put Government and publicly funded services through the "Your Guide" network when it is rolled out. That would be practical and sensible and it would put money into the Post Office network in a businesslike way, not through subsidies.

Ross Finnie: That is a valid point, but we must consider the fact that 85 per cent of the Executive's budget is delivered through the health service and local authorities. People would have to access those services. We would have to think about who pays whom. However, I do not dismiss Nora Radcliffe's idea, which has much to commend it.

There is a further problem concerning technology. The Post Office rolled out Horizon technology, but we will not necessarily find that Government bodies are using compatible technology. That is a matter for deep regret, but it is a fact. We might have to look at that issue in some cases.

Interesting ways of overcoming that problem seem to have been developed in Rutland. Training for people who would deliver the service has been mentioned. It is also a fact that two Scottish local authorities are trying to provide, irrespective of the Post Office drive, one-stop-shop provision on a different basis and using different technology. Problems can be overcome.

Mary Scanlon: Can the minister confirm whether the Horizon system, which exists in all post offices, will be used, at least in the early days, to print out forms that people need for obtaining benefits and information?

Ross Finnie: I am sure that that system could be so used. However, I am considering whether post offices should commit themselves to doing that and what must be done to provide a permanent and sustainable service that will be of huge benefit to people in rural Scotland. The Executive's thinking is clear on the principle of a one-stop shop, with universal provision by a service provider that is trusted. However, if we were to consider going down that route, we would have to be clear about the extent to which our services could be provided and the extent to which we could liaise with the pilot project and use the information that comes out of it in order to take its work forward.

We have been presented with an opportunity. The modernising government unit has been in close contact with the pilot, from which we have received early results. We can learn much from those results, which were exhibited to members this week. The concept behind the pilot represents a way forward that, I hope, will facilitate service provision in rural areas and peripheral areas of urban Scotland. It has much to commend it. However, I will not today give a clear commitment to going down that route. In response to the point that Susan Deacon made, I can say that we will work with the United Kingdom Government and the Post Office to see whether the concept can be developed. If it can be, that would have to be done through a partnership approach.

Meeting closed at 18:21.

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